

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 610

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JUSTUS.

0577H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to the membership of emergency services boards.

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

Section A. Section 190.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.335, to read as follows:

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

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
 49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
 50 commission shall appoint the initial members of a board to administer the funds and oversee the
 51 provision of emergency services in the county. Beginning with the general election in 1994, all

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

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

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years. Notwithstanding any other provision of law, if there is no candidate
68 for an open position on the board, then no election shall be held for that position and it shall be
69 considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only
70 one candidate for each open position, no election shall be held and the candidate or candidates
71 shall assume office at the same time and in the same manner as if elected.

72 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
73 in any county of the first classification with more than two hundred forty thousand three hundred
74 but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third
75 classification with a township form of government and with more than twenty-eight thousand
76 but fewer than thirty-one thousand inhabitants, any emergency telephone service 911 board
77 appointed by the county under section 190.309 which is in existence on the date the voters
78 approve a sales tax under this section shall continue to exist and shall have the powers set forth
79 under section 190.339. Such boards which existed prior to August 25, 2010, shall not be
80 considered a body corporate and a political subdivision of the state for any purpose, unless and
81 until an order is entered upon an unanimous vote of the commissioners of the county in which
82 such board is established reclassifying such board as a corporate body and political subdivision
83 of the state. The order shall approve the transfer of the assets and liabilities related to the
84 operation of the emergency **telephone** service 911 system to the new entity created by the
85 reclassification of the board.

86 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
87 contrary, in any county of the second classification with more than fifty-four thousand two

88 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
89 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
90 approved a sales tax under this section, the county commission shall appoint the members of the
91 board to administer the funds and oversee the provision of emergency services in the county.

92 (2) The board shall consist of seven members appointed without regard to political
93 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
94 of the following:

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

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

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

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

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

100 (3) Upon the appointment of the board under this subsection, the board shall have the
101 power provided in section 190.339 and shall exercise all powers and duties exercised by the
102 county commission under this chapter, and the commission shall relinquish all powers and duties
103 relating to the provision of emergency services under this chapter to the board.

104 (4) In any county of the first classification with more than fifty thousand but fewer than
105 seventy thousand inhabitants **and with a county seat with more than two thousand one**
106 **hundred but fewer than two thousand four hundred inhabitants, the board shall include**
107 **one member from** each of the **five** entities listed in subdivision (2) of this subsection [~~shall be~~
108 ~~represented on the board by at least one member~~] **and two "public members" who shall be**
109 **residents of the county and not affiliated with any of the entities listed under subdivision**
110 **(2) of this subsection.**

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