

SECOND REGULAR SESSION

# HOUSE BILL NO. 1991

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHLOTTACH.

4819L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Sections 190.335 and 190.339, RSMo, are repealed and two new sections  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

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

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

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of ..... (insert name of county) impose a county  
17 sales tax of ..... (insert rate of percent) percent for the purpose of providing central

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 dispatching of fire protection, emergency ambulance service, including emergency telephone  
19 services, and other emergency services?

20  YES

NO

21

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

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

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

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

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

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot  
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county  
50 commission shall appoint the initial members of a board to administer the funds and oversee the  
51 provision of emergency services in the county. Beginning with the general election in 1994, all  
52 board members shall be elected according to this section and other applicable laws of this state.  
53 At the time of the appointment of the initial members of the board, the commission shall

54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the  
55 provision of emergency services and such duties shall be exercised by the board.

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

62 10. Beginning in 1994, three members shall be elected from each district of the county  
63 commission and one member shall be elected at large, such member to be the chairman of the  
64 board. Of those first elected, four members from districts of the county commission shall be  
65 elected for terms of two years and two members from districts of the county commission and the  
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of  
67 office shall be four years.

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

74 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the  
75 contrary, in any county of the second classification with more than fifty-four thousand two  
76 hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales  
77 tax under this section, the county commission shall appoint the members of the board to  
78 administer the funds and oversee the provision of emergency services in the county.

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

- 81 (a) The head of any of the county's fire protection districts, or a designee;
- 82 (b) The head of any of the county's ambulance districts, or a designee;
- 83 (c) The county sheriff, or a designee;
- 84 (d) The head of any of the police departments in the county, or a designee; and
- 85 (e) The head of any of the county's emergency management organizations, or a designee.

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

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

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

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

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

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

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

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

18 [3.] **4.** The board may contract to provide services relating in whole or in part to central  
19 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

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21 [4.] **5.** The board shall elect a vice chairman, treasurer, secretary and such other officers  
22 as it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an  
23 amount to be determined and in a form to be approved by the board for the faithful performance  
24 of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's  
25 hands. The treasurer shall enter into the surety bond with a surety company authorized to do  
26 business in Missouri, and the cost of such bond shall be paid by the board of directors.

27 [5.] **6.** The board may accept any gift of property or money for the use and benefit of the  
28 central dispatching of emergency services, and the board is authorized to sell or exchange any  
29 such property which it believes would be to the benefit of the service so long as the proceeds are  
30 used exclusively for central dispatching of emergency services. The board shall have exclusive  
31 control of all gifts, property or money it may accept; of all interest of other proceeds which may  
32 accrue from the investment of such gifts or money or from the sale of such property; of all tax  
33 revenues collected by the county on behalf of the central dispatching of emergency services; and  
34 of all other funds granted, appropriated or loaned to it by the federal government, the state or its  
35 political subdivisions so long as such resources are used solely to benefit the central dispatching  
36 of emergency services.

37 [6.] 7. Any board member may, following notice and an opportunity to be heard, be  
38 removed from any office by a majority vote of the other members of the board for any of the  
39 following reasons:

40 (1) Failure to attend five consecutive meetings, without good cause;

41 (2) Conduct prejudicial to the good order and efficient operation of the central  
42 dispatching of emergency services; or

43 (3) Neglect of duty.

44 [7.] 8. The chairperson of the board shall preside at such removal hearing, unless the  
45 chairperson is the person sought to be removed, in which case the hearing shall be presided over  
46 by another member elected by a majority vote of the other board members. All interested parties  
47 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by  
48 oath or affirmation before testifying. Any interested party may, at his or her own expense, record  
49 the proceedings.

50 [8.] 9. Vacancies on the board occasioned by removals, resignations or otherwise, shall  
51 be filled by the remaining members of the board. The appointee or appointees shall act until the  
52 next election at which a director or directors are elected to serve the remainder of the unexpired  
53 term.

54 [9.] 10. Individual board members shall not be eligible for employment by the board  
55 within twelve months of termination of service as a member of the board.

56 [10.] 11. No person shall be employed by the board who is related within the fourth  
57 degree by blood or by marriage to any member of the board.

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