

FIRST REGULAR SESSION

HOUSE BILL NO. 1136

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORLEW.

2259H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.325 and 190.327, RSMo, and to enact in lieu thereof two new sections relating to emergency communication services.

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

Section A. Sections 190.325 and 190.327, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 190.325 and 190.327, to read as follows:

190.325. 1. In any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants but less than two hundred **fifty** thousand inhabitants, the county commission may use all or a part of the moneys derived from the emergency telephone tax authorized pursuant to section 190.305 for central dispatching of fire protection, emergency ambulance service or any other emergency services, which may include the purchase and maintenance of communications and emergency equipment. In the event such commission chooses to use the tax provided in that section for such services, the provisions of sections 190.300 to 190.320 shall apply except as provided in this section.

2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section and the amounts required to be collected are due monthly. The amount of tax collected in one calendar month by the service supplier shall be remitted to the governing body no later than one month after the close of a calendar month. On or before the last day of each calendar month, a return for the preceding month shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier shall include the list of any service user refusing to pay the tax imposed by this section with each return filing. The service

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.

18 supplier required to file the return shall deliver the return, together with a remittance of the
19 amount of the tax collected. The records shall be maintained for a period of one year from the
20 time the tax is collected. From every remittance to the governing body made on or before the
21 date when the same becomes due, the service supplier required to remit the same shall be entitled
22 to deduct and retain, as a collection fee, an amount equal to two percent thereof.

23 3. Nothing in this section shall be construed to require any municipality or other political
24 subdivision to join the central dispatching system established pursuant to this section. The
25 governing body of any municipality or other political subdivision may contract with the board
26 established pursuant to section 190.327 for such services or portion of such services, or for the
27 purchase and maintenance of communication and emergency equipment.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the
2 emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the
3 commission shall appoint the initial members of a board which shall administer the funds and
4 oversee the provision of central dispatching for emergency services in the county and in
5 municipalities and other political subdivisions which have contracted for such service.
6 Beginning with the general election in 1992, all board members shall be elected according to this
7 section and other applicable laws of this state. At the time of the appointment of the initial
8 members of the board, the commission shall relinquish to the board and no longer exercise the
9 duties prescribed in this chapter with regard to the provision of emergency telephone service and
10 in chapter 321, with regard to the provision of central dispatching service, and such duties shall
11 be exercised by the board.

12 2. Elections for board members may be held on general municipal election day, as
13 defined in subsection 3 of section 115.121, after approval by a simple majority of the county
14 commission.

15 3. For the purpose of providing the services described in this section, the board shall
16 have the following powers, authority and privileges:

17 (1) To have and use a corporate seal;

18 (2) To sue and be sued, and be a party to suits, actions and proceedings;

19 (3) To enter into contracts, franchises and agreements with any person, partnership,
20 association or corporation, public or private, affecting the affairs of the board;

21 (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal
22 property, including leases and easements;

23 (5) To have the management, control and supervision of all the business affairs of the
24 board and the construction, installation, operation and maintenance of any improvements;

25 (6) To hire and retain agents and employees and to provide for their compensation
26 including health and pension benefits;

- 27 (7) To adopt and amend bylaws and any other rules and regulations;
- 28 (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of
29 implementing and operating the services described in this section;
- 30 (9) To pay all expenses connected with the first election and all subsequent elections;
31 and
- 32 (10) To have and exercise all rights and powers necessary or incidental to or implied
33 from the specific powers granted in this subsection. Such specific powers shall not be
34 considered as a limitation upon any power necessary or appropriate to carry out the purposes and
35 intent of sections 190.300 to 190.329.
- 36 **4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the**
37 **contrary, the county commission may elect to appoint the members of the board to**
38 **administer the funds and oversee the provision of central dispatching for emergency**
39 **services in the counties and municipalities and other political subdivisions which have**
40 **contracted for such service upon the request of the municipalities and other political**
41 **subdivisions. Upon appointment of the initial members of the board, the commission shall**
42 **relinquish to the board and no longer exercise the duties prescribed in this chapter with**
43 **regard to the provision of central dispatching service and such duties shall be exercised by**
44 **the board.**
- 45 **(2) The board shall consist of seven members appointed without regard to political**
46 **affiliation. The members shall include:**
- 47 **(a) Five members who shall serve for so long as they remain in their respective**
48 **county or municipal positions as follows:**
- 49 **a. The county sheriff, or his or her designee;**
- 50 **b. The heads of the municipal police department who have contracted for central**
51 **dispatching service in the two largest municipalities wholly contained within the county,**
52 **or their designees; and**
- 53 **c. The heads of the municipal fire departments or fire divisions who have**
54 **contracted for central dispatching service in the two largest municipalities wholly**
55 **contained within the county, or their designees;**
- 56 **(b) Two members who shall serve two year terms appointed from among the**
57 **following:**
- 58 **a. The head of any of the county's fire protection districts who have contracted for**
59 **central dispatching service, or his or her designee;**
- 60 **b. The head of any of the county's ambulance districts who have contracted for**
61 **central dispatching service, or his or her designee;**

62 **c. The head of any of the municipal police departments located in the county who**
63 **have contracted for central dispatching service, or his or her designee, excluding those**
64 **mentioned in subparagraph b of paragraph (a) of subdivision (2) of this subsection; and**

65 **d. The head of any of the municipal fire departments in the county who have**
66 **contracted for central dispatching service, or his or her designee, excluding those**
67 **mentioned in subparagraph c of paragraph (a) of subdivision (2) of this subsection.**

68 **(3) Upon the appointment of the board under this subsection, the board shall have**
69 **the powers provided in subsection 3 of this section and the commission shall relinquish all**
70 **powers and duties relating to the provision of central dispatching service under this**
71 **chapter to the board.**

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