

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1942

95TH GENERAL ASSEMBLY

4781L.01T

2010

AN ACT

To repeal sections 190.309, 190.335, and 190.339, RSMo, and to enact in lieu thereof three new sections relating to emergency service boards.

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

Section A. Sections 190.309, 190.335, and 190.339, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 190.309, 190.335, and 190.339, to read as follows:

190.309. 1. Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county. Such powers shall include, but not be limited to:

(1) Planning a 911 system;

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

(3) Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected;

(4) Hiring any staff necessary for the implementation or upgrade of the system.

2. Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. At least six of such members shall represent public safety agencies, **except in any county of the third classification without a township form of government and with more than twenty-six thousand nine hundred but**

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.

16 **fewer than twenty-seven thousand inhabitants, which shall have at least seven members**
17 **representing the following public safety agencies:**

18 **(1) County sheriff;**

19 **(2) County presiding commissioner;**

20 **(3) Chief of police of the county seat of the county;**

21 **(4) Mayor of the county seat of the county;**

22 **(5) President of the fire association of the county;**

23 **(6) Chief executive officer of the memorial hospital located in the county seat of the**
24 **county; and**

25 **(7) Director of emergency services of the memorial hospital located in the county**
26 **seat of the county.**

27

28 At least nine of the board members shall be residents of the county described in subsection 1 of
29 this section or a county adjoining such county. All board members shall be appointed to serve
30 for a term of three years, except that of the first board appointed, five members shall be
31 appointed for one-year terms, three members for two-year terms and three members for
32 three-year terms. Board members may be reappointed. The members of the board shall not
33 receive compensation for their services, but may be reimbursed for their actual and necessary
34 expenses.

35 3. The administrative control and management of the county emergency telephone 911
36 service shall rest solely with the board, and the board shall employ all necessary personnel, fix
37 their compensation, and provide suitable quarters and equipment for the operation of the facility
38 from funds made available for this purpose. Employees of the board shall be eligible for
39 membership in the Missouri local government employees' retirement system pursuant to sections
40 70.600 to 70.755, RSMo.

41 4. The board may contract to provide services relating in whole or in part to emergency
42 telephone 911 service and for such purpose may expend the tax funds or other funds.

43 5. The board shall elect a chairman, vice chairman, treasurer, and such other officers as
44 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety
45 bond, in an amount to be determined and in a form to be approved by the board, for the faithful
46 performance of the treasurer's duties and faithful accounting of all moneys that may come into
47 the treasurer's hands. The treasurer shall enter into the surety bond with a surety company
48 authorized to do business in Missouri, and the cost of such bond shall be paid by the board.

49 6. The board shall set rules for establishment and operation of the emergency 911
50 system, and shall do all other things necessary to carry out the purposes of sections 190.300 to
51 190.320.

52 7. The board may contract with any not-for-profit corporation including any corporation
53 which is incorporated for the purpose of implementing the provisions of sections 190.300 to
54 190.320.

55 8. The board may accept any gift of property or money for the use and benefit of the
56 emergency telephone 911 service in the county, and the board is authorized to sell or exchange
57 any such property which the board believes would be to the benefit of the service so long as the
58 proceeds are used exclusively for emergency telephone services. The board shall have exclusive
59 control of all gifts, property or money the board may accept; of all interest or other proceeds
60 which may accrue from the investment of such gifts or money or from the sale of such property;
61 of all tax revenues collected by the county on behalf of the emergency telephone 911 services;
62 and of all other funds granted, appropriated, or loaned to the board by the federal government,
63 the state, or its political subdivisions so long as these resources are used solely to benefit the
64 emergency telephone service in the county.

65 9. Any board member may, following notice and an opportunity to be heard, be removed
66 from office by a majority vote of the other members of the board for any of the following
67 grounds:

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

69 (2) Conduct prejudicial to the good order and efficient operation of the emergency
70 telephone service; or

71 (3) Neglect of duty.

72 10. The chairman of the board shall preside at such removal hearing, unless the chairman
73 is the person sought to be removed, in which case the hearing shall be presided over by another
74 member elected by the majority vote of the other board members. All interested parties may
75 present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or
76 affirmation before testifying. Any interested party may, at his or her own expense, record the
77 proceedings.

78 11. Vacancies on the board occasioned by removals, resignations or otherwise shall be
79 reported by the board chairman to the governing body of the county and shall be filled in like
80 manner as original appointments; except that, if the vacancy occurs during an unexpired term,
81 the appointment shall be for only the unexpired portion of that term.

82 12. Individual board members shall not be eligible for employment by the board within
83 twelve months of termination of service as a member of the board.

84 13. No person shall be employed by the board who is related within the fourth degree
85 of consanguinity or affinity to any member of the board.

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

20 YES NO

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

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

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

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

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

47 8. Immediately upon the affirmative vote of voters of such a county on the ballot
48 proposal to establish a county sales tax pursuant to the provisions of this section, the county
49 commission shall appoint the initial members of a board to administer the funds and oversee the
50 provision of emergency services in the county. Beginning with the general election in 1994, all
51 board members shall be elected according to this section and other applicable laws of this state.
52 At the time of the appointment of the initial members of the board, the commission shall
53 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
54 provision of emergency services and such duties shall be exercised by the board.

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

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

67 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
68 in any county of the first classification with more than two hundred forty thousand three hundred
69 but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone

70 service 911 board appointed by the county under section 190.309 which is in existence on the
71 date the voters approve a sales tax under this section shall continue to exist and shall have the
72 powers set forth under section 190.339.

73 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
74 contrary, in any county of the second classification with more than fifty-four thousand two
75 hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales
76 tax under this section, the county commission shall appoint the members of the board to
77 administer the funds and oversee the provision of emergency services in the county.

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

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

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

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

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

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

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

20 [4.] 5. The board shall elect a vice chairman, treasurer, secretary and such other officers
21 as it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an
22 amount to be determined and in a form to be approved by the board for the faithful performance
23 of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's
24 hands. The treasurer shall enter into the surety bond with a surety company authorized to do
25 business in Missouri, and the cost of such bond shall be paid by the board of directors.

26 [5.] 6. The board may accept any gift of property or money for the use and benefit of the
27 central dispatching of emergency services, and the board is authorized to sell or exchange any
28 such property which it believes would be to the benefit of the service so long as the proceeds are
29 used exclusively for central dispatching of emergency services. The board shall have exclusive
30 control of all gifts, property or money it may accept; of all interest of other proceeds which may
31 accrue from the investment of such gifts or money or from the sale of such property; of all tax
32 revenues collected by the county on behalf of the central dispatching of emergency services; and
33 of all other funds granted, appropriated or loaned to it by the federal government, the state or its
34 political subdivisions so long as such resources are used solely to benefit the central dispatching
35 of emergency services.

36 [6.] 7. Any board member may, following notice and an opportunity to be heard, be
37 removed from any office by a majority vote of the other members of the board for any of the
38 following reasons:

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

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

42 (3) Neglect of duty.

43 [7.] 8. The chairperson of the board shall preside at such removal hearing, unless the
44 chairperson is the person sought to be removed, in which case the hearing shall be presided over
45 by another member elected by a majority vote of the other board members. All interested parties
46 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by
47 oath or affirmation before testifying. Any interested party may, at his or her own expense, record
48 the proceedings.

49 [8.] 9. Vacancies on the board occasioned by removals, resignations or otherwise, shall
50 be filled by the remaining members of the board. The appointee or appointees shall act until the

51 next election at which a director or directors are elected to serve the remainder of the unexpired
52 term.

53 [9.] **10.** Individual board members shall not be eligible for employment by the board
54 within twelve months of termination of service as a member of the board.

55 [10.] **11.** No person shall be employed by the board who is related within the fourth
56 degree by blood or by marriage to any member of the board.

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Speaker of the House

President Pro Tem of the Senate

Governor