

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1329
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government April 28, 2004, with recommendation that the House Committee Substitute for Senate Bill No. 1329 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

4722L.07C

AN ACT

To amend chapter 190, RSMo, by adding thereto four new sections relating to emergency services.

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

Section A. Chapter 190, RSMo, is amended by adding thereto four new sections, to be known as sections 190.342, 190.344, 190.346, and 190.348, to read as follows:

190.342. As used in sections 190.342 to 190.348, the following terms shall mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number, "911", for reporting police, fire, medical, or other emergency situations;
- (2) "Emergency services board" or "board", those persons appointed or elected pursuant to section 190.335;
- (3) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau, or fraternal organization, estate, trust, business, or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (4) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services.

190.344. 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

3 the provision of central dispatching of fire protection, including law enforcement agencies,
4 emergency ambulance service or any other emergency services, including emergency
5 telephone services, which shall be collectively referred to herein as "emergency services",
6 and which may also include the purchase and maintenance of communications and
7 emergency equipment, including the operational costs associated therein, in accordance
8 with the provisions of this section.

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

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

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
18 of fire protection, emergency ambulance service, including emergency telephone services,
19 and other emergency services?

20 ☐ YES

☐ NO

21
22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
23 favor of the proposal, then the ordinance shall be in effect as provided herein. If a
24 majority of the votes cast by the qualified voters voting are opposed to the proposal, then
25 the county commission shall have no power to impose the tax authorized by this section
26 unless and until the county commission shall again have submitted another proposal to
27 authorize the county commission to impose the tax under the provisions of this section, and
28 such proposal is approved by a majority 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
30 from the sale at retail of all tangible personal property or taxable services at retail within
31 any county adopting such tax, if such property and services are subject to taxation by the
32 state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax
33 shall not be collected prior to thirty-six months before operation of the central dispatching
34 of emergency services.

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

37 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax
38 year in which the tax imposed pursuant to this section for emergency services is certified

39 by the board to be fully operational. Any revenues collected from the tax authorized under
40 section 190.305 shall be credited for the purposes for which they were intended.

41 7. At least once each calendar year, the board, as established by subsection 11 of
42 this section, shall establish a tax rate, not to exceed the amount authorized, that together
43 with any surplus revenues carried forward will produce sufficient revenues to fund the
44 expenditures authorized by this act. Amounts collected in excess of that necessary within
45 a given year shall be carried forward to subsequent years. The board shall make its
46 determination of such tax rate each year no later than September first and shall fix the new
47 rate which shall be collected as provided in this act. Immediately upon making its
48 determination and fixing the rate, the board shall publish in its minutes the new rate, and
49 it shall notify every retailer by mail of the new rate.

50 8. Immediately upon the affirmative vote of voters of such a county on the ballot
51 proposal to establish a county sales tax pursuant to the provisions of this section, the
52 county commission shall appoint the initial members of a board to administer the funds
53 and oversee the provision of emergency services in the county. Beginning with the general
54 election in 1994, all board members shall be elected according to this section and other
55 applicable laws of this state. At the time of the appointment of the initial members of the
56 board, the commission shall relinquish and no longer exercise the duties prescribed in this
57 chapter with regard to the provision of emergency services and such duties shall be
58 exercised by the board.

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

70 10. Beginning in 1994, three members shall be elected from each district of the
71 county commission and one member shall be elected at large. The members of the board
72 shall annually elect, from among their number, the chairman of the board. Of those first
73 elected, four members from districts of the county commission shall be elected for terms
74 of two years and two members from districts of the county commission and the member

75 at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office
76 shall be four years.

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

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

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

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

4 (2) Coordinating and supervising the implementation, upgrading or maintenance
5 of the system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax authorized to be levied pursuant to
7 section 190.335 and authorizing disbursements from such moneys collected;

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

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

15 (6) Borrowing money and issuing bonds, notes, certificates, or other evidences of
16 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
17 compliance with any condition or limitation set forth in sections 190.330 to 190.341 or
18 otherwise provided by the Constitution of Missouri;

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

20 (8) Having and using a corporate seal;

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

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

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

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

30 **(13) Paying all expenses connected with the first election and all subsequent**
31 **elections;**

32 **(14) Having and exercising all rights and powers necessary or incidental to or**
33 **implied from the specific powers granted in this section. Such specific powers shall not be**
34 **considered as a limitation upon any power necessary or appropriate to carry out the**
35 **purposes and intent of sections 190.330 to 190.341;**

36 **(15) Maintaining central dispatching of emergency services for the benefit of the**
37 **inhabitants of the area comprising the district regardless of race, creed, or color, and to**
38 **adopt such reasonable rules and regulations as may be necessary to render the highest**
39 **quality of the central dispatching of emergency services; excluding from the use of the**
40 **central dispatching of emergency services all persons who willfully disregard any of the**
41 **rules and regulations so established; extending the privileges and use of the central**
42 **dispatching of emergency services to persons residing outside the area of the district upon**
43 **such terms and conditions as the board prescribes by its rules and regulations;**

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

49 **2. The administrative control and management of the moneys from any county sales**
50 **tax authorized to be levied pursuant to section 190.335 and the administrative control and**
51 **management of the central dispatching of emergency services shall rest solely with the**
52 **board, and the board shall employ all necessary personnel, affix their compensation and**
53 **provide suitable quarters and equipment for the operation of the central dispatching of**
54 **emergency services from the funds available for this purpose.**

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

58 **4. The board shall elect a vice chairman, treasurer, secretary and such other**
59 **officers as it deems necessary. Before taking office, the treasurer shall furnish a surety**
60 **bond in an amount to be determined and in a form to be approved by the board for the**
61 **faithful performance of the treasurer's duties and faithful accounting of all moneys that**
62 **may come into the treasurer's hands. The treasurer shall enter into the surety bond with**
63 **a surety company authorized to do business in Missouri, and the cost of such bond shall**
64 **be paid by the board of directors.**

65 **5. The board may accept any gift of property or money for the use and benefit of**
66 **the central dispatching of emergency services, and the board is authorized to sell or**
67 **exchange any such property which it believes would be to the benefit of the service so long**
68 **as the proceeds are used exclusively for central dispatching of emergency services. The**
69 **board shall have exclusive control of all gifts, property or money it may accept; of all**
70 **interest of other proceeds which may accrue from the investment of such gifts or money**
71 **or from the sale of such property; of all tax revenues collected by the county on behalf of**
72 **the central dispatching of emergency services; and of all other funds granted, appropriated**
73 **or loaned to it by the federal government, the state or its political subdivisions so long as**
74 **such resources are used solely to benefit the central dispatching of emergency services.**

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

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

79 **(2) Conduct prejudicial to the good order and efficient operation of the central**
80 **dispatching of emergency services; or**

81 **(3) Neglect of duty.**

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

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

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

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

96 **11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
97 **that is created under the authority delegated in sections 190.300 to 190.341 shall become**
98 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
99 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
100 **nonseverable and if any of the powers vested with the general assembly pursuant to**

chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

190.348. 1. For the purpose of purchasing any property or equipment necessary or incidental to the operation of central dispatching of emergency services, the board may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be decided by the submission of the question to the eligible voters of the county at the first municipal election held in a calendar year.

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

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

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

4. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the board, in the aggregate, ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to direct a portion of the tax collected pursuant to section 190.335 in an amount sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

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