

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 648
102ND GENERAL ASSEMBLY

0807H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.327 and 321.246, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

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

Section A. Sections 190.327 and 321.246, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 190.327 and 321.246, to read as follows:

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

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.

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
22 personal 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
35 and 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 administer
38 the funds and oversee the provision of central dispatching for emergency services in the
39 counties, municipalities, and other political subdivisions which have contracted for such
40 service upon the request of the municipalities and other political subdivisions. Upon
41 appointment of the initial members of the board, the commission shall relinquish all powers
42 and duties to the board and no longer exercise the duties prescribed in this chapter with regard
43 to the provision of central dispatching service and such duties shall be exercised by the board.

44 (2) The board shall consist of seven members appointed without regard to political
45 affiliation. The members shall include:

46 (a) Five members who shall serve for so long as they remain in their respective
47 county or municipal positions as follows:

48 a. The county sheriff, or his or her designee;

49 b. The heads of the municipal police department who have contracted for central
50 dispatching service in the two largest municipalities wholly contained within the county, or
51 their designees; or

52 c. The heads of the municipal fire departments or fire divisions who have contracted
53 for central dispatching service in the two largest municipalities wholly contained within the
54 county, or their designees;

55 (b) Two members who shall serve two-year terms appointed from among the
56 following:

57 a. The head of any of the county's fire protection districts who have contracted for
58 central dispatching service, or his or her designee;

59 b. The head of any of the county's ambulance districts who have contracted for central
60 dispatching service, or his or her designee;

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

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

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

71 ~~[5. An emergency services board originally organized under section 190.325~~
72 ~~operating within a county with a charter form of government and with more than two hundred~~
73 ~~thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax~~
74 ~~for emergency services or for providing central dispatching for emergency services greater~~
75 ~~than one quarter of one percent. If on July 9, 2019, such tax is greater than one quarter of one~~
76 ~~percent, the board shall lower the tax rate.]~~

321.246. 1. The governing body of any fire protection district which operates within
2 both a county ~~[of the first classification]~~ with a charter form of government and with a
3 population greater than six hundred thousand but less than nine hundred thousand and a
4 county of the fourth classification with a population greater than thirty thousand but less than
5 thirty-five thousand and that adjoins a county ~~[of the first classification]~~ with a charter form
6 of government, the governing body of any fire protection district which contains a city of the
7 fourth classification having a population greater than two thousand four hundred when the
8 city is located in a county ~~[of the first classification without]~~ **with** a charter form of
9 government having a population greater than one hundred fifty thousand and the county
10 contains a portion of a city with a population greater than three hundred fifty thousand, or the
11 governing body of any fire protection district that operates in a county of the third
12 classification with a population greater than fourteen thousand but less than fifteen thousand
13 may impose a sales tax in an amount of up to one-half of one percent on all retail sales made
14 in such fire protection district which are subject to taxation pursuant to the provisions of
15 sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any

16 and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the
17 provisions of this section shall be effective unless the governing body of the fire protection
18 district submits to the voters of the fire protection district, at a county or state general, primary
19 or special election, a proposal to authorize the governing body of the fire protection district to
20 impose a tax.

21 2. The ballot of submission shall contain, but need not be limited to, the following
22 language:

23 Shall the fire protection district of _____ (district's name)
24 impose a district-wide sales tax of _____ for the purpose of
25 providing revenues for the operation of the fire protection
26 district?

27 YES NO

28

29 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
30 favor of the proposal, then the sales tax authorized in this section shall be in effect. If a
31 majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
32 governing body of the fire protection district shall not impose the sales tax authorized in this
33 section unless and until the governing body of the fire protection district resubmits a proposal
34 to authorize the governing body of the fire protection district to impose the sales tax
35 authorized by this section and such proposal is approved by a majority of the qualified voters
36 voting thereon.

37 3. All revenue received by a fire protection district from the tax authorized pursuant
38 to the provisions of this section shall be deposited in a special trust fund and shall be used
39 solely for the operation of the fire protection district.

40 4. All sales taxes collected by the director of revenue pursuant to this section on
41 behalf of any fire protection district, less one percent for cost of collection which shall be
42 deposited in the state's general revenue fund after payment of premiums for surety bonds as
43 provided in section 32.087, shall be deposited in the fire protection [~~district~~] sales tax trust
44 fund established pursuant to section 321.242. The moneys in the fire protection [~~district~~]
45 sales tax trust fund shall not be deemed to be state funds and shall not be commingled with
46 any funds of the state. The director of revenue shall keep accurate records of the amount of
47 money in the trust and which was collected in each fire protection district imposing a sales tax
48 pursuant to this section, and the records shall be open to the inspection of officers of the fire
49 protection district and the public. Not later than the tenth day of each month, the director of
50 revenue shall distribute all moneys deposited in the trust fund during the preceding month to
51 the fire protection district which levied the tax. Such funds shall be deposited with the
52 treasurer of each such fire protection district, and all expenditures of funds arising from the

53 fire protection [~~district~~] sales tax trust fund shall be for the operation of the fire protection
54 district and for no other purpose.

55 5. The director of revenue may make refunds from the amounts in the trust fund and
56 credited to any fire protection district for erroneous payments and overpayments made and
57 may redeem dishonored checks and drafts deposited to the credit of such fire protection
58 districts. If any fire protection district abolishes the tax, the fire protection district shall notify
59 the director of revenue of the action at least ninety days prior to the effective date of the
60 repeal and the director of revenue may order retention in the trust fund, for a period of one
61 year, of two percent of the amount collected after receipt of such notice to cover possible
62 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to
63 the credit of such accounts. After one year has elapsed after the effective date of abolition of
64 the tax in such fire protection district, the director of revenue shall remit the balance in the
65 account to the fire protection district and close the account of that fire protection district. The
66 director of revenue shall notify each fire protection district of each instance of any amount
67 refunded or any check redeemed from receipts due the fire protection district. In the event a
68 tax within a fire protection district is approved under this section, and such fire protection
69 district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved
70 and the proceeds from the last collection of such tax shall be distributed to the governing
71 bodies of the counties formerly containing the fire protection district and the proceeds of the
72 tax shall be used for fire protection services within such counties.

73 6. Except as modified in this section, all provisions of sections 32.085 and 32.087
74 shall apply to the tax imposed pursuant to this section.

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