

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1268**  
**103RD GENERAL ASSEMBLY**

2624H.02C

JOSEPH ENGLER, Chief Clerk

---

**AN ACT**

To repeal sections 321.552, 321.554, and 321.556, RSMo, and to enact in lieu thereof three new sections relating to taxes for emergency services.

---

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

Section A. Sections 321.552, 321.554, and 321.556, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 321.552, 321.554, and 321.556,  
3 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.

321.554. 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;]~~ When the revenue from the ambulance or fire protection district sales tax is  
10 collected for distribution pursuant to section 321.552, the board of the ambulance or fire  
11 protection district, after determining its budget for the year pursuant to section 67.010 and the  
12 rate of levy needed to produce the required revenue and after making any other adjustments to  
13 the levy that may be required by any other law, shall reduce the total operating levy of the  
14 district in an amount sufficient to decrease the revenue it would have received therefrom by  
15 an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of  
16 revenue due to a decrease in the assessed valuation of real property located within the

17 ambulance or fire protection district as a result of general reassessment and from state-  
18 assessed railroad and utility distributable property based upon the previous fiscal year's  
19 receipts shall be considered in lowering the rate of levy to comply with this section in the year  
20 of general reassessment and in each subsequent year. In the event that in the immediately  
21 preceding year the ambulance or fire protection district actually received more or less sales  
22 tax revenue than estimated, the ambulance or fire protection district board may adjust its  
23 operating levy for the current year to reflect such increase or decrease. The director of  
24 revenue shall certify the amount payable from the ambulance or fire protection district sales  
25 tax trust fund to the general revenue fund to the state treasurer.

26         2. Except that, in the first year in which any sales tax is collected pursuant to section  
27 321.552, any taxing authority subject to this section shall not reduce the tax rate as defined in  
28 section 137.073.

29         3. In a year of general reassessment, as defined by section 137.073, or assessment  
30 maintenance as ~~[defined]~~ **described** by section 137.115 in which an ambulance or fire  
31 protection district in reliance upon the information then available to it relating to the total  
32 assessed valuation of such ambulance or fire protection district revises its property tax levy  
33 pursuant to section 137.073 or 137.115, and it is subsequently determined by decisions of the  
34 state tax commission or a court pursuant to sections 138.430 to 138.433 or due to clerical  
35 errors or corrections in the calculation or recordation of assessed valuations that the assessed  
36 valuation of such ambulance or fire protection district has been changed, and but for such  
37 change the ambulance or fire protection district would have adopted a different levy on the  
38 date of its original action, then the ambulance or fire protection district may adjust its levy to  
39 an amount to reflect such change in assessed valuation, including, if necessary, a change in  
40 the levy reduction required by this section to the amount it would have levied had the correct  
41 assessed valuation been known to it on the date of its original action, provided:

42         (1) The ambulance or fire protection district first levies the maximum levy allowed  
43 without a vote of the people by Article X, Section 11(b) of the Constitution; and

44         (2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise  
45 authorized by other laws of this state; and

46         (3) The levy adjustment or reduction may include a one-time correction to recoup lost  
47 revenues the ambulance or fire protection district was entitled to receive during the prior year.

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.

