

SECOND REGULAR SESSION

SENATE BILL NO. 1039

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time January 29, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4804S.011

AN ACT

To repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

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Section A. Section 190.335, RSMo, is repealed and one new section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
19 county sales tax of (insert rate of percent) percent for the purpose of
20 providing central dispatching of fire protection, emergency ambulance service,

21 including emergency 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, RSMo. The sales tax shall not be collected prior to
36 thirty-six months before operation of the central dispatching of emergency
37 services.

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087, RSMo, shall apply to the tax imposed under this section.

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

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

55 8. 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.

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

73 10. Beginning in 1994, three members shall be elected from each district
74 of the county commission and one member shall be elected at large, such member
75 to be the chairman of the board. Of those first elected, four members from
76 districts of the county commission shall be elected for terms of two years and two
77 members from districts of the county commission and the member at large shall
78 be elected for terms of four years. In 1996, and thereafter, all terms of office
79 shall be four years.

80 11. Notwithstanding the provisions of subsections 8 to 10 of this section
81 to the contrary, in any county of the first classification with more than two
82 hundred forty thousand three hundred but fewer than two hundred forty
83 thousand four hundred inhabitants, any emergency telephone service 911 board
84 appointed by the county under section 190.309 which is in existence on the date
85 the voters approve a sales tax under this section shall continue to exist and shall
86 have the powers set forth under section 190.339.

87 **12. (1) Notwithstanding the provisions of subsections 8 to 10 of**
88 **this section to the contrary, in any county of the second classification**
89 **with more than fifty-four thousand two hundred but fewer than**
90 **fifty-four thousand three hundred inhabitants that has approved a sales**
91 **tax under this section, the county commission shall appoint the**
92 **members of the board to administer the funds and oversee the**

93 provision of emergency services in the county.

94 (2) The board shall consist of seven members appointed without
95 regard to political affiliation. The board members shall consist of at
96 least one person from each of the following categories:

97 (a) The chairman of the board of directors of a fire protection
98 district located in the county, or his or her designee;

99 (b) The chairman of the board of directors of an ambulance
100 district located in the county, or his or her designee;

101 (c) The county sheriff, or his or her designee;

102 (d) The chief law enforcement officer of a municipal police
103 department located in the county, or his or her designee;

104 (e) The chief administrator of any of the county's emergency
105 management organizations, or his or her designee.

106 (3) Upon the appointment of the board under this subsection, the
107 board shall have the powers provided in section 190.339 and shall
108 exercise all powers and duties exercised by the county commission
109 under this chapter, and the commission shall relinquish all powers and
110 duties relating to the provision of emergency services under this
111 chapter to the board.

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