

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 781

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Offered March 26, 2012.

Senate Substitute adopted, March 26, 2012.

Taken up for Perfection March 26, 2012. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4499S.03P

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Section A. Section 190.335, RSMo, is repealed and one new section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

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

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
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. **Except as provided in subdivision (4) of this**
97 **subsection**, each member shall be one of the following:

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

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

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

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

102 and

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

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

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

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