

SECOND REGULAR SESSION

# HOUSE BILL NO. 1432

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FOLEY, HANAWAY (Co-sponsors) AND GREEN (73).

Read 1<sup>st</sup> time January 10, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3532L.011

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### AN ACT

To amend chapter 650, RSMo, by adding thereto eight new sections relating to emergency communications system districts.

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

Section A. Chapter 650, RSMo, is amended by adding thereto eight new sections, to be  
2 known as sections 650.390, 650.393, 650.396, 650.399, 650.402, 650.405, 650.408, and 650.411,  
3 to read as follows:

**650.390. As used in sections 650.390 to 650.411, the following words and terms  
2 mean:**

3 **(1) "Board of commissioners", a board appointed by the chief executive officer of**  
4 **the governing body within a service area for the purpose of administering a county**  
5 **emergency communications system. No board of commissioners established pursuant to**  
6 **sections 650.390 to 650.411 shall have authority or jurisdiction over local emergency or**  
7 **police dispatching agencies;**

8 **(2) "County", any county that has adopted a charter form of government and that**  
9 **has more than nine hundred thousand inhabitants;**

10 **(3) "Emergency communications system", a wireless radio communication**  
11 **network, including infrastructure hardware and software, providing communications links**  
12 **that permit participating governmental or public safety entities to communicate within the**  
13 **area served by such system, which area has the same boundaries as the geographical**  
14 **boundaries of the county in which the emergency communications system is situated;**

15 **(4) "Governing body", the legislative body of any county that has adopted a charter**  
16 **form of government and that has more than nine hundred thousand inhabitants.**

**650.393. 1. The governing body of any county may establish an emergency**

2 communications system commission within the geographical boundaries of such county.  
3 Each such commission shall be composed of seven commissioners appointed by the chief  
4 executive officer of the county in which the commission is established.

5       2. The commission shall include a chief of police of a municipality located within  
6 the county, the chief of the police or the sheriff of the county, a chief of a municipal fire  
7 department located within the county, a chief of a fire protection district located within the  
8 county, and three at-large commissioners, who shall be residents of the county, all subject  
9 to the confirmation of the governing body of the county. Where applicable, the member  
10 who is a municipal chief of police shall be chosen from those persons nominated by a local  
11 police chiefs association. The members who are chiefs of either a municipal fire  
12 department or a fire protection district shall be chosen from those persons nominated by  
13 a local fire chiefs association. One at-large commissioner shall be chosen from those  
14 persons nominated by a local municipal league or organization. At least two of the at-large  
15 commissioners shall be persons who are not employed by a fire department or district, a  
16 police or sheriff's department, or any emergency medical system, who are not elected or  
17 appointed officials of a political subdivision of the state, or who are not employed by the  
18 state of Missouri.

19       3. The term of office of the commissioner who is a chief of police or sheriff of the  
20 county shall correspond with such person's term of office as chief of police or sheriff. At  
21 the first meeting of the commission, the other commissioners shall determine the length of  
22 their terms, provided that, two shall serve for two years, three shall serve for three years,  
23 and one shall serve for four years. All succeeding commissioners shall serve for five years.  
24 Terms shall end on December thirty-first of the respective year. No commissioner shall  
25 serve for more than two consecutive full terms. A commissioner who is not an at-large  
26 commissioner shall remain in office only so long as such commissioner retains office with  
27 the department or district that such commissioner served at the time such person was  
28 appointed to the board of commissioners. Vacancies on the board of commissioners shall  
29 be filled by persons appointed by the chief executive officer of the county in the same  
30 manner by which the commissioner whose office is vacant was first appointed.

650.396. A county in which an emergency communications system commission has  
2 been established may, by a majority vote of the qualified voters voting thereon, levy and  
3 collect either a tax on the taxable real property in the district, not to exceed six cents per  
4 one hundred dollars of assessed valuation, or a sales tax not to exceed one-tenth of one  
5 percent, to accomplish any of the following purposes:

6       (1) The provision of necessary funds to establish, operate, and maintain an  
7 emergency communications system to serve the county in which the commission is located;

8 and

9 (2) The provision of funds to supplement existing funds for the operation and  
10 maintenance of an existing emergency communications system in the county in which the  
11 commission is located.

650.399. 1. The board of commissioners may, by a majority vote of its members  
2 present, request that the governing body of the county submit to the qualified voters of  
3 such county at a general, primary, or special election either of the questions contained in  
4 subsection 2 of this section. The governing body may approve or deny such request. The  
5 governing body may also vote to submit such question without a request of the board of  
6 commissioners. The county election authority shall give legal notice of the election  
7 pursuant to chapter 115, RSMo.

8 2. The questions shall be put in substantially the following form:

9 (1) "Shall (name of county) establish an emergency communications system fund  
10 to establish (and/or) maintain an emergency communications system, and for which the  
11 county shall levy a tax of (insert exact amount, not to exceed six cents) per each one  
12 hundred dollars assessed valuation therefor, to be paid into the fund for that purpose?"

13 G YES G NO; or

14 (2) "Shall (name of county) establish an emergency communications system fund  
15 to establish (and/or) maintain an emergency communications system, and for which the  
16 county shall levy a sales tax of (insert exact amount, not to exceed one-tenth of one  
17 percent), to be paid into the fund for that purpose?"

18 G YES G NO

19 3. The election shall be conducted and vote canvassed in the same manner as other  
20 county elections. If the majority of the qualified voters voting thereon vote in favor of such  
21 tax, then the county shall levy such tax in the specified amount, beginning in the tax year  
22 immediately following its approval. The tax so levied shall be collected along with other  
23 county taxes in the manner provided by law. If the majority of the qualified voters voting  
24 thereon vote against such tax, then such tax shall not be imposed unless such tax is  
25 resubmitted to the voters and a majority of the qualified voters voting thereon approve  
26 such tax.

650.402. All funds collected from any tax approved pursuant to section 650.399  
2 shall be deposited in a special county fund, to be designated the "Emergency  
3 Communications System Fund". The fund shall be held and managed in the same manner  
4 as all other funds of such county. The fund shall be administered by the board of  
5 commissioners to accomplish the purposes set out in sections 650.390 to 650.411, and shall  
6 be used for no other purpose.

1           **650.405. The board of commissioners shall have the following powers and**  
2 **responsibilities:**

3           **(1) To supervise and administer, within the acquisition and purchasing procedures**  
4 **of the county, the building, acquisition by purchase or otherwise, construction, and**  
5 **operation of an emergency communications system for the county in which the commission**  
6 **is located;**

7           **(2) To administratively control and manage the emergency communications system;**

8           **(3) To negotiate and recommend to the governing body that the county contract**  
9 **with such companies or other business or governmental entities, which in the opinion of**  
10 **the board of commissioners are necessary to provide equipment, material, and professional**  
11 **services to establish, construct, and maintain an emergency communications system and**  
12 **conduct the business of the commission;**

13           **(4) To promulgate an annual report of the financial condition and operation of the**  
14 **commission and of the emergency communications system;**

15           **(5) To recommend to the governing body that the county purchase or acquire by**  
16 **gift such real estate and equipment and materials necessary to accomplish the purposes of**  
17 **the commission and of the emergency communications system;**

18           **(6) To adopt such by-laws, rules, and regulations as in the opinion of the board of**  
19 **commissioners shall best serve the purpose of the commission.**

**650.408. 1. The funds necessary for payment of any obligation of the county in**  
2 **connection with the establishment, operation, and maintenance of the emergency**  
3 **communications system may be paid by the county out of the fund established pursuant**  
4 **to section 650.402, or from bonds issued pursuant to this section.**

5           **2. For the purpose of supporting the operation and other purposes of the**  
6 **commission and the emergency communications system, the county may issue bonds for**  
7 **and on behalf of the county, payable out of funds derived from the sales tax authorized in**  
8 **sections 650.396 and 650.399, or from taxation of all taxable real property in the county,**  
9 **up to an amount not exceeding six percent of the assessed valuation of such property, with**  
10 **such valuation to be ascertained by the assessment immediately before the most recent**  
11 **assessment for state and county purposes, or from revenue generated from any other tax**  
12 **or fee authorized and approved by the voters pursuant to section 650.399. Such bonds**  
13 **shall be issued in denominations of one hundred dollars, or some multiple thereof, and the**  
14 **provisions of section 108.170, RSMo, to the contrary notwithstanding, such bonds may**  
15 **bear interest at a rate determined by the emergency communications district**  
16 **commissioners, payable semiannually, to become due no later than twenty years after the**  
17 **date of the bonds.**

18           **3. Whenever the board of commissioners of any such emergency communications**  
19 **district proposes to issue bonds pursuant to this section, they shall submit the question to**  
20 **the voters in the district pursuant to this section. The notice for any such election shall, in**  
21 **addition to the requirements of chapter 115, RSMo, state the amount of bonds to be issued.**

22           **4. The question shall be submitted in substantially the following form:**

23           **"Shall ..... County issue bonds in the amount of ..... dollars for the purpose of**  
24 **constructing, repairing, and maintaining the ..... Emergency Communications System?"**

25                           **G YES**

**G NO**

26           **5. The result of the election on the question shall be entered upon the records of the**  
27 **county. If it shall appear that four-sevenths of the voters voting on the question shall have**  
28 **voted in favor of the issue of the bonds, the commissioners shall order and direct the**  
29 **execution of the bonds for and on behalf of such county and the commission. If the general**  
30 **law of the state is such that other than a four-sevenths majority shall be required on ballot**  
31 **measures of this type, then the percentage set by the general law of this state shall control.**

32           **6. The county shall not sell such bonds for less than ninety-five percent of the par**  
33 **value thereof, and the proceeds shall be paid over to the county treasurer, and disbursed**  
34 **on warrants drawn by the president or vice president of the board of commissioners and**  
35 **attested by the secretary. The proceeds of the sale of such bonds shall be used for the**  
36 **purpose only of paying the cost of holding such election, and constructing, repairing, and**  
37 **maintaining the emergency communication system and its appurtenances.**

38           **7. Such bonds shall be payable and collectible only out of moneys derived from tax**  
39 **revenues authorized by section 650.399, from the sale of such bonds or from interest that**  
40 **may accrue on funds so derived while on deposit with any county depository. The county**  
41 **treasurer shall hold in reserve, for payment of interest on such bonds, a sufficient amount**  
42 **of the money so derived that may come into the treasurer's hands in excess of the amount**  
43 **then necessary to pay all bonds and interest then past due, to pay all interest that will**  
44 **become payable before the next installment of such special tax becomes payable, and three**  
45 **percent of the principal amount of the bonds not then due. The county treasurer shall,**  
46 **whenever any of the bonds or interest thereon become due, apply such money as may be**  
47 **in the treasurer's custody and applicable thereto, or that may thereafter come into the**  
48 **treasurer's custody and be applicable thereto, to payment of such bonds and interest as**  
49 **may be due and unpaid.**

50           **8. All money derived from the tax authorized pursuant to section 650.399 shall be**  
51 **used in paying the bonds and the interest thereon, except that the money that may be**  
52 **collected pursuant to such tax in excess of the amount necessary to pay all bonds then past**  
53 **due and such bonds and interest as will become payable before another assessment of such**

54 tax becomes payable may, less an amount equal to three percent of the principal amount  
55 of the bonds not then due, be used for the purposes authorized in section 650.411.

56 **9. The county treasurer shall, as such bonds are sold, deliver them to the purchaser**  
57 **upon being ordered to do so by the commissioners. The county treasurer shall cancel**  
58 **bonds as such bonds are paid, and shall deliver them to the clerk of the county.**

**650.411. All money derived from the sale of bonds pursuant to section 650.408**  
2 **except such portion as is required to be reserved pursuant to subsections 7 and 8 of section**  
3 **650.408, all money collected on any tax authorized according to section 650.399, and all**  
4 **interest that may accrue on moneys so derived while deposited with any county depository**  
5 **and not required to be used in paying such bonds or interest thereon, shall be used, and**  
6 **warrants drawn on the treasurer therefor, to pay:**

7 **(1) The cost and expenses incurred by the county in maintaining any real or**  
8 **personal property used in the operation of the emergency communication system; and**

9 **(2) Such working, administrative, and incidental expenses, not otherwise provided**  
10 **by law, as may be incurred in operating such emergency communications system.**