

SECOND REGULAR SESSION

# SENATE BILL NO. 781

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4499S.02I

## AN ACT

To repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to appointments to emergency services boards in certain counties.

*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Section A. Section 190.335, RSMo, is repealed and one new section  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  
19 a county sales tax of ..... (insert rate of percent) percent for the purpose of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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. 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. Immediately upon the affirmative vote of voters of such a county on the  
55 ballot proposal to establish a county sales tax pursuant to the provisions of this

56 section, the county commission shall appoint the initial members of a board to  
57 administer the funds and oversee the provision of emergency services in the  
58 county. Beginning with the general election in 1994, all board members shall be  
59 elected according to this section and other applicable laws of this state. At the  
60 time of the appointment of the initial members of the board, the commission shall  
61 relinquish and no longer exercise the duties prescribed in this chapter with  
62 regard to the provision of emergency services and such duties shall be exercised  
63 by the board.

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

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

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

86 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
87 section to the contrary, in any county **that has approved a sales tax under**  
88 **this section and is** of the second classification with more than fifty-four  
89 thousand two hundred but fewer than fifty-four thousand three hundred  
90 inhabitants [that has approved a sales tax under this section] **or is of the first**  
91 **classification with more than fifty thousand but fewer than seventy**

92 **thousand inhabitants**, the county commission shall appoint the members of the  
93 board to administer the funds and oversee the provision of emergency services in  
94 the county.

95 (2) The board shall consist of seven members appointed without regard  
96 to political affiliation. Each member shall be one of the following:

97 (a) The head of any of the county's fire protection districts, or a designee;

98 (b) The head of any of the county's ambulance districts, or a designee;

99 (c) The county sheriff, or a designee;

100 (d) The head of any of the police departments in the county, or a designee;

101 and

102 (e) The head of any of the county's emergency management organizations,  
103 or a designee.

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

Bill ✓

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