

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR

# SENATE BILL NO. 226

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Offered March 28, 2011.

Senate Substitute adopted, March 28, 2011.

Taken up for Perfection March 28, 2011. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

1363S.03P

## AN ACT

To repeal sections 190.035 and 190.040, RSMo, and to enact in lieu thereof three new sections relating to ambulance districts.

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

Section A. Sections 190.035 and 190.040, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 190.035, 190.040,  
3 and 190.056, to read as follows:

190.035. Each notice shall state briefly the purpose of the election, setting  
2 forth the proposition to be voted upon and a description of the territory. The  
3 notice shall further state that any district upon its establishment shall have the  
4 powers, objects and purposes provided by sections 190.005 to 190.085, and shall  
5 have the power to levy a property tax not to exceed thirty cents on the one  
6 hundred dollars valuation, **or, in lieu of a property tax, to impose a sales  
7 tax in an amount not to exceed one-half of one percent on all retail  
8 sales made in such ambulance district which are subject to taxation  
9 pursuant to the provisions of sections 144.010 to 144.525.**

190.040. **1. For the organization of a district which shall levy a  
2 property tax,** the question shall be submitted in substantially the following  
3 form:

4 Shall there be organized in the counties of ....., state of Missouri, an  
5 ambulance district for the establishment and operation of an ambulance service  
6 to be located within the boundaries of said proposed district and having the power  
7 to impose a property tax not to exceed the annual rate of thirty cents on the

8 hundred dollars assessed valuation without voter approval, and such additional  
9 tax as may be approved hereafter by vote thereon, to be known as ".....  
10 Ambulance District" as prayed for by petition filed with the county clerk of .....  
11 County, Missouri, on the ..... day of ....., 20....?

12 **2. For the organization of a district which shall levy a sales tax,**  
13 **the question shall be submitted in substantially the following form:**

14 **Shall there be organized in the counties of ....., state of**  
15 **Missouri, an ambulance district for the establishment and operation of**  
16 **an ambulance service to be located within the boundaries of said**  
17 **district and having the power to impose a sales tax in an amount not**  
18 **to exceed one-half of one percent without voter approval, and such**  
19 **additional tax as may be approved hereafter by vote thereon, to be**  
20 **known as "..... Ambulance District" as prayed for by petition filed**  
21 **with the county clerk of ..... County, Missouri, on the ..... day of**  
22 **....., 20....?**

23 **3. If a majority of the votes cast on the proposal by the qualified**  
24 **voters voting thereon are in favor of the proposal, then the sales tax**  
25 **authorized in this section shall be in effect and the governing body of**  
26 **the ambulance district shall lower the level of its tax rate by an amount**  
27 **which reduces property tax revenues by an amount equal to fifty**  
28 **percent of the amount of sales tax collected in the preceding year. If**  
29 **a majority of the votes cast by the qualified voters voting are opposed**  
30 **to the proposal, then the governing body of the ambulance district shall**  
31 **not impose the sales tax authorized in this section unless and until the**  
32 **governing body of such ambulance district resubmits a proposal to**  
33 **authorize the governing body of the ambulance district to impose the**  
34 **sales tax authorized by this section and such proposal is approved by**  
35 **a majority of the qualified voters voting thereon.**

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

40 **5. All sales taxes collected by the director of revenue pursuant**  
41 **to this section, less one percent for cost of collection, which shall be**  
42 **deposited in the state's general revenue fund after payment of**  
43 **premiums for surety bonds as provided in section 32.087, shall be**  
44 **deposited in a special trust fund, which is hereby created, to be known**

45 as the "Ambulance District Sales Tax Trust Fund". The moneys in the  
46 ambulance district sales tax trust fund shall not be deemed to be state  
47 funds and shall not be commingled with any funds of the state. The  
48 director of revenue shall keep accurate records of the amount of money  
49 in the trust and the amount collected in each district imposing a sales  
50 tax pursuant to this section, and the records shall be open to inspection  
51 by officers of the county and to the public. Not later than the tenth day  
52 of each month, the director of revenue shall distribute all moneys  
53 deposited in the trust fund during the preceding month to the  
54 governing body of the district which levied the tax. Such funds shall  
55 be deposited with the board treasurer of each such district.

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

72 7. Except as modified in this section, all provisions of sections  
73 32.085 and 32.087 shall apply to the tax imposed pursuant to this  
74 section.

190.056. 1. Each member of an ambulance district board of  
2 directors shall be subject to recall from office by the registered voters  
3 of the election district from which he or she was elected. Proceedings  
4 may be commenced for the recall of any such member by the filing of  
5 a notice of intention to circulate a recall petition under this section.

6 2. Proceedings may not be commenced against any member if, at  
7 the time of commencement, such member:

8           (1) Has not held office during his or her current term for a  
9 period of more than one hundred eighty days; or

10           (2) Has one hundred eighty days or less remaining in his or her  
11 term; or

12           (3) Has had a recall election determined in his or her favor  
13 within the current term of office.

14           3. The notice of intention to circulate a recall petition shall be  
15 served personally, or by certified mail, on the board member sought to  
16 be recalled. A copy thereof shall be filed, along with an affidavit of the  
17 time and manner of service, with the election authority, as defined in  
18 chapter 115. A separate notice shall be filed for each board member  
19 sought to be recalled and shall contain all of the following:

20           (1) The name of the board member sought to be recalled;

21           (2) A statement, not exceeding two hundred words in length, of  
22 the reasons for the proposed recall; and

23           (3) The names and business or residential addresses of at least  
24 one but not more than five proponents of the recall.

25           4. Within seven days after the filing of the notice of intention,  
26 the board member may file with the election authority a statement, not  
27 exceeding two hundred words in length, in answer to the statement of  
28 the proponents. If an answer is filed, the board member shall also  
29 serve a copy of it, personally or by certified mail, on one of the  
30 proponents named in the notice of intention. The statement and  
31 answer are intended solely to be used for the information of the voters.  
32 No insufficiency in form or substance of such statements shall affect  
33 the validity of the election proceedings.

34           5. Before any signature may be affixed to a recall petition, the  
35 petition is required to bear all of the following:

36           (1) A request that an election be called to elect a successor to the  
37 board member;

38           (2) A copy of the notice of intention, including the statement of  
39 grounds for recall;

40           (3) The answer of the board member sought to be recalled, if any  
41 exists. If the board member has not answered, the petition shall so  
42 state; and

43           (4) A place for each signer to affix his or her signature, printed  
44 name and residential address, including any address in a city, town,

45 village, or unincorporated community.

46 6. Each section of the petition, when submitted to the election  
47 authority, shall have attached to it an affidavit signed by the person  
48 circulating such section, setting forth all of the following:

49 (1) The printed name of the affiant;

50 (2) The residential address of the affiant;

51 (3) That the affiant circulated that section and saw the appended  
52 signatures be written;

53 (4) That according to the best information and belief of the  
54 affiant, each signature is the genuine signature of the person whose  
55 name it purports to be;

56 (5) That the affiant is a registered voter of the election district  
57 of the board member sought to be recalled; and

58 (6) The dates between which all the signatures to the petition  
59 were obtained.

60 7. A recall petition shall be filed with the election authority not  
61 more than one hundred eighty days after the filing of the notice of  
62 intention.

63 8. The number of qualified signatures required in order to recall  
64 a board member shall be equal in number to at least twenty-five  
65 percent of the number of voters who voted in the most recent  
66 gubernatorial election in such election district.

67 9. Within twenty days from the filing of the recall petition the  
68 election authority shall determine whether or not the petition was  
69 signed by the required number of qualified signatures. The election  
70 authority shall file with the petition a certificate showing the results  
71 of the examination. The election authority shall give the proponents a  
72 copy of the certificate upon their request.

73 10. If the election authority certifies the petition to be  
74 insufficient, it may be supplemented within ten days of the date of  
75 certification by filing additional petition sections containing all of the  
76 information required by this section. Within ten days after the  
77 supplemental copies are filed, the election authority shall file with  
78 them a certificate stating whether or not the petition as supplemented  
79 is sufficient.

80 11. If the certificate shows that the petition as supplemented is  
81 insufficient, no action shall be taken on it; however, the petition shall

82 remain on file.

83           12. If the election authority finds the signatures on the petition,  
84 together with the supplementary petition sections, if any, to be  
85 sufficient, it shall submit its certificate as to the sufficiency of the  
86 petition to the ambulance district board of directors prior to its next  
87 meeting. The certificate shall contain:

88           (1) The name of the member whose recall is sought;

89           (2) The number of signatures required by law;

90           (3) The total number of signatures on the petition; and

91           (4) The number of valid signatures on the petition.

92           13. Following the ambulance district board's receipt of the  
93 certificate, the election authority shall order an election to be held on  
94 one of the election days specified in section 115.123. The election shall  
95 be held not less than forty-five days but not more than one hundred  
96 twenty days from the date the ambulance district board receives the  
97 petition. Nominations for board membership openings under this  
98 section shall be made by filing a statement of candidacy with the  
99 election authority.

100           14. At any time prior to forty-two days before the election, the  
101 member sought to be recalled may offer his or her resignation. If his  
102 or her resignation is offered, the recall question shall be removed from  
103 the ballot and the office declared vacant. The member who resigned  
104 shall not fill the vacancy, which shall be filled as otherwise provided  
105 by law.

106           15. The provisions of chapter 115 governing the conduct of  
107 elections shall apply, where appropriate, to recall elections held under  
108 this section. The costs of the election shall be paid as provided in  
109 chapter 115.

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