

SECOND REGULAR SESSION

# HOUSE BILL NO. 2447

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOKSON.

6161H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 321.242 and 321.246, RSMo, and to enact in lieu thereof two new sections relating to sales taxes for fire protection districts.

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

Section A. Sections 321.242 and 321.246, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 321.242 and 321.246, to read as follows:

321.242. 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

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

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.



51           5. The director of revenue may authorize the state treasurer to make refunds from the  
52 amounts in the trust fund and credited to any fire protection district or municipality for erroneous  
53 payments and overpayments made and may redeem dishonored checks and drafts deposited to  
54 the credit of such fire protection districts or municipalities. If any fire protection district or  
55 municipality abolishes the tax, the fire protection district or municipality shall notify the director  
56 of revenue of the action at least ninety days prior to the effective date of the repeal and the  
57 director of revenue may order retention in the trust fund, for a period of one year, of two percent  
58 of the amount collected after receipt of such notice to cover possible refunds or overpayment of  
59 the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.  
60 After one year has elapsed after the effective date of abolition of the tax in such fire protection  
61 district or municipality, the director of revenue shall remit the balance in the account to the fire  
62 protection district or municipality and close the account of that fire protection district or  
63 municipality. The director of revenue shall notify each fire protection district or municipality  
64 of each instance of any amount refunded or any check redeemed from receipts due the fire  
65 protection district or municipality. In the event a tax within a fire protection district is approved  
66 pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire  
67 protection district are identical to that of the city, the tax shall continue and proceeds shall be  
68 distributed to the governing body of the city formerly containing the fire protection district and  
69 the proceeds of the tax shall be used for fire protection services within such city.

70           6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
71 apply to the tax imposed pursuant to this section.

321.246. 1. The governing body of any fire protection district which operates within  
2 both a county of the first classification with a charter form of government and with a population  
3 greater than six hundred thousand but less than nine hundred thousand and a county of the fourth  
4 classification with a population greater than thirty thousand but less than thirty-five thousand and  
5 that adjoins a county of the first classification with a charter form of government, [or] the  
6 governing body of any fire protection district which contains a city of the fourth classification  
7 having a population greater than two thousand four hundred when the city is located in a county  
8 of the first classification without a charter form of government having a population greater than  
9 one hundred fifty thousand and the county contains a portion of a city with a population greater  
10 than three hundred fifty thousand, **or the governing body of any fire protection district which**  
11 **operates in a county of the third classification with a population greater than fourteen**  
12 **thousand but less than fourteen thousand two hundred** may impose a sales tax in an amount  
13 of up to one-half of one percent on all retail sales made in such fire protection district which are  
14 subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized  
15 by this section shall be in addition to any and all other sales taxes allowed by law, except that no

16 sales tax imposed pursuant to the provisions of this section shall be effective unless the  
17 governing body of the fire protection district submits to the voters of the fire protection district,  
18 at a county or state general, primary or special election, a proposal to authorize the governing  
19 body of the fire protection district to impose a tax.

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

22 Shall the fire protection district of ..... (district's name) impose a district-wide  
23 sales tax of ..... for the purpose of providing revenues for the operation of the fire protection  
24 district?

25  YES  NO

26

27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
28 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of  
29 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body  
30 of the fire protection district shall not impose the sales tax authorized in this section unless and  
31 until the governing body of the fire protection district resubmits a proposal to authorize the  
32 governing body of the fire protection district to impose the sales tax authorized by this section  
33 and such proposal is approved by a majority of the qualified voters voting thereon.

34 3. All revenue received by a fire protection district from the tax authorized pursuant to  
35 the provisions of this section shall be deposited in a special trust fund and shall be used solely  
36 for the operation of the fire protection district.

37 4. All sales taxes collected by the director of revenue pursuant to this section on behalf  
38 of any fire protection district, less one percent for cost of collection which shall be deposited in  
39 the state's general revenue fund after payment of premiums for surety bonds as provided in  
40 section 32.087, shall be deposited in the fire protection district sales tax trust fund established  
41 pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall  
42 not be deemed to be state funds and shall not be commingled with any funds of the state. The  
43 director of revenue shall keep accurate records of the amount of money in the trust and which  
44 was collected in each fire protection district imposing a sales tax pursuant to this section, and the  
45 records shall be open to the inspection of officers of the fire protection district and the public.  
46 Not later than the tenth day of each month, the director of revenue shall distribute all moneys  
47 deposited in the trust fund during the preceding month to the fire protection district which levied  
48 the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and  
49 all expenditures of funds arising from the fire protection district sales tax trust fund shall be for  
50 the operation of the fire protection district and for no other purpose.

51           5. The director of revenue may authorize the state treasurer to make refunds from the  
52 amounts in the trust fund and credited to any fire protection district for erroneous payments and  
53 overpayments made and may redeem dishonored checks and drafts deposited to the credit of such  
54 fire protection districts. If any fire protection district abolishes the tax, the fire protection district  
55 shall notify the director of revenue of the action at least ninety days prior to the effective date of  
56 the repeal and the director of revenue may order retention in the trust fund, for a period of one  
57 year, of two percent of the amount collected after receipt of such notice to cover possible refunds  
58 or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of  
59 such accounts. After one year has elapsed after the effective date of abolition of the tax in such  
60 fire protection district, the director of revenue shall remit the balance in the account to the fire  
61 protection district and close the account of that fire protection district. The director of revenue  
62 shall notify each fire protection district of each instance of any amount refunded or any check  
63 redeemed from receipts due the fire protection district. In the event a tax within a fire protection  
64 district is approved under this section, and such fire protection district is dissolved, the tax shall  
65 lapse on the date that the fire protection district is dissolved and the proceeds from the last  
66 collection of such tax shall be distributed to the governing bodies of the counties formerly  
67 containing the fire protection district and the proceeds of the tax shall be used for fire protection  
68 services within such counties.

69           6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
70 apply to the tax imposed pursuant to this section.

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