

SECOND REGULAR SESSION

# SENATE BILL NO. 1012

99TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR SATER.

Read 1st time February 20, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6442S.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Section A. Section 190.335, RSMo, is repealed and one new section  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 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. 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. Notwithstanding any other provision of law, if there is no  
79 candidate for an open position on the board, then no election shall be held for  
80 that position and it shall be considered vacant, to be filled pursuant to the  
81 provisions of section 190.339, and, if there is only one candidate for each open  
82 position, no election shall be held and the candidate or candidates shall assume  
83 office at the same time and in the same manner as if elected.

84 11. Notwithstanding the provisions of subsections 8 to 10 of this section  
85 to the contrary, in any county of the first classification with more than two  
86 hundred forty thousand three hundred but fewer than two hundred forty  
87 thousand four hundred inhabitants or in any county of the third classification  
88 with a township form of government and with more than twenty-eight thousand  
89 but fewer than thirty-one thousand inhabitants **or in any county of the third**  
90 **classification without a township form of government and with more**  
91 **than thirty-seven thousand but fewer than forty-one thousand**  
92 **inhabitants and with a city of the fourth classification with more than**

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

105         12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
106 section to the contrary, in any county of the second classification with more than  
107 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
108 inhabitants or any county of the first classification with more than fifty thousand  
109 but fewer than seventy thousand inhabitants that has approved a sales tax under  
110 this section, the county commission shall appoint the members of the board to  
111 administer the funds and oversee the provision of emergency services in the  
112 county.

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

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

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

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

128         (4) In any county of the first classification with more than fifty thousand

129 but fewer than seventy thousand inhabitants, each of the entities listed in  
130 subdivision (2) of this subsection shall be represented on the board by at least one  
131 member.

✓

Unofficial

Bill

Copy