

SECOND REGULAR SESSION

SENATE BILL NO. 849

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time January 28, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4476S.011

AN ACT

To repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

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

Section A. Sections 190.335 and 190.339, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 190.335 and 190.339, to
3 read as follows:

190.335. 1. In lieu of the tax levy authorized under section 190.305 for
2 emergency telephone services, the county commission of any county may impose
3 a county sales tax for the provision of central dispatching of fire protection,
4 including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be
6 collectively referred to herein as "emergency services", and which may also
7 include the purchase and maintenance of communications and emergency
8 equipment, including the operational costs associated therein, in accordance with
9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit
11 to the voters of the county, at a public election, a proposal to authorize the county
12 commission to impose a tax under the provisions of this section. If the residents
13 of the county present a petition signed by a number of residents equal to ten
14 percent of those in the county who voted in the most recent gubernatorial
15 election, then the commission shall submit such a proposal to the voters of the
16 county.

17 3. The ballot of submission shall be in substantially the following form:
18 Shall the county of (insert name of county)

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

19 impose a county sales tax of (insert rate of percent) percent for the
20 purpose of providing central dispatching of fire protection, emergency ambulance
21 service, including emergency telephone services, and other emergency services?

22 YES NO

23 If a majority of the votes cast on the proposal by the qualified voters voting
24 thereon are in favor of the proposal, then the ordinance shall be in effect as
25 provided herein. If a majority of the votes cast by the qualified voters voting are
26 opposed to the proposal, then the county commission shall have no power to
27 impose the tax authorized by this section unless and until the county commission
28 shall again have submitted another proposal to authorize the county commission
29 to impose the tax under the provisions of this section, and such proposal is
30 approved by a majority of the qualified voters voting thereon.

31 4. The sales tax may be imposed at a rate not to exceed one percent on the
32 receipts from the sale at retail of all tangible personal property or taxable
33 services at retail within any county adopting such tax, if such property and
34 services are subject to taxation by the state of Missouri under the provisions of
35 sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to
36 thirty-six months before operation of the central dispatching of emergency
37 services.

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087, RSMo, shall apply to the tax imposed under this section.

40 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
41 of the tax year in which the tax imposed pursuant to this section for emergency
42 services is certified by the board to be fully operational. Any revenues collected
43 from the tax authorized under section 190.305 shall be credited for the purposes
44 for which they were intended.

45 7. At least once each calendar year, the [governing body] **board** shall
46 establish a tax rate, not to exceed the amount authorized, that together with any
47 surplus revenues carried forward will produce sufficient revenues to fund the
48 expenditures authorized by this act. Amounts collected in excess of that
49 necessary within a given year shall be carried forward to subsequent years. The
50 [governing body] **board** shall make its determination of such tax rate each year
51 no later than September first and shall fix the new rate which shall be collected
52 as provided in this act. Immediately upon making its determination and fixing
53 the rate, the [governing body] **board** shall publish in its minutes the new rate,
54 and it shall notify every retailer by mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the
56 ballot proposal to establish a county sales tax pursuant to the provisions of this
57 section, the county commission shall appoint the initial members of a board to
58 administer the funds and oversee the provision of emergency services in the
59 county. Beginning with the general election in 1994, all board members shall be
60 elected according to this section and other applicable laws of this state. At the
61 time of the appointment of the initial members of the board, the commission shall
62 relinquish and no longer exercise the duties prescribed in this chapter with
63 regard to the provision of emergency services and such duties shall be exercised
64 by the board.

65 9. The initial board shall consist of seven members appointed without
66 regard to political affiliation, who shall be selected from, and who shall represent,
67 the fire protection districts, ambulance districts, sheriff's department,
68 municipalities, any other emergency services and the general public. This initial
69 board shall serve until its successor board is duly elected and installed in
70 office. The commission shall ensure geographic representation of the county by
71 appointing no more than four members from each district of the county
72 commission.

73 10. Beginning in 1994, three members shall be elected from each district
74 of the county commission and one member shall be elected at large, such member
75 to be the chairman of the board. Of those first elected, four members from
76 districts of the county commission shall be elected for terms of two years and two
77 members from districts of the county commission and the member at large shall
78 be elected for terms of four years. In 1996, and thereafter, all terms of office
79 shall be four years.

80 11. Notwithstanding the provisions of subsections 8 to 10 of this section
81 to the contrary, in any county of the first classification with more than two
82 hundred forty thousand three hundred but fewer than two hundred forty
83 thousand four hundred inhabitants, any emergency telephone service 911 board
84 appointed by the county under section 190.309 which is in existence on the date
85 the voters approve a sales tax under this section shall continue to exist and shall
86 have the powers set forth under section 190.339.

87 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
88 section to the contrary, in any county of the second classification with more than
89 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
90 inhabitants that has approved a sales tax under this section, the county

91 commission shall appoint the members of the board to administer the funds and
92 oversee the provision of emergency services in the county.

93 (2) The board shall consist of seven members appointed without regard
94 to political affiliation. Each member shall be one of the following:

95 (a) The head of any of the county's fire protection districts, or a designee;

96 (b) The head of any of the county's ambulance districts, or a designee;

97 (c) The county sheriff, or a designee;

98 (d) The head of any of the police departments in the county, or a designee;

99 and

100 (e) The head of any of the county's emergency management organizations,
101 or a designee.

102 (3) Upon the appointment of the board under this subsection, the board
103 shall have the power provided in section 190.339 and shall exercise all powers
104 and duties exercised by the county commission under this chapter, and the
105 commission shall relinquish all powers and duties relating to the provision of
106 emergency services under this chapter to the board.

190.339. 1. The powers and duties of the emergency services board shall
2 include, but not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or
5 maintenance of the system, including the establishment of equipment
6 specifications and coding systems;

7 (3) Receiving money from any county sales tax authorized to be levied
8 pursuant to section 190.335 and authorizing disbursements from such moneys
9 collected;

10 (4) Hiring any staff necessary for the implementation, upgrade or
11 operation of the system.

12 **2. The board shall be a body corporate and a political**
13 **subdivision of the state and shall be known as the "..... Emergency**
14 **Services Board".**

15 **3.** The administrative control and management of the moneys from any
16 county sales tax authorized to be levied pursuant to section 190.335 and the
17 administrative control and management of the central dispatching of emergency
18 services shall rest solely with the board, and the board shall employ all necessary
19 personnel, affix their compensation and provide suitable quarters and equipment
20 for the operation of the central dispatching of emergency services from the funds

21 available for this purpose.

22 [3.] 4. The board may contract to provide services relating in whole or in
23 part to central dispatching of emergency services and for such purpose may
24 expend the tax funds or other funds.

25 [4.] 5. The board shall elect a vice chairman, treasurer, secretary and
26 such other officers as it deems necessary. Before taking office, the treasurer shall
27 furnish a surety bond in an amount to be determined and in a form to be
28 approved by the board for the faithful performance of the treasurer's duties and
29 faithful accounting of all moneys that may come into the treasurer's hands. The
30 treasurer shall enter into the surety bond with a surety company authorized to
31 do business in Missouri, and the cost of such bond shall be paid by the board of
32 directors.

33 [5.] 6. The board may accept any gift of property or money for the use
34 and benefit of the central dispatching of emergency services, and the board is
35 authorized to sell or exchange any such property which it believes would be to the
36 benefit of the service so long as the proceeds are used exclusively for central
37 dispatching of emergency services. The board shall have exclusive control of all
38 gifts, property or money it may accept; of all interest of other proceeds which may
39 accrue from the investment of such gifts or money or from the sale of such
40 property; of all tax revenues collected by the county on behalf of the central
41 dispatching of emergency services; and of all other funds granted, appropriated
42 or loaned to it by the federal government, the state or its political subdivisions
43 so long as such resources are used solely to benefit the central dispatching of
44 emergency services.

45 [6.] 7. Any board member may, following notice and an opportunity to be
46 heard, be removed from any office by a majority vote of the other members of the
47 board for any of the following reasons:

- 48 (1) Failure to attend five consecutive meetings, without good cause;
49 (2) Conduct prejudicial to the good order and efficient operation of the
50 central dispatching of emergency services; or
51 (3) Neglect of duty.

52 [7.] 8. The chairperson of the board shall preside at such removal
53 hearing, unless the chairperson is the person sought to be removed, in which case
54 the hearing shall be presided over by another member elected by a majority vote
55 of the other board members. All interested parties may present testimony and
56 arguments at such hearing, and the witnesses shall be sworn in by oath or

57 affirmation before testifying. Any interested party may, at his or her own
58 expense, record the proceedings.

59 [8.] 9. Vacancies on the board occasioned by removals, resignations or
60 otherwise, shall be filled by the remaining members of the board. The appointee
61 or appointees shall act until the next election at which a director or directors are
62 elected to serve the remainder of the unexpired term.

63 [9.] 10. Individual board members shall not be eligible for employment
64 by the board within twelve months of termination of service as a member of the
65 board.

66 [10.] 11. No person shall be employed by the board who is related within
67 the fourth degree by blood or by marriage to any member of the board.

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Bill

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