

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 895
103RD GENERAL ASSEMBLY

2176H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 321.552 and 321.556, RSMo, and to enact in lieu thereof two new sections relating to sales taxes for ambulance or fire protection districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 321.552 and 321.556, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 321.552 and 321.556, to read as follows:

321.552. 1. Except in any county of the first classification with over two hundred
2 thousand inhabitants, or any county of the first classification without a charter form of
3 government and with more than seventy-three thousand seven hundred but less than seventy-
4 three thousand eight hundred inhabitants; or any county of the first classification without a
5 charter form of government and with more than one hundred eighty-four thousand but less
6 than one hundred eighty-eight thousand inhabitants; or any county with a charter form of
7 government with over one million inhabitants; or any county with a charter form of
8 government with over two hundred eighty thousand inhabitants but less than three hundred
9 thousand inhabitants, the governing body of any ambulance or fire protection district may
10 impose a sales tax in an amount up to ~~[one-half of]~~ one percent on all retail sales made in such
11 ambulance or fire protection district which are subject to taxation pursuant to the provisions
12 of sections 144.010 to 144.525 provided that such sales tax shall be accompanied by a
13 reduction in the district's tax rate as defined in section 137.073. The tax authorized by this
14 section shall be in addition to any and all other sales taxes allowed by law, except that no sales
15 tax imposed pursuant to the provisions of this section shall be effective unless the governing
16 body of the ambulance or fire protection district submits to the voters of such ambulance or
17 fire protection district, at a municipal or state general, primary or special election, a proposal

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 to authorize the governing body of the ambulance or fire protection district to impose a tax
19 pursuant to this section.

20 2. The ballot of submission shall contain, but need not be limited to, the following
21 language:

22 Shall _____ (insert name of ambulance or fire protection district)
23 impose a sales tax of _____ (insert amount up to ~~one-half~~ of one
24 percent) for the purpose of providing revenues for the operation of the
25 _____ (insert name of ambulance or fire protection district) and the
26 total property tax levy on properties in the _____ (insert name of the
27 ambulance or fire protection district) shall be reduced annually by an
28 amount which reduces property tax revenues by an amount equal to
29 fifty percent of the previous year's revenue collected from this sales
30 tax?

31 ☐ Yes ☐ No

32 If you are in favor of the question, place an "X" in the box opposite
33 "YES". If you are opposed to the question, place an "X" in the box
34 opposite "NO".

35 3. If a majority of the votes cast on the proposal by the qualified voters voting thereon
36 are in favor of the proposal, then the sales tax authorized in this section shall be in effect and
37 the governing body of the ambulance or fire protection district shall lower the level of its tax
38 rate by an amount which reduces property tax revenues by an amount equal to fifty percent of
39 the amount of sales tax collected in the preceding year. If a majority of the votes cast by the
40 qualified voters voting are opposed to the proposal, then the governing body of the ambulance
41 or fire protection district shall not impose the sales tax authorized in this section unless and
42 until the governing body of such ambulance or fire protection district resubmits a proposal to
43 authorize the governing body of the ambulance or fire protection district to impose the sales
44 tax authorized by this section and such proposal is approved by a majority of the qualified
45 voters voting thereon.

46 4. All revenue received by a district from the tax authorized pursuant to this section
47 shall be deposited in a special trust fund, and be used solely for the purposes specified in the
48 proposal submitted pursuant to this section for so long as the tax shall remain in effect.

49 5. All sales taxes collected by the director of revenue pursuant to this section, less one
50 percent for cost of collection which shall be deposited in the state's general revenue fund after
51 payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a
52 special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection
53 District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales
54 tax trust fund shall not be deemed to be state funds and shall not be commingled with any

55 funds of the state. The director of revenue shall keep accurate records of the amount of
56 money in the trust and the amount collected in each district imposing a sales tax pursuant to
57 this section, and the records shall be open to inspection by officers of the county and to the
58 public. Not later than the tenth day of each month the director of revenue shall distribute all
59 moneys deposited in the trust fund during the preceding month to the governing body of the
60 district which levied the tax; such funds shall be deposited with the board treasurer of each
61 such district.

62 6. The director of revenue may make refunds from the amounts in the trust fund and
63 credit any district for erroneous payments and overpayments made, and may redeem
64 dishonored checks and drafts deposited to the credit of such district. If any district abolishes
65 the tax, the district shall notify the director of revenue of the action at least ninety days prior
66 to the effective date of the repeal and the director of revenue may order retention in the trust
67 fund, for a period of one year, of two percent of the amount collected after receipt of such
68 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks
69 and drafts deposited to the credit of such accounts. After one year has elapsed after the
70 effective date of abolition of the tax in such district, the director of revenue shall remit the
71 balance in the account to the district and close the account of that district. The director of
72 revenue shall notify each district of each instance of any amount refunded or any check
73 redeemed from receipts due the district.

74 7. Except as modified in this section, all provisions of sections 32.085 and 32.087
75 shall apply to the tax imposed pursuant to this section.

321.556. 1. Except in any county of the first classification with more than two
2 hundred forty thousand three hundred but less than two hundred forty thousand four hundred
3 inhabitants, or any county of the first classification with more than seventy-three thousand
4 seven hundred but less than seventy-three thousand eight hundred inhabitants, or any county
5 of the first classification with more than one hundred eighty-four thousand but less than one
6 hundred eighty-eight thousand inhabitants, or any county with a charter form of government
7 and with more than one million inhabitants, or any county with a charter form of government
8 and with more than two hundred fifty thousand but less than three hundred fifty thousand
9 inhabitants, the governing body of any ambulance or fire protection district, when presented
10 with a petition signed by at least twenty percent of the registered voters in the ambulance or
11 fire protection district that voted in the last gubernatorial election, calling for an election to
12 repeal the tax pursuant to section 321.552, shall submit the question to the voters using the
13 same procedure by which the imposition of the tax was voted. The ballot of submission shall
14 be in substantially the following form:

15 Shall _____ (insert name of ambulance or fire protection district)
16 repeal the _____ (insert amount ~~up to one-half of~~ one percent) sales

17 tax now in effect in the _____ (insert name of ambulance or fire
18 protection district) and reestablish the property tax levy in the district
19 to the rate in existence prior to the enactment of the sales tax?

20 ☐ Yes ☐ No

21 If you are in favor of the question, place an "X" in the box opposite
22 "Yes". If you are opposed to the question, place an "X" in the box
23 opposite "No".

24 2. If a majority of the votes cast on the proposal by the qualified voters of the district
25 voting thereon are in favor of repeal, that repeal shall become effective December thirty-first
26 of the calendar year in which such repeal was approved.

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