

DEFEATED JUN 03 2020

Inter-Governmental Committee
Amendment to the Substitute
June 1, 2020

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE submitting to the qualified voters of Jackson County, at the general election to be held on Tuesday November 3, 2020, a question authorizing Jackson County to impose a monthly fee not to exceed \$1.00 on each subscriber of any communications service that has been enabled to contact 911, for the purpose of funding 911 service in Jackson County.

ORDINANCE NO. 5338, May 18, 2020

INTRODUCED BY Jeanie Lauer, County Legislator

WHEREAS, pursuant to sections 190.300 *et seq.*, RSMo, the County has since 1983 imposed an emergency telephone tax on land telephone lines, at a rate based on a percentage of the tariff rate per line set by the Missouri Public Service Commission; and,

WHEREAS, the tax is currently set at the rate of six percent per line; and,

WHEREAS, by Senate Bill 291 (Laws 2019), now codified at section 190.455, RSMo, the Missouri General Assembly has provided a mechanism by which interested entities which impose a land line tax pursuant to sections 190.300 *et seq.*, RSMo, may submit a proposal to the voters by which that tax can be replaced by a monthly fee, not to exceed \$1.00 per line or device, on any line or other communications service that has been enabled to contact the emergency telephone number 911; and,

WHEREAS pursuant to section 190.455, only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a

communications service, and no fee may be imposed on more than one hundred voice-grade channels or their equivalent per person, per location; and,

WHEREAS, it is in the best interests of the health, welfare, and safety of the citizens of Jackson County that they be given the opportunity to determine whether the burden of funding emergency telephone service should continue to be borne only by subscribers of land line telephone service, or should be shared among land line subscribers, cellular telephone users, voice-operated internet protocol (VOIP) telephone users, and subscribers to other 911-capable communications services; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section 1. Subject to the approval of the voters of Jackson County, at the general election to be held on November 3, 2020, the imposition of a fee at the rate of one dollar on each subscriber of any communications service that has been enabled to contact 911, is hereby authorized within and for Jackson County, Missouri.

Section 2. Pursuant to the provisions of section 190.455, RSMo Supp. 2019, there is hereby submitted to the qualified voters of Jackson County, Missouri, at the general election to be held on November 3, 2020, a question authorizing the imposition of a fee at the rate of one dollar on each subscriber of any communications service that has been enabled to contact 911.

Section 3. The qualified voters at said election shall vote by ballot and the ballots to be used at said election shall contain the following language:

JACKSON COUNTY, MISSOURI

QUESTION NO. 1

GENERAL ELECTION

NOVEMBER 3, 2020

OFFICIAL BALLOT

Shall Jackson County, Missouri, impose a monthly fee not to exceed \$1.00 (one dollar) on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in the County? The proceeds of this fee shall be deposited in the County's special E-911 System Fund and not comingled with the general funds of the County, to be expended solely for the purpose set for herein.

YES

NO

If you are in favor of the question, completely darken the oval beside the word "Yes." If you are opposed to the question, completely darken the oval beside the word "No."

Section 4. This Ordinance shall become effective upon approval of the question submitted by the voters of Jackson County at the general election on November 3, 2020, and the Legislature's adoption of an Ordinance setting the actual fee within the parameters set out in Section 3 hereof. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question and the Legislature

parameters set out in Section 3 hereof. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question and the Legislature subsequently adopts an Ordinance setting the actual fee, the fee shall become effective on the first day of the second calendar quarter after the Missouri Director of Revenue receives notification of adoption of the fee.

Section 5. The monthly fee authorized in this Ordinance shall not exceed one dollar and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors, assigned by the provider and capable of simultaneously contacting the public safety answering point; provided that, for multiline telephone systems and for facilities provisioned with capacity greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the number of voice-capable grade channels as provisioned by the provider that allow simultaneous contact with the public safety answering point. Only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a communications service. No fee imposed under this Ordinance shall be imposed on more than one hundred voice-grade channels or their equivalent per person per location. The monthly fee shall not be assessed on the provision of broadband internet access service. The fee shall be imposed solely for the purpose of funding 911 service in Jackson County. The monthly fee authorized in this section shall be limited to one fee per device.

Section 6. Upon the initiation of the collection of the fee authorized by this Ordinance, the collection of any tax authorized in Jackson County pursuant to sections 190.300 *et seq.*, RSMo, shall cease.

Section 7. This Ordinance shall be published as required by law.

Section 8. The Clerk of the Legislature is hereby authorized and directed to notify the Jackson County Board of Election Commissioners and the Kansas City Board of Election Commissioners of the adoption of this Ordinance no later than August 25, 2020, by 5:00 p.m., and to include in said notification all the terms and provisions required by section 115.125, RSMo.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Jim D. Holden
Chief Deputy County Counselor

Bryan O. Cousins
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5338 introduced on May 18, 2020, was duly *defeated* on *June 3*, 2020 by the Jackson County Legislature. The votes thereon were as follows:

Yeas *1*

Nays *6*

Abstaining *0*

Absent *2*

DEFEATED JUN 03 2020

This Ordinance is hereby transmitted to the County Executive for his signature.

6.3.2020
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5338.

Date

Frank White, Jr., County Executive