

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 23, Page 13, Section 67.4600, Line 171, by inserting
2 immediately after said section and line the following:

3
4 "71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
5 governing body of any city, town or village may annex unincorporated areas which are contiguous
6 and compact to the existing corporate limits of the city, town or village pursuant to this section. The
7 term "contiguous and compact" does not include a situation whereby the unincorporated area
8 proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line,
9 trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town
10 or village so that the boundaries of the city, town or village after annexation would leave
11 unincorporated areas between the annexed area and the prior boundaries of the city, town or village
12 connected only by such railroad line, trail, pipeline or other such strip of real property. The term
13 "contiguous and compact" shall include a situation whereby the unincorporated area proposed to be
14 annexed would be contiguous and compact to the existing corporate limits of the city, town, or
15 village but for an intervening roadway or railroad right-of-way, regardless of whether any other city,
16 town, or village has annexed such roadway or railroad right-of-way or otherwise has an easement in
17 such roadway or railroad right-of-way. The term contiguous and compact does not prohibit
18 voluntary annexations pursuant to this section merely because such voluntary annexation would
19 create an island of unincorporated area within the city, town or village, so long as the owners of the
20 unincorporated island were also given the opportunity to voluntarily annex into the city, town or
21 village. Notwithstanding the provisions of this section, the governing body of any city, town or
22 village in any county of the third classification which borders a county of the fourth classification, a
23 county of the second classification and the Mississippi River may annex areas along a road or
24 highway up to two miles from existing boundaries of the city, town or village or the governing body
25 in any city, town or village in any county of the third classification without a township form of
26 government with a population of at least twenty-four thousand inhabitants but not more than thirty
27 thousand inhabitants and such county contains a state correctional center may voluntarily annex
28 such correctional center pursuant to the provisions of this section if the correctional center is along a
29 road or highway within two miles from the existing boundaries of the city, town or village.

30 2. (1) When a notarized petition, requesting annexation and signed by the owners of all fee
31 interests of record in all tracts of real property located within the area proposed to be annexed, or a
32 request for annexation signed under the authority of the governing body of any common interest
33 community and approved by a majority vote of unit owners located within the area proposed to be
34 annexed is presented to the governing body of the city, town or village, the governing body shall
35 hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the
36 petition is received, and the hearing shall be held not less than seven days after notice of the hearing

Action Taken _____ Date _____

1 is published in a newspaper of general circulation qualified to publish legal matters and located
2 within the boundary of the petitioned city, town or village. If no such newspaper exists within the
3 boundary of such city, town or village, then the notice shall be published in the qualified newspaper
4 nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-
5 interest community" shall mean a condominium as said term is used in chapter 448, or a common-
6 interest community, a cooperative, or a planned community.

7 (a) A "common-interest community" shall be defined as real property with respect to which
8 a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes,
9 insurance premiums, maintenance or improvement of other real property described in a declaration.
10 "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit,
11 including renewal options;

12 (b) A "cooperative" shall be defined as a common-interest community in which the real
13 property is owned by an association, each of whose members is entitled by virtue of such member's
14 ownership interest in the association to exclusive possession of a unit;

15 (c) A "planned community" shall be defined as a common-interest community that is not a
16 condominium or a cooperative. A condominium or cooperative may be part of a planned
17 community.

18 (2) At the public hearing any interested person, corporation or political subdivision may
19 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
20 body of the city, town or village determines that the annexation is reasonable and necessary to the
21 proper development of the city, town or village, and the city, town or village has the ability to
22 furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject
23 to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without
24 further action.

25 (3) If a written objection to the proposed annexation is filed with the governing body of the
26 city, town or village not later than fourteen days after the public hearing by at least five percent of
27 the qualified voters of the city, town or village, or two qualified voters of the area sought to be
28 annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to
29 71.920, shall be followed.

30 3. If no objection is filed, the city, town or village shall extend its limits by ordinance to
31 include such territory, specifying with accuracy the new boundary lines to which the city's, town's or
32 village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or
33 village shall cause three certified copies of the same to be filed with the county assessor and the
34 clerk of the county wherein the city, town or village is located, and one certified copy to be filed
35 with the election authority, if different from the clerk of the county which has jurisdiction over the
36 area being annexed, whereupon the annexation shall be complete and final and thereafter all courts
37 of this state shall take judicial notice of the limits of that city, town or village as so extended.

38 4. That a petition requesting annexation is not or was not verified or notarized shall not
39 affect the validity of an annexation heretofore or hereafter undertaken in accordance with this
40 section.

41 5. Any action of any kind seeking to deannex from any city, town, or village any area
42 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
43 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
44 area shall be brought within five years of the date of adoption of the annexation ordinance.

45 71.015. 1. Should any city, town, or village, not located in any county of the first
46 classification which has adopted a constitutional charter for its own local government, seek to annex
47 an area to which objection is made, the following shall be satisfied:

48 (1) Before the governing body of any city, town, or village has adopted a resolution to

1 annex any unincorporated area of land, such city, town, or village shall first as a condition precedent
2 determine that:

3 (a) The land to be annexed is contiguous to the existing city, town, or village limits and that
4 the length of the contiguous boundary common to the existing city, town, or village limit and the
5 proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area
6 proposed for annexation; or

7 (b) The land to be annexed would be contiguous and compact to the existing city, town, or
8 village limits but for an intervening roadway or railroad right-of-way, and the shared border of the
9 land to be annexed and existing city, town, or village composes at least fifteen percent of the total
10 perimeter of the land to be annexed. For purposes of calculating the length of such border under
11 this paragraph, the border between the land to be annexed and the existing city, town, or village
12 shall be deemed to be:

13 a. If an intervening roadway, the centerline; or

14 b. If a railroad right-of-way, the midpoint between the outermost rails if there are rails or the
15 best estimate of the middle of the right-of-way if there are no rails.

16 (2) The governing body of any city, town, or village shall propose an ordinance setting forth
17 the following:

18 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
19 condition precedent referred to in subdivision (1) above;

20 (b) That such annexation is reasonable and necessary to the proper development of the city,
21 town, or village;

22 (c) That the city has developed a plan of intent to provide services to the area proposed for
23 annexation;

24 (d) That a public hearing shall be held prior to the adoption of the ordinance;

25 (e) When the annexation is proposed to be effective, the effective date being up to thirty-six
26 months from the date of any election held in conjunction thereto.

27 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and make
28 a good faith effort to notify all fee owners of record within the area proposed to be annexed by
29 certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
30 residents of the area by publication of notice in a newspaper of general circulation qualified to
31 publish legal matters in the county or counties where the proposed area is located, at least once a
32 week for three consecutive weeks prior to the hearing, with at least one such notice being not more
33 than twenty days and not less than ten days before the hearing.

34 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present the
35 plan of intent and evidence in support thereof to include:

36 (a) A list of major services presently provided by the city, town, or village including, but
37 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
38 recreation, and refuse collection;

39 (b) A proposed time schedule whereby the city, town, or village plans to provide such
40 services to the residents of the proposed area to be annexed within three years from the date the
41 annexation is to become effective;

42 (c) The level at which the city, town, or village assesses property and the rate at which it
43 taxes that property;

44 (d) How the city, town, or village proposes to zone the area to be annexed;

45 (e) When the proposed annexation shall become effective.

46 (5) Following the hearing, and either before or after the election held in subdivision (6) of
47 this subsection, should the governing body of the city, town, or village vote favorably by ordinance
48 to annex the area, the governing body of the city, town or village shall file an action in the circuit

1 court of the county in which such unincorporated area is situated, under the provisions of chapter
2 527, praying for a declaratory judgment authorizing such annexation. The petition in such action
3 shall state facts showing:

4 (a) The area to be annexed and its conformity with the condition precedent referred to in
5 subdivision (1) of this subsection;

6 (b) That such annexation is reasonable and necessary to the proper development of the city,
7 town, or village; and

8 (c) The ability of the city, town, or village to furnish normal municipal services of the city,
9 town, or village to the unincorporated area within a reasonable time not to exceed three years after
10 the annexation is to become effective. Such action shall be a class action against the inhabitants of
11 such unincorporated area under the provisions of section 507.070.

12 (6) Except as provided in subsection 3 of this section, if the court authorizes the city, town,
13 or village to make an annexation, the legislative body of such city, town, or village shall not have
14 the power to extend the limits of the city, town, or village by such annexation until an election is
15 held at which the proposition for annexation is approved by a majority of the total votes cast in the
16 city, town, or village and by a separate majority of the total votes cast in the unincorporated territory
17 sought to be annexed. However, should less than a majority of the total votes cast in the area
18 proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in
19 the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon
20 in not more than one hundred twenty days by both the registered voters of the city, town, or village
21 and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified
22 electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to
23 annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought
24 to be annexed may be the subject of another proposal to annex for a period of two years from the
25 date of the election, except that, during the two-year period, the owners of all fee interests of record
26 in the area or any portion of the area may petition the city, town, or village for the annexation of the
27 land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized
28 be held, except as herein otherwise provided, in accordance with the general state law governing
29 special elections, and the entire cost of the election or elections shall be paid by the city, town, or
30 village proposing to annex the territory.

31 (7) Failure to comply in providing services to the said area or to zone in compliance with
32 the plan of intent within three years after the effective date of the annexation, unless compliance is
33 made unreasonable by an act of God, shall give rise to a cause of action for deannexation which
34 may be filed in the circuit court by any resident of the area who was residing in the area at the time
35 the annexation became effective.

36 (8) No city, town, or village which has filed an action under this section as this section read
37 prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980,
38 shall be required to comply with subdivision (5) of this subsection in regard to such annexation
39 proceeding.

40 (9) If the area proposed for annexation includes a public road or highway but does not
41 include all of the land adjoining such road or highway, then such fee owners of record, of the lands
42 adjoining said highway shall be permitted to intervene in the declaratory judgment action described
43 in subdivision (5) of this subsection.

44 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any
45 city with a population of three hundred fifty thousand or more inhabitants which is located in more
46 than one county that becomes effective after August 28, 1994, if such city has not provided water
47 and sewer service to such annexed area within three years of the effective date of the annexation, a
48 cause of action shall lie for deannexation, unless the failure to provide such water and sewer service

1 to the annexed area is made unreasonable by an act of God. The cause of action for deannexation
2 may be filed in the circuit court by any resident of the annexed area who is presently residing in the
3 area at the time of the filing of the suit and was a resident of the annexed area at the time the
4 annexation became effective. If the suit for deannexation is successful, the city shall be liable for all
5 court costs and attorney fees.

6 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
7 cities, towns, and villages located in any county of the first classification with a charter form of
8 government with a population of two hundred thousand or more inhabitants which adjoins a county
9 with a population of nine hundred thousand or more inhabitants shall comply with the provisions of
10 this subsection. If the court authorizes any city, town, or village subject to this subsection to make
11 an annexation, the legislative body of such city, town or village shall not have the power to extend
12 the limits of such city, town, or village by such annexation until an election is held at which the
13 proposition for annexation is approved by a majority of the total votes cast in such city, town, or
14 village and by a separate majority of the total votes cast in the unincorporated territory sought to be
15 annexed; except that:

16 (1) In the case of a proposed annexation in any area which is contiguous to the existing city,
17 town or village and which is within an area designated as flood plain by the Federal Emergency
18 Management Agency and which is inhabited by no more than thirty registered voters and for which
19 a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation
20 and where notarized affidavits expressing approval of the proposed annexation are obtained from a
21 majority of the registered voters residing in the area to be annexed, the area may be annexed by an
22 ordinance duly enacted by the governing body and no elections shall be required; and

23 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
24 electors reside, if at least a majority of the qualified electors voting on the proposition are in favor
25 of the annexation, the city, town or village may proceed to annex the territory and no subsequent
26 election shall be required.

27
28 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be
29 annexed may be the subject of any other proposal to annex for a period of two years from the date
30 of such election, except that, during the two-year period, the owners of all fee interests of record in
31 the area or any portion of the area may petition the city, town, or village for the annexation of the
32 land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if
33 authorized, be held, except as otherwise provided in this section, in accordance with the general
34 state laws governing special elections, and the entire cost of the election or elections shall be paid by
35 the city, town, or village proposing to annex the territory. Failure of the city, town or village to
36 comply in providing services to the area or to zone in compliance with the plan of intent within
37 three years after the effective date of the annexation, unless compliance is made unreasonable by an
38 act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit
39 court not later than four years after the effective date of the annexation by any resident of the area
40 who was residing in such area at the time the annexation became effective or by any nonresident
41 owner of real property in such area.

42 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3 of
43 this section, any action of any kind seeking to deannex from any city, town, or village any area
44 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
45 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
46 area shall be brought within five years of the date of the adoption of the annexation ordinance."; and
47

48 Further amend said bill, Page 29, Section 105.470, Line 156, by inserting immediately after said

1 section and line the following:

2
3 "190.292. 1. In lieu of the tax levy authorized under section 190.305 for emergency
4 telephone services, the county commission of any county may impose a county sales tax for the
5 provision of central dispatching of fire protection, including law enforcement agencies, emergency
6 ambulance service or any other emergency services, including emergency telephone services, which
7 shall be collectively referred to herein as "emergency services", and which may also include the
8 purchase and maintenance of communications and emergency equipment, including the operational
9 costs associated therein, in accordance with the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit to the voters of
11 the county, at a public election, a proposal to authorize the county commission to impose a tax under
12 the provisions of this section. If the residents of the county present a petition signed by a number of
13 residents equal to ten percent of those in the county who voted in the most recent gubernatorial
14 election, then the commission shall submit such a proposal to the voters of the 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 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 of
23 the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast
24 by the qualified voters voting are opposed to the proposal, then the county commission shall have
25 no power to impose the tax authorized by this section unless and until the county commission shall
26 again have submitted another proposal to authorize the county commission to impose the tax under
27 the provisions of this section, and such proposal is approved by a majority of the qualified voters
28 voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the
30 sale at retail of all tangible personal property or taxable services at retail within any county adopting
31 such tax, if such property and services are subject to taxation by the state of Missouri under the
32 provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
33 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 in
37 which the tax imposed pursuant to this section for emergency services is certified by the board to be
38 fully operational. Any revenues collected from the tax authorized under section 190.305 shall be
39 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 a
44 given year shall be carried forward to subsequent years. The board shall make its determination of
45 such tax rate each year no later than September first and shall fix the new rate which shall be
46 collected as provided in sections 190.290 to 190.296. Immediately upon making its determination
47 and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every
48 retailer by mail of the new rate.

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

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

19 10. Beginning in 1994, three members shall be elected from each district of the county
20 commission and one member shall be elected at large. The members of the board shall annually
21 elect, from among their number, the chairman of the board. Of those first elected, four members
22 from districts of the county commission shall be elected for terms of two years and two members
23 from districts of the county commission and the member at large shall be elected for terms of four
24 years. In 1996, and thereafter, all terms of office shall be four years. The election of the board
25 members shall be conducted at the first municipal election held in a calendar year.

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

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

31 13. This section shall apply to any county.

32 190.294. 1. The powers and duties of the emergency services board shall include, but not
33 be limited to:

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

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

37 (3) Receiving money from any county sales tax authorized to be levied pursuant to section
38 190.292 and authorizing disbursements from such moneys collected;

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

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

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

- 1 (7) Suing and being sued, and to be party to suits, actions, and proceedings;
 - 2 (8) Having and using a corporate seal;
 - 3 (9) Entering into contracts, franchises, and agreements with any person, partnership,
4 association, or corporation, public or private, affecting the affairs of the board;
 - 5 (10) Having the management, control, and supervision of all the business affairs of the
6 board and the construction, installation, operation, and maintenance of any improvements;
 - 7 (11) Hiring and retaining agents and employees and providing for their compensation,
8 including health and pension benefits;
 - 9 (12) Adopting and amending bylaws and any other rules and regulations;
 - 10 (13) Paying all expenses connected with the first election and all subsequent elections;
 - 11 (14) Having and exercising all rights and powers necessary or incidental to or implied from
12 the specific powers granted in this section. Such specific powers shall not be considered as a
13 limitation upon any power necessary or appropriate to carry out the purposes and intent of sections
14 190.290 to 190.296;
 - 15 (15) Maintaining central dispatching of emergency services for the benefit of the inhabitants
16 of the area comprising the district regardless of race, creed, or color, and to adopt such reasonable
17 rules and regulations as may be necessary to render the highest quality of the central dispatching of
18 emergency services; excluding from the use of the central dispatching of emergency services all
19 persons who willfully disregard any of the rules and regulations so established; extending the
20 privileges and use of the central dispatching of emergency services to persons residing outside the
21 area of the district upon such terms and conditions as the board prescribes by its rules and
22 regulations;
 - 23 (16) Purchasing insurance indemnifying the district and its employees, officers, volunteers,
24 and directors against liability in rendering services incidental to the furnishing of central dispatching
25 of emergency services. Purchase of insurance pursuant to this section is not intended to waive
26 sovereign immunity, official immunity, or the Missouri public duty doctrine defenses.
- 27 2. The administrative control and management of the moneys from any county sales tax
28 authorized to be levied pursuant to section 190.292 and the administrative control and management
29 of the central dispatching of emergency services shall rest solely with the board, and the board shall
30 employ all necessary personnel, affix their compensation and provide suitable quarters and
31 equipment for the operation of the central dispatching of emergency services from the funds
32 available for this purpose.
- 33 3. The board may contract to provide services relating in whole or in part to central
34 dispatching of emergency services and for such purpose may expend the tax funds or other funds.
- 35 4. The board shall elect a vice chairman, treasurer, secretary and such other officers as it
36 deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be
37 determined and in a form to be approved by the board for the faithful performance of the treasurer's
38 duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer
39 shall enter into the surety bond with a surety company authorized to do business in Missouri, and
40 the cost of such bond shall be paid by the board of directors.
- 41 5. The board may accept any gift of property or money for the use and benefit of the central
42 dispatching of emergency services, and the board is authorized to sell or exchange any such
43 property which it believes would be to the benefit of the service so long as the proceeds are used
44 exclusively for central dispatching of emergency services. The board shall have exclusive control of
45 all gifts, property or money it may accept; of all interest of other proceeds which may accrue from
46 the investment of such gifts or money or from the sale of such property; of all tax revenues collected
47 by the county on behalf of the central dispatching of emergency services; and of all other funds
48 granted, appropriated or loaned to it by the federal government, the state or its political subdivisions

1 so long as such resources are used solely to benefit the central dispatching of emergency services.

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

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

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

8 (3) Neglect of duty.

9 7. The chairperson of the board shall preside at such removal hearing, unless the
10 chairperson is the person sought to be removed, in which case the hearing shall be presided over by
11 another member elected by a majority vote of the other board members. All interested parties may
12 present testimony and arguments at such hearing, and the witnesses shall be sworn in by oath or
13 affirmation before testifying. Any interested party may, at his or her own expense, record the
14 proceedings.

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

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

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

22 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
23 under the authority delegated in sections 190.300 to 190.341 shall become effective only if it
24 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
25 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
27 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
28 rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

32 13. This section shall apply to any county.

33 190.296. 1. For the purpose of purchasing any property or equipment necessary or
34 incidental to the operation of central dispatching of emergency services, the board may borrow
35 money and issue bonds for the payment thereof in the manner provided herein. The question of the
36 loan shall be decided by the submission of the question to the eligible voters of the county at the
37 first municipal election held in a calendar year.

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

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

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

45 4. The loans authorized by this section shall not be contracted for a period longer than
46 twenty years, and the entire amount of the loan shall at no time exceed, including the existing
47 indebtedness of the board, in the aggregate, ten percent of the value of taxable tangible property
48 therein, as shown by the last completed assessment for state and county purposes, the rate of interest

1 to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract;
2 when effected, it shall be the duty of the directors to direct a portion of the tax collected pursuant to
3 section 190.292 in an amount sufficient to pay the interest on the indebtedness as it falls due, and
4 also to constitute a sinking fund for the payment of the principal thereof within the time the
5 principal becomes due.

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

9 6. This section shall apply to any county."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.