

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1431, Page 1, Section 99.848, Line 12, by inserting immediately after said
2 section and line the following:

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

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

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

17 Shall the county of _____ (insert name of county) impose a county sales tax of _____
18 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
19 emergency ambulance service, including emergency telephone services, and other emergency
20 services?

21 YES NO
22

23 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
24 the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast
25 by the qualified voters voting are opposed to the proposal, then the county commission shall have
26 no power to impose the tax authorized by this section unless and until the county commission shall
27 again have submitted another proposal to authorize the county commission to impose the tax under
28 the provisions of this section, and such proposal is approved by a majority of the qualified voters
29 voting thereon.

30 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the
31 sale at retail of all tangible personal property or taxable services at retail within any county adopting
32 such tax, if such property and services are subject to taxation by the state of Missouri under the
33 provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
34 months before operation of the central dispatching of emergency services.

35 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
36 apply to the tax imposed under this section.

Action Taken _____ Date _____

1 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in
2 which the tax imposed pursuant to this section for emergency services is certified by the board to be
3 fully operational. Any revenues collected from the tax authorized under section 190.305 shall be
4 credited for the purposes for which they were intended.

5 7. At least once each calendar year, the board, as established by subsection 11 of this
6 section, shall establish a tax rate, not to exceed the amount authorized, that together with any
7 surplus revenues carried forward will produce sufficient revenues to fund the expenditures
8 authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within a
9 given year shall be carried forward to subsequent years. The board shall make its determination of
10 such tax rate each year no later than September first and shall fix the new rate which shall be
11 collected as provided in sections 190.290 to 190.296. Immediately upon making its determination
12 and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every
13 retailer by mail of the new rate.

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

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

32 10. Beginning in 1994, three members shall be elected from each district of the county
33 commission and one member shall be elected at large. The members of the board shall annually
34 elect, from among their number, the chairman of the board. Of those first elected, four members
35 from districts of the county commission shall be elected for terms of two years and two members
36 from districts of the county commission and the member at large shall be elected for terms of four
37 years. In 1996, and thereafter, all terms of office shall be four years. The election of the board
38 members shall be conducted at the first municipal election held in a calendar year.

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

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

44 13. This section shall apply to any county.

45 190.294. 1. The powers and duties of the emergency services board shall include, but not
46 be limited to:

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

48 (2) Coordinating and supervising the implementation, upgrading or maintenance of the

1 system, including the establishment of equipment specifications and coding systems;

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

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

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

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

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

15 (8) Having and using a corporate seal;

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

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

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

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

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

24 (14) Having and exercising all rights and powers necessary or incidental to or implied from
25 the specific powers granted in this section. Such specific powers shall not be considered as a
26 limitation upon any power necessary or appropriate to carry out the purposes and intent of sections
27 190.290 to 190.296;

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

36 (16) Purchasing insurance indemnifying the district and its employees, officers, volunteers,
37 and directors against liability in rendering services incidental to the furnishing of central dispatching
38 of emergency services. Purchase of insurance pursuant to this section is not intended to waive
39 sovereign immunity, official immunity, or the Missouri public duty doctrine defenses.

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

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

48 4. The board shall elect a vice chairman, treasurer, secretary and such other officers as it

1 deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be
2 determined and in a form to be approved by the board for the faithful performance of the treasurer's
3 duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer
4 shall enter into the surety bond with a surety company authorized to do business in Missouri, and
5 the cost of such bond shall be paid by the board of directors.

6 5. The board may accept any gift of property or money for the use and benefit of the central
7 dispatching of emergency services, and the board is authorized to sell or exchange any such
8 property which it believes would be to the benefit of the service so long as the proceeds are used
9 exclusively for central dispatching of emergency services. The board shall have exclusive control of
10 all gifts, property or money it may accept; of all interest of other proceeds which may accrue from
11 the investment of such gifts or money or from the sale of such property; of all tax revenues collected
12 by the county on behalf of the central dispatching of emergency services; and of all other funds
13 granted, appropriated or loaned to it by the federal government, the state or its political subdivisions
14 so long as such resources are used solely to benefit the central dispatching of emergency services.

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

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

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

21 (3) Neglect of duty.

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

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

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

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

35 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
36 under the authority delegated in sections 190.300 to 190.341 shall become effective only if it
37 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
38 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
39 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
40 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
41 rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

45 13. This section shall apply to any county.

46 190.296. 1. For the purpose of purchasing any property or equipment necessary or
47 incidental to the operation of central dispatching of emergency services, the board may borrow
48 money and issue bonds for the payment thereof in the manner provided herein. The question of the

1 loan shall be decided by the submission of the question to the eligible voters of the county at the
2 first municipal election held in a calendar year.

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

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

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

10 4. The loans authorized by this section shall not be contracted for a period longer than
11 twenty years, and the entire amount of the loan shall at no time exceed, including the existing
12 indebtedness of the board, in the aggregate, ten percent of the value of taxable tangible property
13 therein, as shown by the last completed assessment for state and county purposes, the rate of interest
14 to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract;
15 when effected, it shall be the duty of the directors to direct a portion of the tax collected pursuant to
16 section 190.292 in an amount sufficient to pay the interest on the indebtedness as it falls due, and
17 also to constitute a sinking fund for the payment of the principal thereof within the time the
18 principal becomes due.

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

22 6. This section shall apply to any county."; and
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.