

FIRST REGULAR SESSION

# SENATE BILL NO. 319

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time January 19, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1449S.011

## AN ACT

To repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to the administration of emergency services in certain cities.

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

Section A. Section 190.335, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 190.335, to read as follows:

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

10 2. Such county commission may, by a majority vote of its members, submit  
11 to the voters of the county, at a public election, a proposal to authorize the county  
12 commission to impose a tax under the provisions of this section. If the residents  
13 of the county present a petition signed by a number of residents equal to ten  
14 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  
16 county.

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

18 Shall the county of \_\_\_\_\_ (insert name of county) impose a county sales  
19 tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose of providing central  
20 dispatching of fire protection, emergency ambulance service, including emergency

21 telephone services, and other emergency services?

22  YES  NO

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

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

37 5. Except as modified in this section, all provisions of sections 32.085 and  
38 32.087 shall apply to the tax imposed under this section.

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

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

54 8. **Except as provided in this subsection for a city not within a**  
55 **county**, immediately upon the affirmative vote of voters of such a county on the  
56 ballot proposal to establish a county sales tax pursuant to the provisions of this

57 section, the county commission shall appoint the initial members of a board to  
58 administer the funds and oversee the provision of emergency services in the  
59 county. Beginning with the general election in 1994, all board members shall be  
60 elected according to this section and other applicable laws of this state. At the  
61 time of the appointment of the initial members of the board, the commission shall  
62 relinquish and no longer exercise the duties prescribed in this chapter with  
63 regard to the provision of emergency services and such duties shall be exercised  
64 by the board. **With respect to a city not within a county, upon an**  
65 **affirmative vote of voters on the ballot proposal to establish a sales tax**  
66 **pursuant to the provisions of this section, administration of the funds**  
67 **and oversight of the provisions of emergency services shall be**  
68 **determined by the governing body of said city not within a county. In**  
69 **addition, subsections 9 to 11 of this section shall not apply to any city**  
70 **not within a county.**

71       9. The initial board shall consist of seven members appointed without  
72 regard to political affiliation, who shall be selected from, and who shall represent,  
73 the fire protection districts, ambulance districts, sheriff's department,  
74 municipalities, any other emergency services and the general public. This initial  
75 board shall serve until its successor board is duly elected and installed in  
76 office. The commission shall ensure geographic representation of the county by  
77 appointing no more than four members from each district of the county  
78 commission.

79       10. Beginning in 1994, three members shall be elected from each district  
80 of the county commission and one member shall be elected at large, such member  
81 to be the chairman of the board. Of those first elected, four members from  
82 districts of the county commission shall be elected for terms of two years and two  
83 members from districts of the county commission and the member at large shall  
84 be elected for terms of four years. In 1996, and thereafter, all terms of office  
85 shall be four years. Notwithstanding any other provision of law, if there is no  
86 candidate for an open position on the board, then no election shall be held for  
87 that position and it shall be considered vacant, to be filled pursuant to the  
88 provisions of section 190.339, and, if there is only one candidate for each open  
89 position, no election shall be held and the candidate or candidates shall assume  
90 office at the same time and in the same manner as if elected.

91       11. Notwithstanding the provisions of subsections 8 to 10 of this section  
92 to the contrary, in any county of the first classification with more than two

93 hundred forty thousand three hundred but fewer than two hundred forty  
94 thousand four hundred inhabitants or in any county of the third classification  
95 with a township form of government and with more than twenty-eight thousand  
96 but fewer than thirty-one thousand inhabitants, any emergency telephone service  
97 911 board appointed by the county under section 190.309 which is in existence on  
98 the date the voters approve a sales tax under this section shall continue to exist  
99 and shall have the powers set forth under section 190.339. Such boards which  
100 existed prior to August 25, 2010, shall not be considered a body corporate and a  
101 political subdivision of the state for any purpose, unless and until an order is  
102 entered upon an unanimous vote of the commissioners of the county in which  
103 such board is established reclassifying such board as a corporate body and  
104 political subdivision of the state. The order shall approve the transfer of the  
105 assets and liabilities related to the operation of the emergency **telephone** service  
106 911 system to the new entity created by the reclassification of the board.

107         12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
108 section to the contrary, in any county of the second classification with more than  
109 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
110 inhabitants or any county of the first classification with more than fifty thousand  
111 but fewer than seventy thousand inhabitants that has approved a sales tax under  
112 this section, the county commission shall appoint the members of the board to  
113 administer the funds and oversee the provision of emergency services in the  
114 county.

115         (2) The board shall consist of seven members appointed without regard  
116 to political affiliation. Except as provided in subdivision (4) of this subsection,  
117 each member shall be one of the following:

- 118         (a) The head of any of the county's fire protection districts, or a designee;
- 119         (b) The head of any of the county's ambulance districts, or a designee;
- 120         (c) The county sheriff, or a designee;
- 121         (d) The head of any of the police departments in the county, or a designee;

122 and

- 123         (e) The head of any of the county's emergency management organizations,  
124 or a designee.

125         (3) Upon the appointment of the board under this subsection, the board  
126 shall have the power provided in section 190.339 and shall exercise all powers  
127 and duties exercised by the county commission under this chapter, and the  
128 commission shall relinquish all powers and duties relating to the provision of

129 emergency services under this chapter to the board.

130 (4) In any county of the first classification with more than fifty thousand  
131 but fewer than seventy thousand inhabitants, each of the entities listed in  
132 subdivision (2) of this subsection shall be represented on the board by at least one  
133 member.

✓

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Bill

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