

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 876, 771, 676 & 551, Page 8, Section 94.902,
2 Line 131, by inserting after all of said section and line the following:
3

4 "190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency
5 telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall
6 appoint the initial members of a board which shall administer the funds and oversee the provision of central
7 dispatching for emergency services in the county and in municipalities and other political subdivisions which
8 have contracted for such service. Beginning with the general election in 1992, all board members shall be
9 elected according to this section and other applicable laws of this state. At the time of the appointment of the
10 initial members of the board, the commission shall relinquish to the board and no longer exercise the duties
11 prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321,
12 with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

13 2. Elections for board members may be held on general municipal election day, as defined in
14 subsection 3 of section 115.121, after approval by a simple majority of the county commission.

15 3. For the purpose of providing the services described in this section, the board shall have the
16 following powers, authority and privileges:

- 17 (1) To have and use a corporate seal;
18 (2) To sue and be sued, and be a party to suits, actions and proceedings;
19 (3) To enter into contracts, franchises and agreements with any person, partnership, association or
20 corporation, public or private, affecting the affairs of the board;
21 (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property,
22 including leases and easements;
23 (5) To have the management, control and supervision of all the business affairs of the board and the
24 construction, installation, operation and maintenance of any improvements;
25 (6) To hire and retain agents and employees and to provide for their compensation including health
26 and pension benefits;
27 (7) To adopt and amend bylaws and any other rules and regulations;
28 (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing
29 and operating the services described in this section;
30 (9) To pay all expenses connected with the first election and all subsequent elections; and

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(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

~~[5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on July 9, 2019, such tax is greater than one-quarter of one percent, the board shall lower the tax rate.]~~

321.246. 1. The governing body of any fire protection district which operates within both a county ~~[of the first classification]~~ with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county ~~[of the first classification]~~ with a charter form of government, the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county ~~[of the first classification without]~~ with a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand, or the governing body of any fire protection district that operates in a county of the third classification with a population greater than fourteen thousand but less than fifteen thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of _____ (district's name) impose a district-wide sales tax of _____ for the purpose of providing revenues for the operation of the fire protection district?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the fire protection ~~[district]~~ sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection ~~[district]~~ sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in

1 the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section,
2 and the records shall be open to the inspection of officers of the fire protection district and the public. Not
3 later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the
4 trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be
5 deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from
6 the fire protection ~~[district]~~ sales tax trust fund shall be for the operation of the fire protection district and for
7 no other purpose.

8 5. The director of revenue may make refunds from the amounts in the trust fund and credited to any
9 fire protection district for erroneous payments and overpayments made and may redeem dishonored checks
10 and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the
11 tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the
12 effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of
13 one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or
14 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
15 After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the
16 director of revenue shall remit the balance in the account to the fire protection district and close the account
17 of that fire protection district. The director of revenue shall notify each fire protection district of each
18 instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the
19 event a tax within a fire protection district is approved under this section, and such fire protection district is
20 dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the
21 last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the
22 fire protection district and the proceeds of the tax shall be used for fire protection services within such
23 counties.

24 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the
25 tax imposed pursuant to this section."; and
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27 Further amend said bill and page, Section B, Lines 1-5, by deleting all of said section and lines; and
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29 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.