

SECOND REGULAR SESSION

HOUSE BILL NO. 2725

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

5965H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.292, 190.294, and 190.296, RSMo, and to enact in lieu thereof three new sections relating to the emergency services board.

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

Section A. Sections 190.292, 190.294, and 190.296, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 190.292, 190.294, and 190.296, to read as follows:

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

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

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

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 Shall the county of _____ (insert name of county) impose a county sales tax of _____
17 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
18 emergency ambulance service, including emergency telephone services, and other emergency
19 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. The sales tax shall not be collected prior
33 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 shall
35 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 board, as established by subsection 11 of this
41 section, shall establish a tax rate, not to exceed the amount authorized, that together with any
42 surplus revenues carried forward will produce sufficient revenues to fund the expenditures
43 authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within
44 a given year shall be carried forward to subsequent years. The board shall make its
45 determination of such tax rate each year no later than September first and shall fix the new rate
46 which shall be collected as provided in sections 190.290 to 190.296. Immediately upon making
47 its determination and fixing the rate, the board shall publish in its minutes the new rate, and it
48 shall notify every retailer by mail of the new rate.

49 8. Immediately upon the affirmative vote of voters of such a county on the ballot
50 proposal to establish a county sales tax pursuant to the provisions of this section, the county
51 commission shall appoint the initial members of a board to administer the funds and oversee the

52 provision of emergency services in the county. Beginning with the general election in 1994, all
53 board members shall be elected according to this section and other applicable laws of this state.
54 At the time of the appointment of the initial members of the board, the commission shall
55 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
56 provision of emergency services and such duties shall be exercised by the board.

57 9. The initial board shall consist of seven members appointed without regard to political
58 affiliation, three of whom shall be selected from, and who shall represent, the fire protection
59 districts, ambulance districts, sheriff's department, municipalities, and any other emergency
60 services. Four of the members of the board shall not be selected from or represent the fire
61 protection districts, ambulance districts, sheriff's department, municipalities, or any other
62 emergency services. Any individual serving on the board on August 28, 2004, may continue to
63 serve and seek reelection or reappointment to the board, notwithstanding any provisions of this
64 subsection. This initial board shall serve until its successor board is duly elected and installed
65 in office. The commission shall ensure geographic representation of the county by appointing
66 no more than four members from each district of the county commission.

67 10. Beginning in 1994, three members shall be elected from each district of the county
68 commission and one member shall be elected at large. The members of the board shall annually
69 elect, from among their number, the chairman of the board. Of those first elected, four members
70 from districts of the county commission shall be elected for terms of two years and two members
71 from districts of the county commission and the member at large shall be elected for terms of
72 four years. In 1996, and thereafter, all terms of office shall be four years. The election of the
73 board members shall be conducted at the first municipal election held in a calendar year.

74 11. When the board is organized, it shall be a body corporate and a political subdivision
75 of the state and shall be known as the "_____ Emergency Services Board".

76 12. This section shall ~~only~~ apply to any county of the third classification without a
77 township form of government and with more than twenty-four thousand five hundred but less
78 than twenty-four thousand six hundred inhabitants.

79 **13. This section shall apply to any county.**

190.294. 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 190.292 and authorizing disbursements from such moneys collected;

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

10 (5) Acquiring land in fee simple, rights in land and easements upon, over, or across land
11 and leasehold interests in land and tangible and intangible personal property used or useful for
12 the location, establishment, maintenance, development, expansion, extension, or improvement
13 of the central dispatching of emergency services. The acquisition may be by dedication,
14 purchase, gift, agreement, lease, use, or adverse possession;

15 (6) Borrowing money and issuing bonds, notes, certificates, or other evidences of
16 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
17 compliance with any condition or limitation set forth in sections 190.290 to 190.296 or otherwise
18 provided by the Constitution of Missouri;

19 (7) Suing and being sued, and to be party to suits, actions, and proceedings;

20 (8) Having and using a corporate seal;

21 (9) Entering into contracts, franchises, and agreements with any person, partnership,
22 association, or corporation, public or private, affecting the affairs of the board;

23 (10) Having the management, control, and supervision of all the business affairs of the
24 board and the construction, installation, operation, and maintenance of any improvements;

25 (11) Hiring and retaining agents and employees and providing for their compensation,
26 including health and pension benefits;

27 (12) Adopting and amending bylaws and any other rules and regulations;

28 (13) Paying all expenses connected with the first election and all subsequent elections;

29 (14) Having and exercising all rights and powers necessary or incidental to or implied
30 from the specific powers granted in this section. Such specific powers shall not be considered
31 as a limitation upon any power necessary or appropriate to carry out the purposes and intent of
32 sections 190.290 to 190.296;

33 (15) Maintaining central dispatching of emergency services for the benefit of the
34 inhabitants of the area comprising the district regardless of race, creed, or color, and to adopt
35 such reasonable rules and regulations as may be necessary to render the highest quality of the
36 central dispatching of emergency services; excluding from the use of the central dispatching of
37 emergency services all persons who willfully disregard any of the rules and regulations so
38 established; extending the privileges and use of the central dispatching of emergency services
39 to persons residing outside the area of the district upon such terms and conditions as the board
40 prescribes by its rules and regulations;

41 (16) Purchasing insurance indemnifying the district and its employees, officers,
42 volunteers, and directors against liability in rendering services incidental to the furnishing of
43 central dispatching of emergency services. Purchase of insurance pursuant to this section is not

44 intended to waive sovereign immunity, official immunity, or the Missouri public duty doctrine
45 defenses.

46 2. The administrative control and management of the moneys from any county sales tax
47 authorized to be levied pursuant to section 190.292 and the administrative control and
48 management of the central dispatching of emergency services shall rest solely with the board,
49 and the board shall employ all necessary personnel, affix their compensation and provide suitable
50 quarters and equipment for the operation of the central dispatching of emergency services from
51 the funds available for this purpose.

52 3. The board may contract to provide services relating in whole or in part to central
53 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

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

60 5. The board may accept any gift of property or money for the use and benefit of the
61 central dispatching of emergency services, and the board is authorized to sell or exchange any
62 such property which it believes would be to the benefit of the service so long as the proceeds are
63 used exclusively for central dispatching of emergency services. The board shall have exclusive
64 control of all gifts, property or money it may accept; of all interest of other proceeds which may
65 accrue from the investment of such gifts or money or from the sale of such property; of all tax
66 revenues collected by the county on behalf of the central dispatching of emergency services; and
67 of all other funds granted, appropriated or loaned to it by the federal government, the state or its
68 political subdivisions so long as such resources are used solely to benefit the central dispatching
69 of emergency services.

70 6. Any board member may, following notice and an opportunity to be heard, be removed
71 from any office by a majority vote of the other members of the board for any of the following
72 reasons:

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

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

76 (3) Neglect of duty.

77 7. The chairperson of the board shall preside at such removal hearing, unless the
78 chairperson is the person sought to be removed, in which case the hearing shall be presided over
79 by another member elected by a majority vote of the other board members. All interested parties

80 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by
81 oath or affirmation before testifying. Any interested party may, at his or her own expense, record
82 the proceedings.

83 8. Vacancies on the board occasioned by removals, resignations or otherwise shall be
84 filled by the remaining members of the board. The appointee or appointees shall act until the
85 next election at which a director or directors are elected to serve the remainder of the unexpired
86 term.

87 9. Individual board members shall not be eligible for employment by the board within
88 twelve months of termination of service as a member of the board.

89 10. No person shall be employed by the board who is related within the fourth degree
90 by blood or by marriage to any member of the board.

91 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
92 created under the authority delegated in sections 190.300 to 190.341 shall become effective only
93 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
94 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
95 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
96 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
97 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

98 12. This section shall ~~only~~ apply to any county of the third classification without a
99 township form of government and with more than twenty-four thousand five hundred but less
100 than twenty-four thousand six hundred inhabitants.

101 **13. This section shall apply to any county.**

190.296. 1. For the purpose of purchasing any property or equipment necessary or
2 incidental to the operation of central dispatching of emergency services, the board may borrow
3 money and issue bonds for the payment thereof in the manner provided herein. The question of
4 the loan shall be decided by the submission of the question to the eligible voters of the county
5 at the first municipal election held in a calendar year.

6 2. The question shall be submitted in substantially the following form:

7 Shall the _____ emergency services board borrow money in the amount of _____
8 dollars for the purpose of _____ and issue bonds for the payment thereof?

9 3. If the constitutionally required percentage of the votes cast are for the loan, the board
10 shall, subject to the restrictions of subsection 4 of this section, be vested with the power to
11 borrow money in the name of the board, to the amount and for the purposes specified on the
12 ballot, and issue the bonds of the board for the payment thereof.

13 4. The loans authorized by this section shall not be contracted for a period longer than
14 twenty years, and the entire amount of the loan shall at no time exceed, including the existing

15 indebtedness of the board, in the aggregate, ten percent of the value of taxable tangible property
16 therein, as shown by the last completed assessment for state and county purposes, the rate of
17 interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed
18 by contract; when effected, it shall be the duty of the directors to direct a portion of the tax
19 collected pursuant to section 190.292 in an amount sufficient to pay the interest on the
20 indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal
21 thereof within the time the principal becomes due.

22 5. This section shall [~~only~~] apply to any county of the third classification without a
23 township form of government and with more than twenty-four thousand five hundred but less
24 than twenty-four thousand six hundred inhabitants.

25 **6. This section shall apply to any county.**

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