

SECOND REGULAR SESSION

# HOUSE BILL NO. 1070

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOSMER.

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2717L.011

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### AN ACT

To repeal section 321.242, RSMo, and to enact in lieu thereof one new section relating to taxation for fire protection.

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

Section A. Section 321.242, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.242, to read as follows: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, RSMo. 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:

Shall ..... (insert name of district or municipality) impose a sales tax of .....

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 (insert rate of tax) for the purpose of providing revenues for the operation of the ..... (insert  
18 fire protection district or municipal fire department)?

19 G YES G NO

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21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
22 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of  
23 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body  
24 of the fire protection district or municipality shall not impose the sales tax authorized in this  
25 section unless and until the governing body of such fire protection district or municipality  
26 resubmits a proposal to authorize the governing body of the fire protection district or  
27 municipality to impose the sales tax authorized by this section and such proposal is approved by  
28 a majority of the qualified voters voting thereon.

29 3. All revenue received by a fire protection district or municipality from the tax  
30 authorized pursuant to the provisions of this section shall be deposited in a special trust fund and  
31 shall be used solely for the operation of the fire protection district or the municipal fire  
32 department.

33 4. All sales taxes collected by the director of revenue pursuant to this section on behalf  
34 of any fire protection district or municipality, less one percent for cost of collection which shall  
35 be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
36 provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby  
37 created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire  
38 protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the  
39 fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall  
40 not be deemed to be state funds and shall not be commingled with any funds of the state. The  
41 director of revenue shall keep accurate records of the amount of money in the trust fund and of  
42 the amounts which were collected in each fire protection district or municipality imposing a sales  
43 tax pursuant to this section, and the records shall be open to the inspection of officers of the fire  
44 protection district or municipality and the public. Not later than the tenth day of each month, the  
45 director of revenue shall distribute all moneys deposited in the trust fund during the preceding  
46 month to the fire protection district or municipality which levied the tax. Such funds shall be  
47 deposited with the treasurer of each such fire protection district or municipality, and all  
48 expenditures of funds arising from the fire protection sales tax trust fund shall be for the  
49 operation of the fire protection district or the municipal fire department and for no other purpose.

50 5. The director of revenue may authorize the state treasurer to make refunds from the  
51 amounts in the trust fund and credited to any fire protection district or municipality for erroneous  
52 payments and overpayments made and may redeem dishonored checks and drafts deposited to

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

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