

FIRST REGULAR SESSION

HOUSE BILL NO. 1162

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Read 1st time March 26, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2707L.01I

AN ACT

To repeal sections 64.245, 67.318, 92.077, 144.518, 190.292, 190.294, 190.296, 190.300, 190.305, 190.307, 190.308, 190.309, 190.310, 190.320, 190.325, 190.327, 190.328, 190.329, 190.335, 190.337, 190.339, 190.340, 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.

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

Section A. Sections 64.245, 67.318, 92.077, 144.518, 190.292, 190.294, 190.296, 190.300, 190.305, 190.307, 190.308, 190.309, 190.310, 190.320, 190.325, 190.327, 190.328, 190.329, 190.335, 190.337, 190.339, 190.340, 190.400, 190.420, 190.430, and 190.440, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 64.245, 67.318, 92.077, 144.518, 190.292, 190.294, 190.296, 190.300, 190.305, 190.307, 190.308, 190.309, 190.310, 190.400, 190.420, and 190.430, to read as follows:

64.245. After the county commission has adopted the subdivision regulations, no plat or instrument describing a subdivision of land within the unincorporated area of the county shall be recorded or vacated until the plat is first submitted to the planning board. No plat shall be approved in any county in which emergency telephone services or central dispatching services are provided and funded pursuant to sections 190.300 to [190.329] **190.315**, RSMo, unless any requirement by the governing body of the county [or of the board established pursuant to section 190.329, RSMo,] to provide such governing body or such board with maps and site plans of the subdivision so that the subdivision addresses, streets, drives and roadways may be added to and

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.

9 included in any computer database used in conjunction with providing such services are met.
10 The board, after hearing, may vacate any plat of a subdivision of land including roads, streets,
11 highways and alleys. At such hearing, the board may require that expert witnesses providing
12 evidence be sworn in so that their statements are statements made under oath. Upon the vacation
13 of the plat, the recorder of deeds shall be notified in writing of the vacation. If the county
14 planning board does not report upon the plat within thirty days, it may then be deemed approved.
15 If the plat is amended or rejected by the planning board, such action may be overruled and the
16 plat approved only by the county commission, after public hearing. The reasons for the
17 overruling shall be spread upon the minutes of the county commission. The recorder of deeds
18 shall not record a plat of a subdivision of land in the unincorporated area of the county until the
19 recorder has received a certificate of authority from the county planning director, who shall issue
20 the certificate if the plat has been approved, pursuant to the provisions of sections 64.211 to
21 64.295. The county planning board may, upon written request of the legislative body of an
22 incorporated area in which there is no municipal planning commission, pass upon subdivision
23 plats within the incorporated areas, and the plat shall be subject to all rules and regulations of the
24 county planning board and shall not be recorded until it has been approved in the same manner
25 as a subdivision plat in an unincorporated area. If the county planning board does agree to pass
26 upon plats in an incorporated area, the county recorder shall be advised of the fact by registered
27 letter from the planning board and the municipal legislative body.

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

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

17 **3. (1) Once 911 authority has been established, the assigned 911 address shall**
18 **become the official address. All government entities shall use the 911 addresses for official**
19 **records.**

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

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

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

35 **5. Any 911 public safety answering point database information shall be held as**
36 **confidential, nonpublic information. All subscriber information, whether obtained from**
37 **the telephone company or from the citizens themselves, shall be confidential, nonpublic**
38 **information and shall not be used for purposes other than the operation of the 911 system.**

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

 92.077. As used in sections 92.074 to 92.095, unless the context clearly requires
2 otherwise, the following terms mean:

3 (1) "Business license tax", any tax, including any fee, charge, or assessment in the nature
4 of a tax, assessed by a municipality on a telecommunications company for the privilege of doing
5 business within the borders of such municipality, and specifically includes any tax assessed on
6 a telecommunications company by a municipality under section 66.300, RSMo, and section
7 80.090, RSMo, section 92.073, section 94.110, 94.270, or 94.360, RSMo, or under authority
8 granted in its charter, as well as an occupation license tax, gross receipts tax, franchise tax, or
9 similar tax, but shall not include:

10 (a) Any state or municipal sales tax imposed under sections 144.010 to 144.525, RSMo;
11 or

12 (b) Any municipal right-of-way usage fee imposed under the authority of a municipality's
13 police powers under Section 253(c) of the Federal Telecommunications Act of 1996, or under
14 sections 67.1830 to 67.1846, RSMo; or

15 (c) Any tax or fee levied for emergency services under section 190.292, 190.305,
16 [190.325, 190.335,] or 190.430, RSMo, or any tax authorized by the general assembly after
17 August 28, 2005, for emergency services;

18 (d) Any flat tax duly imposed on or before August 28, 2005;

19 (2) "Director", the director of the department of revenue;

20 (3) "Municipal", of or relating to a municipality;

21 (4) "Municipality", any city, county, town, or village in Missouri entitled by authority
22 of section 66.300, RSMo, section 80.090, RSMo, section 92.073, section 94.110, 94.270, or
23 94.360, RSMo, or under authority granted in its charter to assess a business license tax on
24 telecommunications companies;

25 (5) "Telecommunications company", any company doing business in this state that
26 provides telecommunications service;

27 (6) "Telecommunications service", the same meaning as such term is defined in section
28 144.010, RSMo. The term telephone company, as used in sections 94.110, 94.270, and 94.360,
29 RSMo, shall have the same meaning as telecommunications company as defined in this section.

144.518. In addition to the exemptions granted pursuant to section 144.030, there is
2 hereby specifically exempted from the provisions of sections 66.600 to [66.635] **66.630**, RSMo,
3 sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo,
4 sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685,
5 RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739,
6 RSMo, sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340,
7 RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to [94.570] **94.550**, RSMo, section
8 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to
9 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to
10 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to
11 144.525, and sections 144.600 to 144.761, [sections 190.335 to 190.337, RSMo,] sections
12 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section
13 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to
14 sections 66.600 to [66.635] **66.630**, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500
15 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to
16 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section
17 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, section
18 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections

19 94.500 to [94.570] **94.550**, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo,
20 section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo,
21 section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo,
22 section 94.890, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, [sections
23 190.335 to 190.337, RSMo,] sections 238.235 and 238.410, RSMo, section 321.242, RSMo,
24 section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a
25 commercial, coin-operated amusement and vending business where sales tax is paid on the gross
26 receipts derived from the use of commercial, coin-operated amusement and vending machines.

190.292. 1. In [lieu of] **addition to** the tax levy authorized under section 190.305 for
2 [emergency telephone services] **a public safety answering point, hereafter referred to as**
3 **PSAP**, the [county commission] **governing body** of any county may impose a county sales tax
4 for the provision of [central dispatching of fire protection, including law enforcement agencies,
5 emergency ambulance service or any other emergency services, including emergency telephone
6 services, which shall be collectively referred to herein as] **a PSAP for emergency dispatching**
7 **of "emergency services"**, and which may also include the purchase and maintenance of
8 communications and emergency equipment, including the operational costs associated therein,
9 in accordance with the provisions of this section.

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

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

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

22 ☐ YES ☐ NO

23

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

29 impose the tax under the provisions of this section, and such proposal is approved by a majority
30 of the qualified voters voting thereon.

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

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

39 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
40 in which the tax imposed pursuant to this section [for emergency services] is certified by the
41 board to be fully operational. Any revenues collected from the tax authorized under section
42 190.305 shall be credited for the purposes for which they were intended.

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

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

60 9. The initial board shall consist of seven members **who shall reside in the district that**
61 **they represent and who shall be** appointed without regard to political affiliation[,] . Three [of
62 whom] **members** shall be selected from[,] and [who shall] represent[,] the fire protection
63 districts, ambulance districts, sheriff's department, municipalities, and any other emergency
64 services. Four of the members of the board shall not be selected from or represent the fire

65 protection districts, ambulance districts, sheriff's department, municipalities, or any other
66 emergency services. [Any individual serving on the board on August 28, 2004, may continue
67 to serve and seek reelection or reappointment to the board, notwithstanding any provisions of this
68 subsection.] This initial board shall serve until its successor board is duly elected and installed
69 in office. The commission shall ensure geographic representation of the county by appointing
70 no more than four members from each district of the county commission.

71 10. [Beginning in 1994,] Three members shall be elected from each district of the
72 county commission and one member shall be elected at large. The members of the board shall
73 annually elect, from among their number, the chairman of the board. Of those first elected, four
74 members from districts of the county commission shall be elected for terms of two years and two
75 members from districts of the county commission and the member at large shall be elected for
76 terms of four years. [In 1996, and] Thereafter, all terms of office shall be four years. The
77 election of the board members shall be conducted at the first municipal election held in a
78 calendar year.

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

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

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

91 14. **Any tax that was adopted under sections 190.290 to 190.296 before August 28,**
92 **2007, shall continue to be effective and shall be deemed to provide for funding the**
93 **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] **190.315**, the following terms and
2 phrases mean:

3 (1) "Emergency telephone service", a telephone system utilizing a single three digit
4 number "911" for reporting police, fire, medical or other emergency situations;

5 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone
6 service;

7 (3) "Exchange access facilities", all facilities provided by the service supplier for local
8 telephone exchange access to a service user;

9 (4) "Governing body", the legislative body for a city, county or city not within a county;

10 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,
11 cooperative organization, corporation, municipal or private, and whether organized for profit or
12 not, state, county, political subdivision, state department, commission, board, bureau or fraternal
13 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of
14 creditors, trustee or trustee in bankruptcy, or any other service user;

15 (6) "Public agency", any city, county, city not within a county, municipal corporation,
16 public district or public authority located in whole or in part within this state which provides or
17 has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other
18 emergency services;

19 (7) "Service supplier", any person providing exchange telephone services to any service
20 user in this state;

21 (8) "Service user", any person, other than a person providing pay telephone service
22 pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who
23 is provided exchange telephone service in this state;

24 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated
25 in the service supplier's tariffs, approved by the Missouri public service commission which
26 represent the service supplier's recurring charges for exchange access facilities or their
27 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
2 governing body may provide for the operation of an emergency telephone service and may pay
3 for it by levying an emergency telephone tax for such service in those portions of the governing
4 body's jurisdiction for which emergency telephone service has been contracted. The governing

5 body may do such other acts as are expedient for the protection and preservation of the public
6 health and are necessary for the operation of the emergency telephone system. The governing
7 body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff
8 local service rate, as defined in section 190.300, or seventy-five cents per access line per month,
9 whichever is greater, [except as provided in sections 190.325 to 190.329,] in those portions of
10 the governing body's jurisdiction for which emergency telephone service has been contracted.
11 In any county of the third classification with a population of at least thirty-two thousand but not
12 greater than forty thousand that borders a county of the first classification, a governing body of
13 a third or fourth class city may, with the consent of the county commission, contract for service
14 with a public agency to provide services within the public agency's jurisdiction when such city
15 is located wholly within the jurisdiction of the public agency. [Consent shall be demonstrated
16 by the county commission authorizing an election within the public agency's jurisdiction
17 pursuant to section 190.320. Any contract between governing bodies and public agencies in
18 existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be
19 recognized if the county commission authorized the election for emergency telephone service
20 and a vote was held as provided in section 190.320. The governing body shall provide for a
21 board pursuant to sections 190.327 and 190.328.]

22 2. The tax shall be utilized to pay for the operation of emergency telephone service and
23 the operational costs associated with the answering and dispatching of emergency calls as
24 deemed appropriate by the governing body, and may be levied at any time subsequent to
25 execution of a contract with the provider of such service at the discretion of the governing body,
26 but collection of such tax shall not begin prior to twenty-seven months before operation of the
27 emergency telephone service and dispatch center.

28 3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more
29 than one hundred exchange access facilities or their equivalent per person per location.

30 4. Every billed service user is liable for the tax until it has been paid to the service
31 supplier.

32 5. The duty to collect the tax from a service user shall commence at such time as
33 specified by the governing body in accordance with the provisions of sections 190.300 to
34 [190.320] **190.315**. The tax required to be collected by the service supplier shall be added to and
35 may be stated separately in the billings to the service user.

36 6. Nothing in this section imposes any obligation upon a service supplier to take any
37 legal action to enforce the collection of the tax imposed by this section. The service supplier
38 shall provide the governing body with a list of amounts uncollected along with the names and
39 addresses of the service users refusing to pay the tax imposed by this section, if any.

40 7. The tax imposed by this section shall be collected insofar as practicable at the same
41 time as, and along with, the charges for the tariff rate in accordance with the regular billing
42 practice of the service supplier. The tariff rates determined by or stated on the billing of the
43 service supplier are presumed to be correct if such charges were made in accordance with the
44 service supplier's business practices. The presumption may be rebutted by evidence which
45 establishes that an incorrect tariff rate was charged.

 190.307. 1. No public agency or public safety agency, nor any officer, agent or employee
2 of any public agency, shall be liable for any civil damages as a result of any act or omission
3 except willful and wanton misconduct or gross negligence, in connection with developing,
4 adopting, operating or implementing any plan or system required by sections 190.300 to
5 [190.340] **190.315**.

6 2. No person who gives emergency instructions through a system established pursuant
7 to sections 190.300 to [190.340] **190.315** to persons rendering services in an emergency at
8 another location, nor any persons following such instructions in rendering such services, shall
9 be liable for any civil damages as a result of issuing or following the instructions, unless issuing
10 or following the instructions constitutes willful and wanton misconduct, or gross negligence.

 190.308. 1. In any county that has established an emergency telephone service pursuant
2 to sections 190.300 to [190.320] **190.315**, it shall be unlawful for any person to misuse the
3 emergency telephone service. For the purposes of this section, "emergency" means any incident
4 involving danger to life or property that calls for an emergency response dispatch of police, fire,
5 EMS or other public safety organization, "misuse the emergency telephone service", includes,
6 but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators
7 or equipment to be in use when emergency situations may need such operators or equipment and
8 "repeatedly" means three or more times within a one-month period.

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

 190.309. 1. Any county may establish an "Emergency Telephone Service 911 Board",
2 referred to in this section as the "board". The powers and duties of the board may be defined by
3 order or ordinance of the county. Such powers shall include, but not be limited to:

- 4 (1) Planning a 911 system;
5 (2) Coordinating and supervising the implementation, upgrading, or maintenance of the
6 system, including the establishment of equipment specifications and coding systems;
7 (3) Receiving moneys from any emergency telephone service tax levy authorized by the
8 governing body of the county pursuant to section 190.305, and authorizing disbursements from
9 such moneys collected;
10 (4) Hiring any staff necessary for the implementation or upgrade of the system.

11 2. Members of the board shall be appointed by the governing body of the county, and
12 shall be known as the board of directors of the emergency service telephone 911 board. The
13 governing body shall appoint eleven persons to the board. At least six of such members shall
14 represent public safety agencies. At least nine of the board members shall be residents of the
15 county described in subsection 1 of this section or a county adjoining such county. All board
16 members shall be appointed to serve for a term of three years, except that of the first board
17 appointed, five members shall be appointed for one-year terms, three members for two-year
18 terms and three members for three-year terms. Board members may be reappointed. The
19 members of the board shall not receive compensation for their services, but may be reimbursed
20 for their actual and necessary expenses.

21 3. The administrative control and management of the county emergency telephone 911
22 service shall rest solely with the board, and the board shall employ all necessary personnel, fix
23 their compensation, and provide suitable quarters and equipment for the operation of the facility
24 from funds made available for this purpose. Employees of the board shall be eligible for
25 membership in the Missouri local government employees' retirement system pursuant to sections
26 70.600 to 70.755, RSMo.

27 4. The board may contract to provide services relating in whole or in part to emergency
28 telephone 911 service and for such purpose may expend the tax funds or other funds.

29 5. The board shall elect a chairman, vice chairman, treasurer, and such other officers as
30 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety
31 bond, in an amount to be determined and in a form to be approved by the board, for the faithful
32 performance of the treasurer's duties and faithful accounting of all moneys that may come into
33 the treasurer's hands. The treasurer shall enter into the surety bond with a surety company
34 authorized to do business in Missouri, and the cost of such bond shall be paid by the board.

35 6. The board shall set rules for establishment and operation of the emergency 911
36 system, and shall do all other things necessary to carry out the purposes of sections 190.300 to
37 **[190.320] 190.315.**

38 7. The board may contract with any not-for-profit corporation including any corporation
39 which is incorporated for the purpose of implementing the provisions of sections 190.300 to
40 **[190.320] 190.315.**

41 8. The board may accept any gift of property or money for the use and benefit of the
42 emergency telephone 911 service in the county, and the board is authorized to sell or exchange
43 any such property which the board believes would be to the benefit of the service so long as the
44 proceeds are used exclusively for emergency telephone services. The board shall have exclusive
45 control of all gifts, property or money the board may accept; of all interest or other proceeds
46 which may accrue from the investment of such gifts or money or from the sale of such property;

47 of all tax revenues collected by the county on behalf of the emergency telephone 911 services;
48 and of all other funds granted, appropriated, or loaned to the board by the federal government,
49 the state, or its political subdivisions so long as these resources are used solely to benefit the
50 emergency telephone service in the county.

51 9. Any board member may, following notice and an opportunity to be heard, be removed
52 from office by a majority vote of the other members of the board for any of the following
53 grounds:

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

55 (2) Conduct prejudicial to the good order and efficient operation of the emergency
56 telephone service; or

57 (3) Neglect of duty.

58 10. The chairman of the board shall preside at such removal hearing, unless the chairman
59 is the person sought to be removed, in which case the hearing shall be presided over by another
60 member elected by the majority vote of the other board members. All interested parties may
61 present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or
62 affirmation before testifying. Any interested party may, at his or her own expense, record the
63 proceedings.

64 11. Vacancies on the board occasioned by removals, resignations or otherwise shall be
65 reported by the board chairman to the governing body of the county and shall be filled in like
66 manner as original appointments; except that, if the vacancy occurs during an unexpired term,
67 the appointment shall be for only the unexpired portion of that term.

68 12. Individual board members shall not be eligible for employment by the board within
69 twelve months of termination of service as a member of the board.

70 13. No person shall be employed by the board who is related within the fourth degree
71 of consanguinity or affinity to any member of the board.

190.310. 1. The tax imposed by sections 190.300 to [190.320] **190.315** and the amounts
2 required to be collected are due quarterly. The amount of tax collected in one calendar quarter
3 by the service supplier shall be remitted to the governing body no later than sixty days after the
4 close of a calendar quarter. On or before the sixtieth day of each calendar quarter following, a
5 return for the preceding quarter shall be filed with the governing body in such form as the
6 governing body and service supplier shall agree. The service supplier will include the list of any
7 service user refusing to pay the tax imposed by sections 190.300 to [190.320] **190.315** with each
8 return filing. The service supplier required to file the return shall deliver the return, together with
9 a remittance of the amount of the tax collected under the provisions of sections 190.300 to
10 [190.320] **190.315**. The records shall be maintained for a period of one year from the time the
11 tax is collected.

12 2. From every remittance to the governing body made on or before the date when the
13 same becomes due, the service supplier required to remit the same shall be entitled to deduct and
14 retain, as a collection fee, an amount equal to two percent thereof.

15 3. At least once each calendar year, the governing body shall establish a tax rate, not to
16 exceed the amount authorized, that together with any surplus revenues carried forward will
17 produce sufficient revenues to fund the expenditures authorized by sections 190.300 to [190.320]
18 **190.315**. Amounts collected in excess of that necessary within a given year shall be carried
19 forward to subsequent years. The governing body shall make its determination of such tax rate
20 each year no later than September first and shall fix the new rate which shall be collected as
21 provided in sections 190.300 to [190.320] **190.315**. Immediately upon making its determination
22 and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall
23 notify by mail every service supplier registered with it of the new rate. The governing body may
24 require an audit of the service supplier's books and records concerning the collection and
25 remittance of the tax authorized by sections 190.300 to [190.320] **190.315**.

 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.

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

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

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

2 [190.320. Before any governing body may establish emergency telephone
3 service and impose an emergency telephone tax under the provisions of sections
4 190.300 to 190.320, it shall submit a proposal to its voters for the approval of
5 such service and such tax. The ballot of submission shall contain, but need not
6 be limited to, the following language:

7 May the (City, County) of establish an emergency telephone
service and impose a telephone tax to finance such service?

8 Yes

9 No

10 The initial tax imposed shall be

11 (Here the governing body in 25 words or less shall describe the tax per telephone
12 per year or any other wording which will give the voter an approximation of what
13 the tax will cost the taxpayer.)

14 If a majority of the votes cast on the proposal by the qualified voters voting
15 thereon are in favor of the proposal, then the governing body may establish the
16 service and impose the tax allowed by the provisions of sections 190.300 to
17 190.320. If a majority of the votes cast on the proposal by the qualified voters
18 voting thereon are opposed to the proposal, then the governing body submitting
19 the proposal shall not be allowed to implement the provisions of sections 190.300
20 to 190.320 until it has again submitted such proposal to its qualified voters and
21 a majority of the votes cast are in favor of the proposal.]
22

2 [190.325. 1. In any county of the first classification without a charter
3 form of government with a population of at least one hundred fifty thousand
4 inhabitants but less than two hundred thousand inhabitants, the county
5 commission may use all or a part of the moneys derived from the emergency
6 telephone tax authorized pursuant to section 190.305 for central dispatching of
7 fire protection, emergency ambulance service or any other emergency services,
8 which may include the purchase and maintenance of communications and
9 emergency equipment. In the event such commission chooses to use the tax
10 provided in that section for such services, the provisions of sections 190.300 to
11 190.320 shall apply except as provided in this section.

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

28 3. Nothing in this section shall be construed to require any municipality
29 or other political subdivision to join the central dispatching system established
30 pursuant to this section. The governing body of any municipality or other
31 political subdivision may contract with the board established pursuant to section
32 190.327 for such services or portion of such services, or for the purchase and
33 maintenance of communication and emergency equipment.]
34

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

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

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

- 20 (1) To have and use a corporate seal;
- 21 (2) To sue and be sued, and be a party to suits, actions and proceedings;
- 22 (3) To enter into contracts, franchises and agreements with any person,
23 partnership, association or corporation, public or private, affecting the affairs of
24 the board;
- 25 (4) To acquire, construct, purchase, maintain, dispose of and encumber
26 real and personal property, including leases and easements;
- 27 (5) To have the management, control and supervision of all the business
28 affairs of the board and the construction, installation, operation and maintenance
29 of any improvements;
- 30 (6) To hire and retain agents and employees and to provide for their
31 compensation including health and pension benefits;
- 32 (7) To adopt and amend bylaws and any other rules and regulations;
- 33 (8) To fix, charge and collect the taxes and fees authorized by law for the
34 purpose of implementing and operating the services described in this section;
- 35 (9) To pay all expenses connected with the first election and all
subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.]

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

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

3. Of those initially elected to the board as provided in this section, four from the townships shall be elected to a term of two years, and four from the townships and the at-large member shall be elected to a term of four years. Upon the expiration of these initial terms, all 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 provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities located in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.

2. Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large

16 member to be a voting member and chairman of the board. Of those first elected,
17 four members from commission districts shall be elected for terms of two years
18 and two members from commission districts and the member at large shall be
19 elected for terms of four years. In 1994, and thereafter, all terms of office shall
20 be for four years, except as provided in subsection 3 of this section. Any vacancy
21 on the board shall be filled in the same manner as the initial appointment was
22 made. Four members shall constitute a quorum.

23 3. Upon approval by the county commission for the election of board
24 members to be held on general municipal election day, pursuant to subsection 2
25 of section 190.327, the terms of those board members then holding office shall
26 be reduced by seven months. After a board member's term has been reduced, all
27 following terms for that position shall be for four years.]
28

[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,
11 submit to the voters of the county, at a public election, a proposal to authorize the
12 county commission to impose a tax under the provisions of this section. If the
13 residents of the county present a petition signed by a number of residents equal
14 to ten 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
19 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

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

30 to impose the tax under the provisions of this section, and such proposal is
31 approved by a majority of the qualified voters voting thereon.

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

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

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

46 7. At least once each calendar year, the governing body shall establish a
47 tax rate, not to exceed the amount authorized, that together with any surplus
48 revenues carried forward will produce sufficient revenues to fund the
49 expenditures authorized by this act. Amounts collected in excess of that
50 necessary within a given year shall be carried forward to subsequent years. The
51 governing body shall make its determination of such tax rate each year no later
52 than September first and shall fix the new rate which shall be collected as
53 provided in this act. Immediately upon making its determination and fixing the
54 rate, the governing body shall publish in its minutes the new rate, and it shall
55 notify every retailer by mail of the new rate.

56 8. Immediately upon the affirmative vote of voters of such a county on
57 the ballot proposal to establish a county sales tax pursuant to the provisions of
58 this section, the county commission shall appoint the initial members of a board
59 to administer the funds and oversee the provision of emergency services in the
60 county. Beginning with the general election in 1994, all board members shall be
61 elected according to this section and other applicable laws of this state. At the
62 time of the appointment of the initial members of the board, the commission shall
63 relinquish and no longer exercise the duties prescribed in this chapter with regard
64 to the provision of emergency services and such duties shall be exercised by the
65 board.

66 9. The initial board shall consist of seven members appointed without
67 regard to political affiliation, who shall be selected from, and who shall represent,
68 the fire protection districts, ambulance districts, sheriff's department,
69 municipalities, any other emergency services and the general public. This initial
70 board shall serve until its successor board is duly elected and installed in office.
71 The commission shall ensure geographic representation of the county by

72 appointing no more than four members from each district of the county
73 commission.

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

81 11. Notwithstanding the provisions of subsections 8 to 10 of this section
82 to the contrary, in any county of the first classification with more than two
83 hundred forty thousand three hundred but fewer than two hundred forty thousand
84 four hundred inhabitants, any emergency telephone service 911 board appointed
85 by the county under section 190.309 which is in existence on the date the voters
86 approve a sales tax under this section shall continue to exist and shall have the
87 powers set forth under section 190.339.]
88

2 [190.337. 1. The sales tax established by a county according to the
provisions of section 190.335 shall be permanent and revenues from it shall be
3 disbursed only for the purposes for which it was collected. Upon receipt of a
4 petition signed by a number of voters in the county equal to ten percent of the
5 number of voters in the county who voted in the most recent gubernatorial
6 election requesting the submission of the question of continuation or termination,
7 the county commission in any county which has adopted the sales tax as a means
8 of paying for emergency services in lieu of financing such services through taxes
9 as provided in section 190.305, shall submit to the voters of the county the
10 question to continue or to terminate the sales tax.

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

12 Shall the county of (insert name of county) continue to impose
13 a county sales tax of (insert rate of percent) percent for the purpose of
14 providing central dispatching of fire protection, emergency ambulance, or
15 emergency telephone, services?

16 YES

NO

17 3. If a majority of those voting on the question vote "YES" for
18 continuation, the sales tax shall be continued unless and until terminated by a
19 vote of the qualified voters voting thereon; if a majority of those voting on the
20 question vote "NO" for the termination of the sales tax, the county commission
21 shall declare the sales tax terminated effective the first day of the second calendar
22 quarter following notification to the director of revenue that the tax has been
23 repealed and shall discharge any board appointed pursuant to section 190.335.
24 Any order adopted by the board shall be void and of no effect from and after the
25 termination of the sales tax.

26 4. If the majority of the voters vote "NO" pursuant to subsection 3 of this
27 section, the emergency services shall be deemed to have been terminated. Such
28 emergency services may be reestablished in the county pursuant to the provisions
29 of section 190.305.]
30

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

- 3 (1) Planning a 911 system and dispatching system;
4 (2) Coordinating and supervising the implementation, upgrading or
5 maintenance of the system, including the establishment of equipment
6 specifications and coding systems;
7 (3) Receiving money from any county sales tax authorized to be levied
8 pursuant to section 190.335 and authorizing disbursements from such moneys
9 collected;
10 (4) Hiring any staff necessary for the implementation, upgrade or
11 operation of the system.

12 2. The administrative control and management of the moneys from any
13 county sales tax authorized to be levied pursuant to section 190.335 and the
14 administrative control and management of the central dispatching of emergency
15 services shall rest solely with the board, and the board shall employ all necessary
16 personnel, affix their compensation and provide suitable quarters and equipment
17 for the operation of the central dispatching of emergency services from the funds
18 available for this purpose.

19 3. The board may contract to provide services relating in whole or in part
20 to central dispatching of emergency services and for such purpose may expend
21 the tax funds or other funds.

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

29 5. The board may accept any gift of property or money for the use and
30 benefit of the central dispatching of emergency services, and the board is
31 authorized to sell or exchange any such property which it believes would be to
32 the benefit of the service so long as the proceeds are used exclusively for central
33 dispatching of emergency services. The board shall have exclusive control of all
34 gifts, property or money it may accept; of all interest of other proceeds which
35 may accrue from the investment of such gifts or money or from the sale of such
36 property; of all tax revenues collected by the county on behalf of the central
37 dispatching of emergency services; and of all other funds granted, appropriated
38 or loaned to it by the federal government, the state or its political subdivisions so

39 long as such resources are used solely to benefit the central dispatching of
40 emergency services.

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

- 44 (1) Failure to attend five consecutive meetings, without good cause;
45 (2) Conduct prejudicial to the good order and efficient operation of the
46 central dispatching of emergency services; or
47 (3) Neglect of duty.

48 7. The chairperson of the board shall preside at such removal hearing,
49 unless the chairperson is the person sought to be removed, in which case the
50 hearing shall be presided over by another member elected by a majority vote of
51 the other board members. All interested parties may present testimony and
52 arguments at such hearing, and the witnesses shall be sworn in by oath or
53 affirmation before testifying. Any interested party may, at his or her own
54 expense, record the proceedings.

55 8. Vacancies on the board occasioned by removals, resignations or
56 otherwise, shall be filled by the remaining members of the board. The appointee
57 or appointees shall act until the next election at which a director or directors are
58 elected to serve the remainder of the unexpired term.

59 9. Individual board members shall not be eligible for employment by the
60 board within twelve months of termination of service as a member of the board.

61 10. No person shall be employed by the board who is related within the
62 fourth degree by blood or by marriage to any member of the board.]
63

2 [190.340. 1. It shall be the duty of the chairperson to preside at all board
3 meetings, to act as official head of the emergency services board and to execute
4 all contracts required to be executed by the board. In the absence and disability
5 of the chairperson, the vice chairperson shall assume the duties of the
6 chairperson.

7 2. The secretary shall keep the official records of the meetings of the
8 board, shall attest all official documents with the seal of the board, shall, when
9 called upon, make reports pertaining to the business of the secretary's office,
10 attend the board meetings and perform such other duties as may be imposed upon
11 the secretary by the provisions of sections 190.335 to 190.342 and the rules of the
12 board.

13 3. The treasurer shall be the custodian of the funds of the board and pay
14 money out of the treasury only upon valid checks or drafts drawn on the treasury.

15 4. The board may, from time to time, provide for additional rules and
16 regulations concerning the duties of its officers.]

2 [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

3 measure is submitted and approved by the voters of this state. The ballot measure
4 shall be submitted by the secretary of state for approval or rejection at the general
5 election held and conducted on the Tuesday immediately following the first
6 Monday in November, 1998, or at a special election to be called by the governor
7 on the ballot measure. If the measure is rejected at such general or special
8 election, the measure may be resubmitted at each subsequent general election, or
9 may be resubmitted at any subsequent special election called by the governor on
10 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

17
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.]

✓