

FIRST REGULAR SESSION

# HOUSE BILL NO. 1293

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SANDER.

Read 1st time March 30, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2705L.01I

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### AN ACT

To repeal sections 67.318, 190.290, 190.292, 190.294, 190.296, 190.300, 190.305, 190.306, 190.308, 190.325, 190.327, 190.328, 190.329, 190.400, 190.420, 190.430, and 190.440, RSMo, and to enact in lieu thereof sixteen new sections relating to emergency services, with penalty provisions

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 67.318, 190.290, 190.292, 190.294, 190.296, 190.300, 190.305, 190.306, 190.308, 190.325, 190.327, 190.328, 190.329, 190.400, 190.420, 190.430, and 190.440, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 67.318, 190.290, 190.292, 190.294, 190.296, 190.300, 190.305, 190.308, 190.325, 190.327, 190.328, 190.329, 190.330, 190.400, 190.420, and 190.430, to read as follows:

67.318. **1.** The governing body of any county or municipality may by order or ordinance require that all residences and commercial businesses have the numbers of their street addresses conspicuously posted so that providers of fire protection services or other emergency services may better find the proper location when responding to an emergency call. Where such an ordinance or order is established, the fire department, fire protection district or volunteer fire protection association which provides fire protection services for the municipality or county, or portion thereof, shall enforce the provisions of such ordinance or order. The ordinance or order shall prescribe a grace period for persons who violate the ordinance or order, which shall allow such violator at least fifteen days to comply with the ordinance before any fine may be imposed.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2. With the exception of any city not within a county, the county commission or prevailing governing body of each county shall establish and maintain 911 addressing in all areas of its jurisdiction for which enhanced 911 service has been approved, including areas within the cities and other political subdivisions located therein. However, the county commission may delegate the authority to establish and maintain the addressing within municipalities to the governing body or political subdivision that has governmental authority over the municipality.

3. (1) Once 911 authority has been established, the assigned 911 address shall become the official address. All government entities shall use the 911 addresses for official records.

(2) Where road names must be changed as a result of the establishment of 911 addressing, the cost of materials related to sign changes shall be funded by the 911 revenues, which includes the cost of sign replacement within municipalities that have readdressed for enhanced 911 service. Cost of maintenance of signage lost, stolen, or damaged shall not be funded by 911 revenues.

(3) All entities having the responsibility to establish 911 addressing shall work with adjoining jurisdictions to coordinate naming and addressing of roads. Where roads extend into adjoining jurisdictions, such coordination shall be required to prevent duplicate addresses. Disagreements between jurisdictions shall be resolved by compromises reached in direct negotiations. If an agreement cannot be reached, arbitration shall be sought to resolve the conflict.

4. All addressing schemes shall meet the United States Post Office guidelines or current local established guidelines. The input and advice of the United States Post Office officials, local telephone companies, and other interested utilities shall be sought during all new addressing projects.

5. Any 911 public safety answering point, as defined in section 190.290, RSMo, database information shall be held as confidential, nonpublic information. All subscriber information, whether obtained from the telephone company or from the citizens themselves, shall be confidential, nonpublic information and shall not be used for purposes other than the operation of the 911 system.

6. The public safety answering point master street address guide database information containing only address ranges and street names shall be public information.

190.290. As used in sections 190.290 to 190.296, the following terms shall mean:

(1) "911 system", a system or any portion thereof required in the generally accepted practice of answering and dispatching of emergency 911 calls;

4           (2) **"Communications service"**, any service that is capable of communicating to a  
5 **single three-digit number "911" for reporting police, fire, medical, or other emergency**  
6 **situations;**

7           (3) **"Emergency communications tax"**, a tax on nonpublic service commission  
8 **regulated telephone or other communications services to finance the operation of a PSAP;**

9           (4) **"Emergency dispatching"**, dispatching for any incident involving imminent  
10 **danger to life or property that calls for an emergency dispatch of police, fire, emergency**  
11 **medical, or other emergency response services by a PSAP;**

12           (5) **"Emergency services"**, police, fire, and emergency medical response agencies,  
13 **or other emergency response services;**

14           (6) **"Emergency services communications board" or "board"**, those persons  
15 **appointed or elected under section 190.292;**

16           (7) **"Emergency telephone service"**, a telephone system utilizing a single three digit  
17 **number, "911", for reporting police, fire, medical, or other emergency situations;**

18           [(2) **"Emergency services board" or "board"**, those persons appointed or elected pursuant  
19 **to section 190.292;]**

20           (8) **"Emergency telephone tax"**, a tax on public service commission regulated  
21 **telephone service to finance the operation of a PSAP;**

22           (9) **"Governing body"**, the legislative body responsible for a city, county, or city not  
23 **within a county;**

24           [(3)] (10) **"Person"**, any individual, firm, partnership, copartnership, joint venture,  
25 **association, cooperative organization, corporation, municipal or private, and whether organized**  
26 **for profit or not, state, county, political subdivision, state department, commission, board,**  
27 **bureau, or fraternal organization, estate, trust, business, or common law trust, receiver, assignee**  
28 **for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;**

29           [(4)] (11) **"Public agency"**, any city, county, city not within a county, municipal  
30 **corporation, public district or public authority located in whole or in part within this state which**  
31 **provides or has authority to provide fire fighting, law enforcement, ambulance, emergency**  
32 **medical, or other emergency services;**

33           (12) **"Public safety answering point" or "PSAP"**, a communications facility with  
34 **enhanced 911 capability, operated on a twenty-four hour basis, assigned with the**  
35 **responsibility of receiving initial 911 calls and, as appropriate, directly dispatching**  
36 **emergency services or, through transfer routing or relay routing, passing 911 calls to**  
37 **public or private safety agencies.**

190.292. 1. In [lieu of] **addition to** the tax levy authorized under section 190.305 for  
2 [emergency telephone services] **PSAP**, the [county commission] **governing body** of any county

3 may impose a county sales tax for the provision of [central dispatching of fire protection,  
4 including law enforcement agencies, emergency ambulance service or any other emergency  
5 services, including emergency telephone services, which shall be collectively referred to herein  
6 as] **a PSAP for emergency dispatching of "emergency services"**, and which may also include  
7 the purchase and maintenance of communications and emergency equipment, including the  
8 operational costs associated therein, in accordance with the provisions of this section.

9         2. Such [county commission] **governing body** may, by a majority vote of its members,  
10 submit to the voters of the county, at a public election, a proposal to authorize the [county  
11 commission] **governing body** to impose a tax under the provisions of this section. If the  
12 residents of the county present a petition signed by a number of residents equal to ten percent of  
13 those in the county who voted in the most recent gubernatorial election, then the **county**  
14 commission shall submit such a proposal to the voters of the county.

15         3. The ballot of submission shall be in substantially the following form:

16         Shall the county of ..... (insert name of county) impose a county sales tax of  
17 ..... (insert rate of percent) percent for the purpose of providing [central] **a PSAP and**  
18 **emergency** dispatching [of fire protection, emergency ambulance service, including emergency  
19 telephone services,] **for police, fire, and emergency medical services** and other emergency  
20 **response** services?

21                                   ☐ YES

☐ NO

22

23 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
24 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes  
25 cast by the qualified voters voting are opposed to the proposal, then the county commission shall  
26 have no power to impose the tax authorized by this section unless and until the county  
27 commission shall again have submitted another proposal to authorize the county commission to  
28 impose the tax under the provisions of this section, and such proposal is approved by a majority  
29 of the qualified voters voting thereon.

30         4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from  
31 the sale at retail of all tangible personal property or taxable services at retail within any county  
32 adopting such tax, if such property and services are subject to taxation by the state of Missouri  
33 under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected  
34 prior to thirty-six months before operation of [the central] **a PSAP and the emergency**  
35 **dispatching** [of emergency services].

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

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

42           7. At least once each calendar year, the board, as established by subsection [11] **8** of this  
43 section, shall establish a tax rate, not to exceed the amount authorized **by the voters**, that  
44 together with any surplus revenues carried forward will produce sufficient revenues to fund the  
45 expenditures authorized by sections 190.290 to 190.296. Amounts collected in excess of that  
46 necessary within a given year shall be carried forward to subsequent years. The board shall make  
47 its determination of such tax rate each year no later than September first and shall fix the new  
48 rate which shall be collected as provided in sections 190.290 to 190.296. Immediately upon  
49 making its determination and fixing the rate, the board shall publish in its minutes the new rate,  
50 and it shall notify [every retailer] **the director of revenue** by mail of the new rate.

51           8. Immediately upon the affirmative vote of voters of such a county on the ballot  
52 proposal to establish a county sales tax pursuant to the provisions of this section, the county  
53 commission shall appoint the initial members of a board to administer the funds and oversee the  
54 provision of **911** emergency services in the county. [Beginning with the general election in  
55 1994,] All board members shall be elected according to this section and other applicable laws  
56 of this state. At the time of the appointment of the initial members of the board, the commission  
57 shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the  
58 provision of **911** emergency services and such duties shall be exercised by the board.

59           9. The initial board shall consist of seven members **who shall reside in the district that**  
60 **they represent and who shall be** appointed without regard to political affiliation[.]. Three [of  
61 whom] **members** shall be selected from[,] and [who shall] represent[,] the fire protection  
62 districts, ambulance districts, sheriff's department, municipalities, and any other emergency  
63 services. Four of the members of the board shall not be selected from or represent the fire  
64 protection districts, ambulance districts, sheriff's department, municipalities, or any other  
65 emergency services. [Any individual serving on the board on August 28, 2004, may continue  
66 to serve and seek reelection or reappointment to the board, notwithstanding any provisions of this  
67 subsection.] This initial board shall serve until its successor board is duly elected and installed  
68 in office. The commission shall ensure geographic representation of the county by appointing  
69 no more than four members from each district of the county commission.

70           10. [Beginning in 1994,] Three members shall be elected from each district of the  
71 county commission and one member shall be elected at large. The members of the board shall  
72 annually elect, from among their number, the chairman of the board. Of those first elected, four  
73 members from districts of the county commission shall be elected for terms of two years and two

74 members from districts of the county commission and the member at large shall be elected for  
75 terms of four years. [In 1996, and] Thereafter, all terms of office shall be four years. The  
76 election of the board members shall be conducted at the first municipal election held in a  
77 calendar year.

78 11. When the board is organized, it shall be a body corporate and a political subdivision  
79 of the state and shall be known as the "..... Emergency Services **Communications** Board".

80 12. [This section shall only apply to any county of the third classification without a  
81 township form of government and with more than twenty-four thousand five hundred but less  
82 than twenty-four thousand six hundred inhabitants.] **The emergency services communications**  
83 **board's powers and duties shall be as provided in section 190.294.**

84 **13. Notwithstanding the provisions of subsections 8 to 10 of this section to the**  
85 **contrary, in any county of the first classification with more than two hundred forty**  
86 **thousand three hundred but fewer than two hundred forty thousand four hundred**  
87 **inhabitants, any emergency services communications board appointed by the county under**  
88 **sections 190.290 to 190.296 which is in existence on the date the voters approve a sales tax**  
89 **under this chapter shall continue to exist and shall have the powers under section 190.294.**

90 **14. Any tax that was adopted under sections 190.290 to 190.296 before August 28,**  
91 **2007, shall continue to be effective and shall be deemed to provide for funding the**  
92 **provision of a PSAP for emergency dispatching.**

190.294. 1. The powers and duties of the emergency services **communications** board  
2 shall include, but not be limited to:

3 (1) Planning a **PSAP** 911 system and **emergency** dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or maintenance of the  
5 system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax, **emergency telephone tax, or**  
7 **communication tax** authorized to be levied pursuant to section 190.292, **190.305, or 190.430**  
8 and authorizing disbursements from such moneys collected;

9 (4) Hiring any staff necessary for the implementation, upgrade or operation of the  
10 system;

11 (5) Acquiring land in fee simple, rights in land and easements upon, over, or across land  
12 and leasehold interests in land and tangible and intangible personal property used or useful for  
13 the location, establishment, maintenance, development, expansion, extension, or improvement  
14 of the [central] **PSAP emergency** dispatching [of emergency services] **or communications**  
15 **service.** The acquisition may be by dedication, purchase, gift, agreement, lease, use, or adverse  
16 possession;

17 (6) Borrowing money and issuing bonds, notes, certificates, or other evidences of  
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to  
19 compliance with any condition or limitation set forth in sections 190.290 to 190.296 or otherwise  
20 provided by the Constitution of Missouri;

21 (7) Suing and being sued, and to be party to suits, actions, and proceedings;

22 (8) Having and using a corporate seal;

23 (9) Entering into contracts, franchises, and agreements with any person, partnership,  
24 association, or corporation, public or private, affecting the affairs of the board;

25 (10) Having the management, control, and supervision of all the business affairs of the  
26 board and the construction, installation, operation, and maintenance of any improvements;

27 (11) Hiring and retaining agents and employees and providing for their compensation,  
28 including health and pension benefits;

29 (12) Adopting and amending bylaws and any other rules and regulations;

30 (13) Paying all expenses connected with the first election and all subsequent elections;

31 (14) Having and exercising all rights and powers necessary or incidental to or implied  
32 from the specific powers granted in this section. Such specific powers shall not be considered  
33 as a limitation upon any power necessary or appropriate to carry out the purposes and intent of  
34 sections 190.290 to 190.296;

35 (15) Maintaining [central] **the PSAP and emergency** dispatching [of emergency  
36 services] **or communications service** for the benefit of the inhabitants of the area comprising  
37 the district regardless of race, creed, or color, and to adopt such reasonable rules and regulations  
38 as may be necessary to render the highest quality [of the central] **PSAP and emergency**  
39 dispatching [of emergency services] **or communications service**; excluding from the use of the  
40 [central] **emergency** dispatching [of emergency services] **or communications service** all  
41 persons who willfully disregard any of the rules and regulations so established; extending the  
42 privileges and use of the [central] **emergency** dispatching [of emergency services] **or**  
43 **communications service** to persons residing outside the area of the district upon such terms and  
44 conditions as the board prescribes by its rules and regulations;

45 (16) Purchasing insurance indemnifying the district and its employees, officers,  
46 volunteers, and directors against liability in rendering services incidental to the furnishing of  
47 [central] **emergency** dispatching [of emergency services]. Purchase of insurance pursuant to this  
48 section is not intended to waive sovereign immunity, official immunity, or the Missouri public  
49 duty doctrine defenses.

50 2. The administrative control and management of the moneys from any county sales tax,  
51 **emergency telephone tax, or communications tax** authorized to be levied pursuant to section  
52 190.292, **190.305, or 190.430** and the administrative control and management of the [central]

53 **PSAP and emergency** dispatching [of emergency services] **or communications service** shall  
54 rest solely with the board, and the board shall employ all necessary personnel, affix their  
55 compensation and provide suitable quarters and equipment for the operation of the [central]  
56 **PSAP and emergency** dispatching [of emergency services] **or communications service** from  
57 the funds available for this purpose.

58 3. The board may contract to provide services relating in whole or in part to [central] **the**  
59 **PSAP and emergency** dispatching [of emergency services] **or communications service** and for  
60 such purpose may expend the tax funds or other funds.

61 4. The board shall elect a vice chairman, treasurer, secretary and such other officers as  
62 it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount  
63 to be determined and in a form to be approved by the board for the faithful performance of the  
64 treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands.  
65 The treasurer shall enter into the surety bond with a surety company authorized to do business  
66 in Missouri, and the cost of such bond shall be paid by the board of directors.

67 5. The board may accept any gift of property or money for the use and benefit of the  
68 [central] **PSAP and emergency** dispatching [of emergency services] **or communications**  
69 **service**, and the board is authorized to sell or exchange any such property which it believes  
70 would be to the benefit of the service so long as the proceeds are used exclusively for [central]  
71 **the PSAP and emergency** dispatching [of emergency services] **or communications service**.  
72 The board shall have exclusive control of all gifts, property or money it may accept; of all  
73 interest of other proceeds which may accrue from the investment of such gifts or money or from  
74 the sale of such property; of all tax revenues collected by the [county] **governing body** on behalf  
75 of the [central] **PSAP and emergency** dispatching [of emergency services] **or communications**  
76 **service**; and of all other funds granted, appropriated or loaned to it by the federal government,  
77 the state or its political subdivisions so long as such resources are used solely to benefit the  
78 [central] **PSAP and emergency** dispatching [of emergency services] **or communications**  
79 **service**.

80 6. Any board member may, following notice and an opportunity to be heard, be removed  
81 from any office by a majority vote of the other members of the board for any of the following  
82 reasons:

83 (1) [Failure to attend five consecutive meetings, without good cause;

84 (2)] Conduct prejudicial to the good order and efficient operation of the [central] **PSAP**  
85 **and emergency** dispatching [of emergency services] **or communications service**; or

86 [(3)] (2) Neglect of duty.

87 7. The chairperson of the board shall preside at such removal hearing, unless the  
88 chairperson is the person sought to be removed, in which case the hearing shall be presided over



89 by another member elected by a majority vote of the other board members. All interested parties  
90 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by  
91 oath or affirmation before testifying. Any interested party may, at his or her own expense, record  
92 the proceedings.

93 **8. It shall be the duty of the chairperson to preside at all board meetings, to act as**  
94 **official head of the emergency services communications board, and to execute all contracts**  
95 **required to be executed by the board. In the absence or disability of the chairperson, the**  
96 **vice chairperson shall assume the duties of the chairperson.**

97 **9. The secretary shall:**

98 **(1) Keep the official records of the meetings of the board;**

99 **(2) Attest all official documents with the seal of the board;**

100 **(3) When called upon, make reports pertaining to the business of the secretary's**  
101 **office;**

102 **(4) Attend the board meetings; and**

103 **(5) Perform such other duties as may be imposed upon the secretary by the**  
104 **applicable provisions of this chapter.**

105 **10. The treasurer shall be the custodian of the funds of the board and pay money**  
106 **out of the treasury only upon valid checks or drafts drawn upon the treasury.**

107 **11. The board may, from time to time, provide for additional rules and regulations**  
108 **concerning the duties of its officers.**

109 **12.** Vacancies on the board occasioned by removals, resignations or otherwise shall be  
110 filled by the remaining members of the board. The appointee or appointees shall act until the  
111 next election at which a director or directors are elected to serve the remainder of the unexpired  
112 term.

113 **[9.] 13.** Individual board members shall not be eligible for employment by the board  
114 within twelve months of termination of service as a member of the board.

115 **[10.] 14.** No person shall be employed by the board who is related within the fourth  
116 degree by blood or by marriage to any member of the board.

117 **[11.] 15.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
118 that is created under the authority delegated in sections [190.300 to 190.341] **190.290 to 190.330**  
119 **and sections 190.400 to 190.430** shall become effective only if it complies with and is subject  
120 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
121 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
122 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
123 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
124 authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

125 [12. This section shall only apply to any county of the third classification without a  
126 township form of government and with more than twenty-four thousand five hundred but less  
127 than twenty-four thousand six hundred inhabitants.]

190.296. 1. For the purpose of purchasing any property or equipment necessary or  
2 incidental to the operation of [central] **the PSAP and emergency** dispatching [of emergency  
3 services], the board may borrow money and issue bonds for the payment thereof in the manner  
4 provided herein. The question of the loan shall be decided by the submission of the question to  
5 the eligible voters of the county at the [first] **next regularly scheduled** municipal election [held  
6 in a calendar year].

7 2. The question shall be submitted in substantially the following form:

8 Shall the ..... emergency services **communications** board borrow money in the  
9 amount of ..... dollars for the purpose of ..... and issue bonds for the payment thereof?

10 3. If the constitutionally required percentage of the votes cast are for the loan, the board  
11 shall, subject to the restrictions of subsection 4 of this section, be vested with the power to  
12 borrow money in the name of the board, to the amount and for the purposes specified on the  
13 ballot, and issue the bonds of the board for the payment thereof.

14 4. The loans authorized by this section shall not be contracted for a period longer than  
15 twenty years, and the entire amount of the loan shall at no time exceed, including the existing  
16 indebtedness of the board, in the aggregate, ten percent of the value of taxable tangible property  
17 therein, as shown by the last completed assessment for state and county purposes, the rate of  
18 interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed  
19 by contract; when effected, it shall be the duty of the directors to direct a portion of the tax  
20 collected pursuant to [section] **sections 190.292 and 190.430** in an amount sufficient to pay the  
21 interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment  
22 of the principal thereof within the time the principal becomes due.

23 [5. This section shall only apply to any county of the third classification without a  
24 township form of government and with more than twenty-four thousand five hundred but less  
25 than twenty-four thousand six hundred inhabitants.]

190.300. As used in sections 190.300 to [190.320] **190.330**, the following terms and  
2 phrases mean:

3 (1) **"911", the primary emergency telephone number;**

4 (2) **"911 system", a system or any portion thereof required in the generally**  
5 **accepted practice of answering and dispatching of emergency 911 calls;**

6 (3) **"Access facilities", all facilities provided by the service supplier for local**  
7 **telephone or communications services with access to a service user;**

8           (4) "Automatic location identification" or "ALI", the automatic display at a PSAP  
9 of the caller's telephone number, the address or location of the telephone, and  
10 supplementary emergency services information;

11           (5) "Base service rate", the rate or rates billed by a service supplier to a service  
12 user. Such rate or rates shall be considered that rate charged for minimum access to the  
13 service supplier's system or rates that have been approved by the Missouri public service  
14 commission, which represents the service supplier's recurring charges for access facilities  
15 or their communications equivalent, exclusive of all taxes, fees, licenses, or similar charges  
16 whatsoever;

17           (6) "Dispatching system", an emergency communication system used by a  
18 dispatcher to communicate with police, fire, and emergency medical responders, and other  
19 emergency response services;

20           (7) "Emergency communications service", any service that is capable of  
21 communicating to a single three-digit number "911" for reporting police, fire, medical, or  
22 other emergency situations;

23           (8) "Emergency communications tax", a tax on nonpublic service commission  
24 regulated telephone or other communications services to finance the operation of a PSAP;

25           (9) "Emergency dispatching", dispatching for any incident involving imminent  
26 danger to life or property that calls for an emergency dispatch of police, fire, emergency  
27 medical, or other emergency response services by a PSAP;

28           (10) "Emergency services", police, fire, and emergency medical response agencies,  
29 or other emergency response services;

30           (11) "Emergency services communications board" or "board", a body corporate  
31 and a political subdivision of the state whose powers and authority are defined in sections  
32 190.300 to 190.330;

33           (12) "Emergency telephone service" or "ETS", a telephone system utilizing a single  
34 three digit number "911" for reporting police, fire, medical or other emergency situations;

35           [(2)] (13) "Emergency telephone tax", a tax on public service commission regulated  
36 telephone service to finance the operation of [emergency telephone service] a PSAP;

37           [(3)] "Exchange access facilities", all facilities provided by the service supplier for local  
38 telephone exchange access to a service user;]

39           (14) "Enhanced 911 database", generally referred to as the ALI database which  
40 is used for 911 services;

41           (15) "Enhanced 911 service provider", generally the local exchange carrier of  
42 telephone company;

43           **(16) "Enhanced 911 system and enhanced 911 services", a system with the**  
44 **capability to route a 911 request for service to the correct PSAP and deliver and display**  
45 **database information, including call-back number and location information to specialized**  
46 **answering equipment;**

47           [(4)] **(17) "Governing body", the legislative body responsible for a city, county or city**  
48 **not within a county;**

49           **(18) "Nonpublic service commission regulated communications service provider",**  
50 **a communications provider that is not regulated by the Missouri public service commission**  
51 **in the delivery of 911 to a PSAP;**

52           [(5)] **(19) "Person", any individual, firm, partnership, copartnership, joint venture,**  
53 **association, cooperative organization, corporation, municipal or private, and whether organized**  
54 **for profit or not, state, county, political subdivision, state department, commission, board, bureau**  
55 **or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the**  
56 **benefit of creditors, trustee or trustee in bankruptcy, or any other service user;**

57           [(6)] **(20) "Public agency", any city, county, city not within a county, municipal**  
58 **corporation, public district or public authority that is tax supported and located in whole or in**  
59 **part within this state which provides or has authority to provide fire fighting, law enforcement,**  
60 **ambulance, emergency medical, or other emergency services;**

61           **(21) "Public safety agency", a functional division of a public agency which provides**  
62 **fire fighting, police, medical, or other emergency services. For the purpose of providing**  
63 **911 emergency services, as provided in this section, the department of public safety and**  
64 **state highway patrol shall be considered a public safety agency;**

65           **(22) "Public safety answering point" or "PSAP", a communications facility with**  
66 **enhanced 911 capability, operated on a twenty-four hour basis, assigned the responsibility**  
67 **of receiving initial 911 calls and, as appropriate, directly dispatching of emergency services**  
68 **or, through routing or relay routing, passing 911 calls to public or private safety agencies;**

69           [(7)] **(23) "Service supplier", any person providing [exchange] telephone or**  
70 **communications services to any service user in this state;**

71           [(8)] **(24) "Service user", any person, other than a person providing pay telephone service**  
72 **pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who**  
73 **is provided [exchange] telephone or communications service in this state[;**

74           **(9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated**  
75 **in the service supplier's tariffs, approved by the Missouri public service commission which**  
76 **represent the service supplier's recurring charges for exchange access facilities or their**  
77 **equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever].**

190.305. 1. In addition to its other powers [for the protection of the public health], a governing body may provide for the operation of [an emergency telephone service] **a PSAP** and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the [emergency telephone system] **PSAP**. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the [tariff local] **base** service rate, as defined in section 190.300, or seventy-five cents per **service user** access [line] per month, whichever is greater, except as provided in sections [190.325 to 190.329] **190.292 and 190.430**, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the [county commission] **governing body** authorizing an election within the public agency's jurisdiction pursuant to [section 190.320] **subsection 3 of this section**. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the [county commission] **governing body** authorized the election for emergency telephone service and a vote was held as provided in [section 190.320] **subsection 3 of this section**. [The governing body shall provide for a board pursuant to sections 190.327 and 190.328.]

2. **No provision in this chapter shall be construed to require any municipality within any county of the second classification without a township form of government and with more than fifty-four thousand two hundred but less than fifty-four thousand three hundred inhabitants that has established a PSAP to discontinue the PSAP in the event that the county in which the municipality is located establishes a PSAP and moves to a higher county classification.**

3. **Before any governing body may establish a PSAP and impose an emergency telephone tax under the provisions of this section, it shall submit a proposal to its voters for the approval of a PSAP and such tax. The question submitted shall contain, but need not be limited to the following language:**

**May the ..... (insert name of county or city) establish a public safety answering point and impose a telephone tax to finance the public safety answering point? The initial tax**

37 imposed shall be ..... (insert in twenty-five words or less the tax per access per year or  
38 the approximation of what the tax will cost the taxpayer).

39

40 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in  
41 favor of the proposal, then the governing body may establish a PSAP and impose a tax.  
42 If a majority of the votes cast on the proposal by the qualified voters voting thereon are  
43 opposed to the proposal, then the governing body submitting the proposal shall not be  
44 allowed to implement the provisions of this section until it has again submitted such  
45 proposal to its qualified voters and a majority of the votes cast are in favor of the proposal.

46 4. The tax shall be utilized to pay for the operation of [emergency telephone service] a  
47 PSAP and the operational costs associated with the answering and dispatching of emergency  
48 calls as deemed appropriate by the governing body, and may be levied at any time subsequent  
49 to execution of a contract with the provider of such service at the discretion of the governing  
50 body or board, but collection of such tax shall not begin prior to twenty-seven months before  
51 operation of the [emergency telephone service and dispatch center] PSAP.

52 [3.] 5. Such tax shall be levied only upon the [tariff] base service rate. No tax shall be  
53 imposed upon more than one hundred exchange access facilities or their equivalent per [person]  
54 service user per location.

55 [4.] 6. Every [billed] service user is liable for the tax until it has been paid to the service  
56 supplier.

57 [5.] 7. The duty to collect the tax from a service user shall commence at such time as  
58 specified by the governing body in accordance with the provisions of [sections 190.300 to  
59 190.320] this section. The tax required to be collected by the service supplier shall be [added  
60 to and may be stated separately] clearly identified as an emergency telephone tax in the  
61 billings to the service user.

62 [6.] 8. Nothing in this section imposes any obligation upon a service supplier to take any  
63 legal action to enforce the collection of the tax imposed by this section. The service supplier  
64 shall provide the governing body with a list of amounts uncollected along with the names and  
65 addresses of the service users refusing to pay the tax imposed by this section, if any.

66 [7.] 9. The tax imposed by this section shall be collected insofar as practicable at the  
67 same time as, and along with, the charges for the [tariff] base service rate in accordance with the  
68 regular billing practice of the service supplier. The [tariff] base service rates determined by or  
69 stated on the billing of the service supplier are presumed to be correct if such charges were made  
70 in accordance with the service supplier's business practices. The presumption may be rebutted  
71 by evidence which establishes that an incorrect [tariff] base service rate was charged.

72           **10. Annually, the governing body shall review revenues, expenditures, and existing**  
73 **balances from the prior year and adjust the tax as appropriate.**

74           **11. Any governing body adopting an emergency telephone tax under section**  
75 **190.305 may establish an emergency services communications board. The powers and**  
76 **duties of the board may be defined by order or ordinance of the governing body, and such**  
77 **powers shall include but not be limited to the powers contained in section 190.294 relating**  
78 **to administrative control and management of the PSAP. Members of the board shall be**  
79 **appointed by the governing body and shall consist of no less than eleven persons that reside**  
80 **within the area served by the board. At least six of such members shall represent public**  
81 **safety agencies. All board members shall be appointed to serve for a term of three years,**  
82 **except that of the first board members appointed, five members shall be appointed for a**  
83 **one-year term, three members for two-year terms, and three members for three-year terms.**  
84 **Board members may be reappointed. The members of the board shall not receive**  
85 **compensation for their services, but may be reimbursed for their actual and necessary**  
86 **expenses.**

87           **12. Any tax that was adopted under sections 190.300 to 190.330 before August 28,**  
88 **2007, shall continue to be effective and shall be deemed to provide for funding the**  
89 **provision of a PSAP for emergency dispatching.**

          190.308. 1. [In any county that has established an emergency telephone service pursuant  
2 to sections 190.300 to 190.320,] It shall be unlawful for any person to misuse the [emergency  
3 telephone service] **911 system**. For the purposes of this section, ["emergency" means any  
4 incident involving danger to life or property that calls for an emergency response dispatch of  
5 police, fire, EMS or other public safety organization, "misuse the emergency telephone service",]  
6 **"misuse"** includes, but is not limited to, repeatedly calling the "911" for nonemergency  
7 situations causing operators or equipment to be in use [when emergency situations may need  
8 such operators or equipment] , and "repeatedly" means three or more times within a one-month  
9 period.

10           2. Any violation of this section is a class B misdemeanor.

          190.325. 1. In any county of the first classification without a charter form of government  
2 with a population of at least one hundred fifty thousand inhabitants but less than two hundred  
3 thousand inhabitants, the county commission may use all or a part of the moneys derived from  
4 the emergency telephone tax authorized pursuant to section 190.305 for [central] **PSAP**  
5 dispatching of fire protection, emergency ambulance service or any other emergency services,  
6 which may include the purchase and maintenance of communications and emergency equipment.  
7 In the event such commission chooses to use the tax provided in that section for such services,  
8 the provisions of sections 190.300 to 190.320 shall apply except as provided in this section.

9           2. The tax shall not exceed a percentage of the base [tariff] **service** rate and such  
10 percentage shall not exceed an amount equal to a maximum rate of one dollar thirty cents per line  
11 per month, the provisions of section 190.305 to the contrary notwithstanding. The tax imposed  
12 by this section and the amounts required to be collected are due monthly. The amount of tax  
13 collected in one calendar month by the service supplier shall be remitted to the governing body  
14 no later than one month after the close of a calendar month. On or before the last day of each  
15 calendar month, a return for the preceding month shall be filed with the governing body in such  
16 form as the governing body and service supplier shall agree. The service supplier shall include  
17 the list of any service user refusing to pay the tax imposed by this section with each return filing.  
18 The service supplier required to file the return shall deliver the return, together with a remittance  
19 of the amount of the tax collected. The records shall be maintained for a period of one year from  
20 the time the tax is collected. From every remittance to the governing body made on or before  
21 the date when the same becomes due, the service supplier required to remit the same shall be  
22 entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

23           3. Nothing in this section shall be construed to require any municipality or other political  
24 subdivision to join the [central] **PSAP** dispatching system established pursuant to this section.  
25 The governing body of any municipality or other political subdivision may contract with the  
26 board established pursuant to section 190.327 for such services or portion of such services, or  
27 for the purchase and maintenance of communication and emergency equipment.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the  
2 emergency telephone tax for [central] **PSAP** dispatching and an affirmative vote of the telephone  
3 tax, the commission shall appoint the initial members of a board which shall administer the funds  
4 and oversee the provision of [central] **PSAP** dispatching for emergency services in the county  
5 and in municipalities and other political subdivisions which have contracted for such service.  
6 Beginning with the general election in 1992, all board members shall be elected according to this  
7 section and other applicable laws of this state. At the time of the appointment of the initial  
8 members of the board, the commission shall relinquish to the board and no longer exercise the  
9 duties prescribed in this chapter with regard to the provision of emergency telephone service and  
10 in chapter 321, RSMo, with regard to the provision of [central] **PSAP** dispatching service, and  
11 such duties shall be exercised by the board.

12           2. Elections for board members may be held on general municipal election day, as  
13 defined in subsection 3 of section 115.121, RSMo, after approval by a simple majority of the  
14 county commission.

15           3. For the purpose of providing the services described in this section, the board shall  
16 have the following powers, authority and privileges:

17           (1) To have and use a corporate seal;



- 18           (2) To sue and be sued, and be a party to suits, actions and proceedings;  
19           (3) To enter into contracts, franchises and agreements with any person, partnership,  
20 association or corporation, public or private, affecting the affairs of the board;  
21           (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal  
22 property, including leases and easements;  
23           (5) To have the management, control and supervision of all the business affairs of the  
24 board and the construction, installation, operation and maintenance of any improvements;  
25           (6) To hire and retain agents and employees and to provide for their compensation  
26 including health and pension benefits;  
27           (7) To adopt and amend bylaws and any other rules and regulations;  
28           (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of  
29 implementing and operating the services described in this section;  
30           (9) To pay all expenses connected with the first election and all subsequent elections;  
31 and  
32           (10) To have and exercise all rights and powers necessary or incidental to or implied  
33 from the specific powers granted in this subsection. Such specific powers shall not be  
34 considered as a limitation upon any power necessary or appropriate to carry out the purposes and  
35 intent of sections 190.300 to 190.329.

190.328. 1. Beginning in 1997, within the area from which voters and the commission  
2 have approved the provision of [central] **PSAP** dispatching for emergency services by a public  
3 agency for an area containing third or fourth class cities in counties of the third classification  
4 with a population of at least thirty-two thousand but no greater than forty thousand that border  
5 a county of the first classification but do not border the Mississippi River, the initial board shall  
6 consist of two members from each township within such area and one at-large member who shall  
7 serve as the initial chairperson of such board.

8           2. Within the area from which voters and the commission have approved the provision  
9 of [central] **PSAP** dispatching for emergency services by a public agency for an area containing  
10 third or fourth class cities in counties of the third classification with a population of at least  
11 thirty-two thousand but no greater than forty thousand that border a county of the first  
12 classification, voters shall elect a board to administer funds and oversee the provision of [central]  
13 **PSAP** dispatching for emergency services. Such board shall consist of two members elected  
14 from each of the townships within such area and one member elected at large who shall serve  
15 as the chairperson of the board.

16           3. Of those initially elected to the board as provided in this section, four from the  
17 townships shall be elected to a term of two years, and four from the townships and the at-large

18 member shall be elected to a term of four years. Upon the expiration of these initial terms, all  
19 members shall thereafter be elected to terms of four years.

190.329. 1. Except in areas from which voters and the commission have approved the  
2 provision of [central] **PSAP** dispatching for emergency services by a public agency for an area  
3 containing third or fourth class cities located in counties of the third classification with a  
4 population of at least thirty-two thousand but no greater than forty thousand that border a county  
5 of the first classification but do not border the Mississippi River, the initial board shall consist  
6 of seven members appointed without regard for political party who shall be selected from and  
7 shall represent the fire protection districts, ambulance districts, sheriff's department,  
8 municipalities, any other emergency services and the general public. This initial board shall  
9 serve until its successor board is duly elected and installed in office. The commission shall  
10 ensure geographic representation of the county by appointing no more than four members from  
11 any one commission district of the county.

12 2. Beginning in 1992, three members shall be elected from each commission district and  
13 one member shall be elected at large, with such at-large member to be a voting member and  
14 chairman of the board. Of those first elected, four members from commission districts shall be  
15 elected for terms of two years and two members from commission districts and the member at  
16 large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be  
17 for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall  
18 be filled in the same manner as the initial appointment was made. Four members shall constitute  
19 a quorum.

20 3. Upon approval by the county commission for the election of board members to be held  
21 on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of  
22 those board members then holding office shall be reduced by seven months. After a board  
23 member's term has been reduced, all following terms for that position shall be for four years.

**190.330. 1. Except as provided in this section, every owner and operator of a  
2 multistation or private branch exchange (PBX) multiline telephone system purchased or  
3 upgraded after January 1, 2008, shall design and maintain the system to provide a call-  
4 back number and an emergency response location.**

5 **2. Each multiline telephone system operator shall demonstrate or otherwise inform  
6 each new telephone system user how to call 911 from that particular multiline telephone  
7 system.**

8 **3. (1) Each multiline telephone system operator shall coordinate with its local  
9 service supplier and the enhanced 911 service provider to determine what specifications  
10 to follow in order to successfully transmit the call-back number and emergency response  
11 location to the correct PSAP in the correct format. Each multiline telephone system**

12 operator shall arrange to update the ALI database with appropriate master street address  
13 guideline valid address, emergency response location, and call-back information for all  
14 additions, moves, changes, or deletions within twenty-four hours of record update or  
15 completion of installation.

16 (2) The multiline telephone system operator and the multiline telephone system  
17 vendor that installs or maintains the system shall test the ability to dial 911 from each  
18 station or line associated with the multiline telephone system at the time the system or new  
19 trunks are installed or upgraded. Testing shall be coordinated with the PSAP in advance.

20 4. On or after January 1, 2008, operators of shared multiline telephone systems,  
21 whenever installed, serving residential customers shall ensure that the shared multiline  
22 telephone system is connected to the public switched network and that 911 calls from the  
23 system result in at least one distinctive automatic number identification and automatic  
24 location identification for each residential unit, except those requirements shall not apply  
25 if the residential facility maintains one of the following:

26 (1) ALI for each respective emergency response location;

27 (2) The ability to direct emergency responders to the 911 caller's location through  
28 an alternative and adequate means, such as the establishment of a twenty-four hour private  
29 answering point; or

30 (3) A connection to a switchboard operator, attendant, or other designated on-site  
31 individual twenty-four hours a day and seven days a week.

32 5. Operators of hotel and motel multiline telephone systems shall permit the dialing  
33 of 911 and shall ensure that 911 calls originating from hotel or motel multiline telephone  
34 systems allow the 911 system to clearly identify the address and specific location of the 911  
35 caller.

36 6. (1) An operator of business multiline telephone systems connected to the public  
37 switched network and serving business locations of one employer shall ensure that calls to  
38 911 from any telephone on the system result in one of the following:

39 (a) ALI for each respective emergency response location;

40 (b) An ability to direct emergency responders to the 911 caller's location through  
41 an alternative and adequate means, such as the establishment of a twenty-four hour private  
42 answering point; or

43 (c) A connection to a switchboard operator, attendant, or other designated on-site  
44 individual.

45 (2) Except as provided in subsection 4 of this section, providers of multiline  
46 telephone systems serving multiple employers' business locations shall ensure that calls to

47 **911 from any telephone result in automatic identification for the respective emergency**  
48 **response location of each business location sharing the system.**

49 **(3) Only one emergency response location shall be required in the following**  
50 **circumstances:**

51 **(a) An employer's workspace is less than forty thousand square feet, located on a**  
52 **single floor and on a single contiguous property;**

53 **(b) An employer's workspace is less than seven thousand square feet, located on**  
54 **multiple floors and on a single contiguous property; or**

55 **(c) An employer's workspace is a single public entrance, single floor facility on a**  
56 **single contiguous property.**

57 **7. A multiline telephone system operated by a public or private educational**  
58 **institution, including a system serving dormitories and other residential customers, shall**  
59 **be subject to this section and shall not be subject to subsection 4 of this section. The**  
60 **operator of the educational institution multiline system connected to the public switched**  
61 **network shall ensure that calls to 911 from any telephone on the system result in one of the**  
62 **following:**

63 **(1) ALI for each responsive emergency response location;**

64 **(2) An ability to direct emergency responders to the 911 caller's location through**  
65 **an alternative and adequate means, such as the establishment of a twenty-four hour private**  
66 **answering point; or**

67 **(3) A connection to a switchboard operator, attendant, or other designated on-site**  
68 **individual.**

69 **8. (1) Multiline telephone systems with a single emergency response location as**  
70 **defined in subdivision (3) of subsection 6 of this section are exempt from subsection 1 and**  
71 **subsections 4 to 7 of this section.**

72 **(2) Multiline telephone system operators that employ alternative methods of**  
73 **enhanced 911 support are exempt from subsection 1 and subsections 4 to 7 of this section.**

74 **(3) A multiline telephone system operator may apply for an exemption from the**  
75 **requirements of this section from the local 911 addressing authority.**

76 **9. The requirements of subsections 5 and 6 of this section shall apply to new or**  
77 **upgraded multiline telephone systems purchased or upgraded after January 1, 2008. The**  
78 **requirements of subsections 2 to 4 and subsection 7 of this section and the exemptions of**  
79 **subsection 8 of this section shall apply regardless of when the multiline telephone system**  
80 **was installed.**

190.400. As used in sections 190.400 to [190.440] **190.430**, the following words and  
2 terms shall mean:

3 (1) "911", the primary emergency telephone number within the wireless system;

4 (2) "Board", the wireless service provider enhanced 911 advisory board;

5 (3) "Public safety agency", a functional division of a public agency which provides fire  
6 fighting, police, medical or other emergency services. For the purpose of providing wireless  
7 service to users of 911 emergency services, as expressly provided in this section, the department  
8 of public safety and state highway patrol shall be considered a public safety agency;

9 (4) "Public safety answering point", the location at which 911 calls are initially  
10 answered;

11 (5) "Wireless service provider", a provider of commercial mobile service pursuant to  
12 Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

190.420. 1. There is hereby established in the state treasury a fund to be known as the  
2 "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections  
3 190.400 to [190.440] **190.430** by wireless service providers shall be remitted to the director of  
4 the department of revenue. The director shall remit such payments to the state treasurer.

5 2. The state treasurer shall deposit such payments into the wireless service provider  
6 enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing  
7 expenditures actually incurred in the implementation and operation of the wireless service  
8 provider enhanced 911 system.

9 3. Any unexpended balance in the fund shall be exempt from the provisions of section  
10 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and  
11 shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into  
12 the fund.

190.430. 1. The commissioner of the office of administration is authorized to establish  
2 a fee[, if approved by the voters pursuant to section 190.440,] not to exceed fifty cents per  
3 wireless telephone number per month to be collected by wireless service providers from wireless  
4 service customers.

5 2. The office of administration shall promulgate rules and regulations to administer the  
6 provisions of sections 190.400 to [190.440] **190.430**. Any rule or portion of a rule, as that term  
7 is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in  
8 sections 190.400 to [190.440] **190.430** shall become effective only if it has been promulgated  
9 pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to  
10 July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be  
11 interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it  
12 fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo,  
13 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
14 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are

15 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
16 or adopted after July 2, 1998, shall be invalid and void.

17 3. The office of administration is authorized to administer the fund and to distribute the  
18 moneys in the wireless service provider enhanced 911 service fund for approved expenditures  
19 as follows:

20 (1) For the reimbursement of actual expenditures for implementation of wireless  
21 enhanced 911 service by wireless service providers in implementing Federal Communications  
22 Commission order 94-102; and

23 (2) To subsidize and assist the public safety answering points based on a formula  
24 established by the office of administration, which may include, but is not limited to the  
25 following:

26 (a) The volume of wireless 911 calls received by each public safety answering point;

27 (b) The population of the public safety answering point jurisdiction;

28 (c) The number of wireless telephones in a public safety answering point jurisdiction by  
29 zip code; and

30 (d) Any other criteria found to be valid by the office of administration provided that of  
31 the total amount of the funds used to subsidize and assist the public safety answering points, at  
32 least ten percent of said funds shall be distributed equally among all said public safety answering  
33 points providing said services under said section;

34 (3) For the reimbursement of actual expenditures for equipment for implementation of  
35 wireless enhanced 911 service by public safety answering points to the extent that funds are  
36 available, provided that ten percent of funds distributed to public safety answering points shall  
37 be distributed in equal amounts to each public safety answering point participating in enhanced  
38 911 service;

39 (4) Notwithstanding any other provision of the law, no proprietary information submitted  
40 pursuant to this section shall be subject to subpoena or otherwise released to any person other  
41 than to the submitting wireless service provider, without the express permission of said wireless  
42 service provider. General information collected pursuant to this section shall only be released  
43 or published in aggregate amounts which do not identify or allow identification of numbers of  
44 subscribers or revenues attributable to an individual wireless service provider.

45 4. Wireless service providers are entitled to retain one percent of the surcharge money  
46 they collect for administrative costs associated with billing and collection of the surcharge.

47 5. No more than five percent of the moneys in the fund, subject to appropriation by the  
48 general assembly, shall be retained by the office of administration for reimbursement of the costs  
49 of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to [190.440] **190.430**.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

2       [190.306. No provision in this chapter shall be construed to require any  
3       municipality within any county of the third classification without a township  
4       form of government and with more than fifty-four thousand two hundred but less  
5       than fifty-four thousand three hundred inhabitants that has established an  
6       emergency telephone service to dissolve the service in the event that the county  
7       in which the municipality is located establishes an emergency telephone service  
      and moves to a higher county classification.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

11                   2. The ballot of the submission shall contain, but is not limited to, the  
12           following language:

13 Shall the Missouri Office of Administration be authorized to establish a  
14 fee of up to fifty cents per month to be charged every wireless telephone number  
15 for the purpose of funding wireless enhanced 911 service?

16 ☐ YES ☐ NO

18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
19 are opposed to the question, place an "X" in the box opposite "No".

20                   3. If a majority of the votes cast on the ballot measure by the qualified  
21 voters voting thereon are in favor of such measure, then the office of  
22 administration shall be authorized to establish a fee pursuant to section 190.430,  
23 and the fee shall be effective on January 1, 1999, or the first day of the month  
24 occurring at least thirty days after the approval of the ballot measure. If a  
25 majority of the votes cast on the ballot measure by the qualified voters voting  
26 thereon are opposed to the measure, then the office of administration shall have  
27 no power to establish the fee unless and until the measure is approved.]

✓