

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 795

91ST GENERAL ASSEMBLY

2002

2945S.10T

AN ACT

To amend chapter 650, RSMo, by adding thereto nine new sections relating to emergency communication systems.

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

Section A. Chapter 650, RSMo, is amended by adding thereto nine new sections, to be known as sections 650.277, 650.390, 650.393, 650.396, 650.399, 650.402, 650.405, 650.408 and 650.411, to read as follows:

650.277. 1. As otherwise provided by sections 650.200 to 650.295, the boiler and pressure vessel board shall set fees for inspection, permits, licenses, and certificates required by sections 650.200 to 650.295. Fees shall be determined by the board to provide sufficient funds for the operation of the board and shall be set by rule or regulation promulgated in accordance with the provisions of section 536.021, RSMo. The board may alter the fee schedule once every two years. Any funds collected pursuant to sections 650.200 to 650.295 shall be deposited in the "Boiler and Pressure Vessels Safety Fund", which is hereby created. Beginning July 1, 2003, moneys in the fund shall be appropriated from the fund for the expenses of the board. A municipality or other political subdivision enforcing the provisions of sections 650.200 to 650.295 and which performs the inspections, permitting, licensing, and certification as required, the fee for such inspection shall be paid directly to the municipality or political subdivision and shall not be preempted by sections 650.200 to 650.295, except that any fee established by the board for the issuance of appropriate state certificates shall be paid to the board.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section or under the authority of sections 650.210 to 650.275 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section

536.028, RSMo. This section and chapter 536, RSMo, are 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, 2002, shall be invalid and void.

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. No board of commissioners established pursuant to sections 650.390 to 650.411 shall have jurisdiction over local emergency or police dispatching agencies;

(2) "County", any charter county with 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 which is coterminous with the geographic boundaries of the county in which the emergency communications system is situated;

(4) "Governing body", the legislative body of any county 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 executive officer of the county in which the commission is established.

2. The commission shall include a chief of police of a municipality located within the county, the chief of the police or the sheriff of the county, a chief of a municipal fire department located within the county, a chief of a fire protection district located within the county, and three at-large commissioners, who shall be residents of the county, all subject to the confirmation of the governing body of the county. Where applicable, the member who is a municipal chief of police shall be chosen from those persons nominated by a local police chiefs association. The members who are chiefs of either a municipal fire department or a fire protection district shall be chosen from those persons nominated by a local fire chiefs association. One at-large commissioner shall be chosen from those persons nominated by a local municipal league or organization. At least two of the at-large commissioners shall be persons who are not employed by a fire department or district,

a police or sheriff's department, or any emergency medical system, or who are not elected or appointed officials of a political subdivision of the state or are not employed by the state of Missouri.

3. The terms of office of the commissioner who is a chief of police or sheriff of the county shall be coterminous with such person's term of office as chief of police or sheriff. At the first meeting of the commission, the other commissioners shall choose the length of their terms, with two commissioners serving for two years, three commissioners serving for three years and one commissioner serving for four years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve for more than two consecutive full terms. A commissioner who is not an at-large commissioner shall remain in office only so long as he or she retains office with the department or district that such commissioner served at the time such person was appointed to the board of commissioners. Vacancies on the board of commissioners shall be filled by persons appointed by the chief executive officer of the county in the same manner by which the commissioner whose office is vacant was first appointed.

650.396. A county in which an emergency communications system commission has been established may, by a majority vote of the qualified voters voting thereon, levy and collect a tax on the taxable real property in the district, not to exceed six cents per one hundred dollars of assessed valuation to accomplish any of the following purposes:

(1) The provision of necessary funds to establish, operate and maintain an emergency communications system to serve the county in which the commission is located; and

(2) The provision of funds to supplement existing funds for the operation and maintenance of an existing emergency communications system in the county in which the commission is located.

650.399. 1. The board of commissioners may, by a majority vote of its members, request that the governing body of the county submit to the qualified voters of such county at a general, primary or special election either of the questions contained in subsection 2 of this section. The governing body may approve or deny such request. The governing body may also vote to submit such question without a request of the board of commissioners. The county election official shall give legal notice of the election pursuant to chapter 115, RSMo.

2. The questions shall be put in substantially the following form:

(1) "Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for

which the county shall levy a tax of (insert exact amount, not to exceed six cents) per each one hundred dollars assessed valuation therefor, to be paid into the fund for that purpose?"

G YES

G NO; or

(2) "Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for which the county shall levy a sales tax of (insert exact amount, not to exceed one-tenth of one percent), to be paid into the fund for that purpose?"

G YES

G NO

3. The election shall be conducted and vote canvassed in the same manner as other county elections. If the majority of the qualified voters voting thereon vote in favor of such tax, then the county shall levy such tax in the specified amount, beginning in the tax year immediately following its approval. The tax so levied shall be collected along with other county taxes in the manner provided by law. If the majority of the qualified voters voting thereon vote against such tax, then such tax shall not be imposed unless such tax is resubmitted to the voters and a majority of the qualified voters voting thereon approve such tax.

650.402. All funds collected from any tax approved pursuant to section 650.399 shall be deposited in a special county fund, to be designated the "Emergency Communications System Fund". The fund shall be held and managed in the same manner as all other funds of such county. The fund shall be administered by the board of commissioners to accomplish the purposes set out in sections 650.396, 650.405 and 650.411, and shall be used for no other purpose.

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

(1) To supervise and administer, within the acquisition and purchasing procedures of the county, the building, acquisitions by purchase or otherwise, construction and operation of an emergency communications system for the county in which the commission is located;

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

(3) To negotiate and recommend to the governing body that the county contract with such companies or other business or governmental entities, which in the opinion of the board of commissioners are necessary to provide equipment, material and professional services to establish, construct and maintain an emergency communications system and conduct the business of the commission;

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

of the commission and the emergency communications system;

(5) To recommend to the governing body that the county purchase or acquire by gift such real estate and equipment and materials necessary to accomplish the purposes of the commission and the emergency communications system; and

(6) To adopt such bylaws, rules and regulations as in the opinion of the board of commissioners shall best serve the purpose of the commission.

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

2. For the purpose of supporting the operation and other purposes of the commission and the emergency communications system, the county may issue bonds for and on behalf of the county, payable out of funds derived from the sales tax authorized in sections 650.396 and 650.399 or from taxation of all taxable real property in the county, up to an amount not exceeding six percent of the assessed valuation of such property, with such evaluation to be ascertained by the assessment immediately prior to the most recent assessment for state and county purposes, or from revenue generated from any other tax or fee authorized and approved by the voters pursuant to section 650.399. Such bonds shall be issued in denominations of one hundred dollars, or some multiple thereof, and the provisions of section 108.170, RSMo, to the contrary notwithstanding, such bonds may bear interest at a rate determined by the emergency communications system commissioners, payable semiannually, to become payable no later than twenty years after the date of the bonds.

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

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

"Shall County issue bonds in the amount of dollars, the purpose of which are to support the construction, repair and maintenance of the Emergency Communications System?"

G YES

G NO

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

commission. If the general law of the state is such that an amount other than a four-sevenths majority is required on ballot measures of such type, the amount set by the general law of the state shall control.

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

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

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

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

650.411. All money derived from the sale of bonds pursuant to section 650.408 except such portion as is required to be reserved pursuant to subsections 7 and 8 of section 650.408, all money collected on any tax authorized according to section 650.399 and all interest that may accrue on moneys so derived while deposited with any county depository and not required to be used in paying such bonds or interest thereon, shall be used, and warrants drawn on the treasurer therefor, to pay:

(1) The cost and expenses incurred by the county maintaining any real or

**personal property used in the operation of the emergency communications system;
and**

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

T

Unofficial

Bill

Copy