

FIRST REGULAR SESSION

HOUSE BILL NO. 515

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOLEY.

Read 1st time January 24, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1013L.011

AN ACT

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

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 known as sections 650.390, 650.393, 650.396, 650.399, 650.402, 650.405, 650.408 and 650.411, to read as follows:

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

(1) "Board of commissioners", a board appointed by the chief executive officer of the governing body within a service area for the purpose of administering a county emergency communications system;

(2) "County", any county of the first classification with a charter form of government and a population of more than nine hundred thousand inhabitants;

(3) "Emergency communications system", a wireless radio communication network, including infrastructure hardware and software, providing communications links that permit participating governmental or public safety entities to communicate within the area served by such system;

(4) "Governing body", the legislative body of any county of the first classification with a charter form of government and a population of more than nine hundred thousand inhabitants.

650.393. 1. The governing body of a county may establish an emergency communications system commission within the geographical boundaries of such county. 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. The terms of office of the commissioners shall be:

14 (1) For the chief of the police or the sheriff of the county, the term shall be
15 coterminous with such person's term as chief or sheriff;

16 (2) For the chief of police of a municipality located within the county, two years;

17 (3) For the chief of a fire protection district located within the county, three years;

18 and

19 (4) For at-large commissioners, two years.

 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 official shall give legal notice of the election pursuant
7 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 ☐ YES

☐ 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 ☐ YES

☐ 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 650.396, 650.405 and 650.411,
6 and shall be used for no other purpose.

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

3 (1) To build, acquire by purchase or otherwise construct and operate an emergency
4 communications system for the county in which the district is located;

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

6 (3) To employ necessary personnel, fix their compensation, and provide quarters
7 and equipment for the operation of the emergency communications system;

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

13 (5) To promulgate an annual report of the financial condition and operation of the

14 **commission and of the emergency communications system;**

15 **(6) To purchase or acquire by gift such real estate and equipment and materials**
16 **necessary to accomplish the purposes of the district;**

17 **(7) To adopt such by-laws, rules and regulations as in the opinion of the board of**
18 **commissioners shall best serve the purpose of the district; and**

19 **(8) To have and exercise all rights and powers necessary or incidental to or implied**
20 **from the specific powers granted in sections 650.390 to 650.411. Such specific powers shall**
21 **not be considered as a limitation upon any power necessary or appropriate to carry out the**
22 **purpose and intent of sections 650.390 to 650.411.**

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

5 **2. An emergency communications system district formed pursuant to sections**
6 **650.390 to 650.411 may:**

7 **(1) Contract for and incur liabilities appropriate to accomplish its purposes;**

8 **(2) Borrow money for its purpose at such rates of interest as the district may**
9 **determine; and**

10 **(3) Issue bonds for and on behalf of the district, payable out of funds derived from**
11 **the sales tax authorized in sections 650.396 and 650.399 or from taxation of all taxable real**
12 **property in the district, up to an amount not exceeding six percent of the assessed valuation**
13 **of such property, with such valuation to be ascertained by the assessment immediately**
14 **prior to the most recent assessment for state and county purposes. Such bonds shall be**
15 **issued in denominations of one hundred dollars, or some multiple thereof, and the**
16 **provisions of section 108.170, RSMo, to the contrary notwithstanding, such bonds may**
17 **bear interest at a rate determined by the emergency communications district**
18 **commissioners, payable semiannually, to become due no later than twenty years after the**
19 **date of the bonds.**

20 **3. Whenever the board of commissioners of any such emergency communications**
21 **district proposes to issue bonds pursuant to subdivision (3) of subsection 2 of this section,**
22 **they shall submit the question to the voters in the district pursuant to this section. The**
23 **notice for any such election shall, in addition to the requirements of chapter 115, RSMo,**
24 **state the amount of bonds to be issued.**

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

26 **"Shall the Emergency Communications District of County issue bonds**
27 **in the amount of dollars?"**

28

☐ YES☐ NO

29

30 **5. The result of the election on the question shall be entered upon the records of the**
31 **district. If it shall appear that four-sevenths of the voters voting on the question shall have**
32 **voted in favor of the issue of the bonds, the commissioners shall order and direct the**
33 **execution of the bonds for and on behalf of such district.**

34

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

42

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

54

55 **8. All money derived from the tax authorized pursuant to section 650.399 shall be**
56 **used in paying the bonds and the interest thereon, except that the money that may be**
57 **collected pursuant to such tax in excess of the amount necessary to pay all bonds then past**
58 **due and such bonds and interest as will become payable before another assessment of such**
59 **tax becomes payable may, less an amount equal to three percent of the principal amount**
60 **of the bonds not then due, be used for the purposes authorized in section 650.411.**

61

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

65

66 **650.411. All money derived from the sale of bonds pursuant to section 650.408**
67 **except such portion as is required to be reserved pursuant to subsections 7 and 8 of section**
68 **650.408, all money collected on any tax authorized according to section 650.399 and all**
69 **interest that may accrue on moneys so derived while deposited with any county depository**

2

3

4

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 emergency communications district
8 commissioners in maintaining any real or personal property used in the operation of the
9 emergency communication system for which the district was organized; and

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