

SECOND REGULAR SESSION

HOUSE BILL NO. 1712

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDER (Sponsor), MCGHEE, JONES (117), PARSON,
DEEKEN, NANCE, WALLACE, BRUNS AND BAKER (123) (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3222L.01I

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, and 190.329, RSMo, and to enact in lieu thereof
thirteen 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 67.318, 190.290, 190.292, 190.294, 190.296, 190.300, 190.305,
2 190.306, 190.308, 190.325, 190.327, 190.328, and 190.329, RSMo, are repealed and thirteen
3 new sections enacted in lieu thereof, to be known as sections 67.318, 190.290, 190.292, 190.294,
4 190.296, 190.300, 190.305, 190.308, 190.325, 190.327, 190.328, 190.329, and 190.330, to read
5 as follows:

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.

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.

10 **2. The governing body of each county except any city not within a county shall**
11 **establish and maintain 911 addressing in all areas of its jurisdiction for which enhanced**
12 **911 service has been approved, including areas within the cities and other political**
13 **subdivisions located in such county. However, the governing body of each county may**
14 **delegate the authority to establish and maintain the addressing within municipalities to the**
15 **governing body or political subdivision that has governmental authority over the**
16 **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 Postal Service guidelines or**
32 **current local established guidelines. The input and advice of the United States Postal**
33 **Service officials, local telephone companies, and other interested utilities shall be sought**
34 **during all new addressing projects.**

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

40 **6. The public safety answering point master street address guide database**
41 **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:

2 **(1) "911 system", a system or any portion thereof required in the generally**
3 **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 telephone or other communications
8 **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] communications service"**, a [telephone] **communications**
17 **system utilizing a single three digit number, "911", for reporting police, fire, medical, or other**
18 **emergency situations;**

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

21 (8) **"Emergency communications tax"**, a tax on telephone or other communications
22 **service to finance the operation of an emergency communications service;**

23 (9) **"Governing body"**, the legislative body responsible for a city or 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] communications services, the [county commission] governing body of**

3 any county may impose a county sales tax for the provision of [central dispatching of fire
4 protection, including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be collectively referred
6 to herein as] **a PSAP for emergency dispatching of "emergency services"**, and which may also
7 include the purchase and maintenance of communications and emergency equipment, including
8 the 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 [commission]
14 **governing body** 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 **2008, 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 communications 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 communications tax** authorized to be levied pursuant to section 190.292, **190.305,**
52 **or 190.430** and the administrative control and management of the [central] **PSAP and**

53 **emergency** dispatching [of emergency services] **or communications service** shall rest solely
54 with the board, and the board shall employ all necessary personnel, affix their compensation and
55 provide suitable quarters and equipment for the operation of the [central] **PSAP and emergency**
56 dispatching [of emergency services] **or communications service** from the funds available for
57 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 chair to preside at all board meetings, to act as official**
94 **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 chair, the vice**
96 **chair shall assume the duties of the chair.**

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) ["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;] **"911", the primary emergency telephone**
9 **number;**
- 10 (2) **"911 system", a system or any portion thereof required in the generally**
11 **accepted practice of answering and dispatching of emergency 911 calls;**
- 12 (3) **"Access facilities", all facilities provided by the service supplier for local**
13 **telephone or communications services with access to a service user;**
- 14 (4) **"Automatic location identification" or "ALI", the automatic display at a PSAP**
15 **of the caller's telephone number, the address or location of the telephone, and**
16 **supplementary emergency services information;**
- 17 (5) **"Base service rate", the rate or rates billed by a service supplier to a service**
18 **user. Such rate or rates shall be considered that rate charged for minimum access to the**
19 **service supplier's system or rates that have been approved by the Missouri public service**
20 **commission, which represents the service supplier's recurring charges for access facilities**
21 **or their communications equivalent, exclusive of all taxes, fees, licenses, or similar charges**
22 **whatsoever;**
- 23 (6) **"Dispatching system", an emergency communication system used by a**
24 **dispatcher to communicate with police, fire, and emergency medical responders, and other**
25 **emergency response services;**
- 26 (7) **"Emergency communications service", any service that is capable of**
27 **communicating to a single three-digit number "911" for reporting police, fire, medical, or**
28 **other emergency situations;**
- 29 (8) **"Emergency communications tax", a tax on telephone or other communications**
30 **services to finance the operation of an emergency communications service;**
- 31 (9) **"Emergency dispatching", dispatching for any incident involving imminent**
32 **danger to life or property that calls for an emergency dispatch of police, fire, emergency**
33 **medical, or other emergency response services;**
- 34 (10) **"Emergency services", police, fire, and emergency medical response agencies,**
35 **or other emergency response services;**
- 36 (11) **"Emergency services communications board" or "board", a body corporate**
37 **and a political subdivision of the state whose powers and authority are defined in sections**
38 **190.300 to 190.330;**
- 39 (12) **"Enhanced 911 database", generally referred to as the ALI database which**
40 **is used for 911 services;**
- 41 (13) **"Enhanced 911 service provider", generally the local exchange carrier of**
42 **telephone company;**

43 **(14) "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)] **(15) "Governing body", the legislative body responsible for a city, county or city**
48 **not within a county;**

49 [(5)] **(16) "Person", any individual, firm, partnership, copartnership, joint venture,**
50 **association, cooperative organization, corporation, municipal or private, and whether organized**
51 **for profit or not, state, county, political subdivision, state department, commission, board, bureau**
52 **or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the**
53 **benefit of creditors, trustee or trustee in bankruptcy, or any other service user;**

54 [(6)] **(17) "Public agency", any city, county, city not within a county, municipal**
55 **corporation, public district or public authority that is tax supported and located in whole or in**
56 **part within this state which provides or has authority to provide fire fighting, law enforcement,**
57 **ambulance, emergency medical, or other emergency services;**

58 **(18) "Public safety agency", a functional division of a public agency which provides**
59 **fire fighting, police, medical, or other emergency services. For the purpose of providing**
60 **911 emergency services, as provided in this section, the department of public safety and**
61 **state highway patrol shall be considered a public safety agency;**

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

66 [(7)] **(20) "Service supplier", any person providing [exchange] telephone or**
67 **communications services to any service user in this state;**

68 [(8)] **(21) "Service user", any person, other than a person providing pay telephone service**
69 **pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who**
70 **is provided [exchange] telephone or communications service in this state[;**

71 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated
72 in the service supplier's tariffs, approved by the Missouri public service commission which
73 represent the service supplier's recurring charges for exchange access facilities or their
74 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] **communications**
3 service and may pay for it by levying an emergency [telephone] **communications** tax for such
4 service in those portions of the governing body's jurisdiction for which emergency [telephone]

5 **communications** service has been contracted. The governing body may do such other acts as
6 are expedient for the protection and preservation of the public health and are necessary for the
7 operation of the emergency [telephone] **communications** system. The governing body is hereby
8 authorized to levy the tax in an amount not to exceed fifteen percent of the [tariff local] **base**
9 service rate, [as defined in section 190.300,] or seventy-five cents per **service user** access [line]
10 per month, whichever is greater, except as provided in sections [190.325 to 190.329] **190.292**
11 **and 190.430**, in those portions of the governing body's jurisdiction for which emergency
12 [telephone] **communications** service has been contracted. In any county of the third
13 classification with a population of at least thirty-two thousand but not greater than forty thousand
14 that borders a county of the first classification, a governing body of a third or fourth class city
15 may, with the consent of the county commission, contract for service with a public agency to
16 provide services within the public agency's jurisdiction when such city is located wholly within
17 the jurisdiction of the public agency. Consent shall be demonstrated by the [county commission]
18 **governing body** authorizing an election within the public agency's jurisdiction pursuant to
19 [section 190.320] **subsection 3 of this section**. Any contract between governing bodies and
20 public agencies in existence on August 28, 1996, that meets such criteria prior to August 28,
21 1996, shall be recognized if the [county commission] **governing body** authorized the election
22 for emergency telephone service and a vote was held as provided in [section 190.320] **subsection**
23 **3 of this section**. [The governing body shall provide for a board pursuant to sections 190.327
24 and 190.328.] **The board of any county of the first classification with more than one**
25 **hundred four thousand six hundred but fewer than one hundred four thousand seven**
26 **hundred inhabitants shall provide services to a city located in more than one county only**
27 **after making an agreement or contracting with the city for such services, provided that any**
28 **agreement or contract in effect, as of January 1, 2006, shall continue until such time as a**
29 **successor agreement or contract is entered into by the board and city and such agreement**
30 **or contract is to provide services for a period of three or more years.**

31 2. **No provision in this chapter shall be construed to require any municipality**
32 **within any county of the second classification with more than fifty-four thousand two**
33 **hundred but fewer than fifty-four thousand three hundred inhabitants that has established**
34 **an emergency communications service to discontinue the emergency communications**
35 **service in the event that the county in which the municipality is located establishes an**
36 **emergency communications service and moves to a higher county classification.**

37 3. **Before any governing body may establish an emergency communications service**
38 **and impose an emergency communications tax under the provisions of this section, it shall**
39 **submit a proposal to its voters for the approval of an emergency communications service**

40 **and such tax. The question submitted shall contain, but need not be limited to the**
41 **following language:**

42

43 **May the (insert name of county or city) establish a public safety answering point**
44 **and impose an emergency communications tax to finance the emergency communications**
45 **service? The initial tax imposed shall be (insert in twenty-five words or less the tax**
46 **per access per year or the approximation of what the tax will cost the taxpayer).**

47

48 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are in**
49 **favor of the proposal, then the governing body may establish an emergency**
50 **communications service and impose a tax. If a majority of the votes cast on the proposal**
51 **by the qualified voters voting thereon are opposed to the proposal, then the governing body**
52 **submitting the proposal shall not be allowed to implement the provisions of this section**
53 **until it has again submitted such proposal to its qualified voters and a majority of the votes**
54 **cast are in favor of the proposal.**

55 **4.** The tax shall be utilized to pay for the operation of emergency [telephone]
56 **communications** service and the operational costs associated with the answering and dispatching
57 of emergency calls as deemed appropriate by the governing body, and may be levied at any time
58 subsequent to execution of a contract with the provider of such service at the discretion of the
59 governing body **or board**, but collection of such tax shall not begin prior to twenty-seven months
60 before operation of the emergency [telephone] **communications** service [and dispatch center].

61 [3.] **5.** Such tax shall be levied only upon the [tariff] **base service** rate. No tax shall be
62 imposed upon more than one hundred exchange access facilities or their equivalent per [person]
63 **service user** per location.

64 [4.] **6.** Every [billed] service user is liable for the tax until it has been paid to the service
65 supplier.

66 [5.] **7.** The duty to collect the tax from a service user shall commence at such time as
67 specified by the governing body in accordance with the provisions of [sections 190.300 to
68 190.320] **this section**. The tax required to be collected by the service supplier shall be [added
69 to and may be stated separately] **clearly identified as an emergency communications tax** in
70 the billings to the service user.

71 [6.] **8.** Nothing in this section imposes any obligation upon a service supplier to take any
72 legal action to enforce the collection of the tax imposed by this section. The service supplier
73 shall provide the governing body with a list of amounts uncollected along with the names and
74 addresses of the service users refusing to pay the tax imposed by this section, if any.

75 [7.] **9.** The tax imposed by this section shall be collected insofar as practicable at the
76 same time as, and along with, the charges for the [tariff] **base service** rate in accordance with the
77 regular billing practice of the service supplier. The [tariff] **base service** rates determined by or
78 stated on the billing of the service supplier are presumed to be correct if such charges were made
79 in accordance with the service supplier's business practices. The presumption may be rebutted
80 by evidence which establishes that an incorrect [tariff] **base service** rate was charged.

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

83 **11. Any governing body adopting an emergency communications tax under this**
84 **section may establish an emergency services communications board. The powers and**
85 **duties of the board may be defined by order or ordinance of the governing body, and such**
86 **powers shall include but not be limited to the powers contained in section 190.294 relating**
87 **to administrative control and management of the emergency communications service.**
88 **Members of the board shall be appointed by the governing body and shall consist of no**
89 **fewer than eleven persons that reside within the area served by the board. At least six of**
90 **such members shall represent public safety agencies. All board members shall be**
91 **appointed to serve for a term of three years, except that of the first board members**
92 **appointed, five members shall be appointed for a one-year term, three members for two-**
93 **year terms, and three members for three-year terms. Board members may be reappointed.**
94 **The members of the board shall not receive compensation for their services, but may be**
95 **reimbursed for their actual and necessary expenses.**

96 **12. Any tax that was adopted under sections 190.300 to 190.330 before August 28,**
97 **2008, shall continue to be effective and shall be deemed to provide for funding the**
98 **provision of an emergency communications service 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] **communications** service. 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] **communications** authorized pursuant to section 190.305 for
5 [central] **PSAP** dispatching of fire protection, emergency ambulance service or any other
6 emergency services, which may include the purchase and maintenance of communications and
7 emergency equipment. In the event such commission chooses to use the tax provided in that
8 section for such services, the provisions of sections 190.300 to 190.320 shall apply except as
9 provided in this section.

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

24 3. Nothing in this section shall be construed to require any municipality or other political
25 subdivision to join the [central] **PSAP** dispatching system established pursuant to this section.
26 The governing body of any municipality or other political subdivision may contract with the
27 board established pursuant to section 190.327 for such services or portion of such services, or
28 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] **emergency communications service** dispatching for
3 emergency services by a public agency for an area containing third or fourth class cities in
4 counties of the third classification with a population of at least thirty-two thousand but no greater
5 than forty thousand that border a county of the first classification but do not border the
6 Mississippi River, the initial board shall consist of two members from each township within such
7 area and one at-large member who shall 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] **emergency communications service** dispatching for emergency services by a public
10 agency for an area containing third or fourth class cities in counties of the third classification

11 with a population of at least thirty-two thousand but no greater than forty thousand that border
12 a county of the first classification, voters shall elect a board to administer funds and oversee the
13 provision of [central] **emergency communications service** dispatching for emergency services.
14 Such board shall consist of two members elected from each of the townships within such area
15 and one member elected at large who shall serve 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] **emergency communications service** dispatching for emergency services
3 by a public agency for an area containing third or fourth class cities located in counties of the
4 third classification with a population of at least thirty-two thousand but no greater than forty
5 thousand that border a county of the first classification but do not border the Mississippi River,
6 the initial board shall consist of seven members appointed without regard for political party who
7 shall be selected from and shall represent the fire protection districts, ambulance districts,
8 sheriff's department, municipalities, any other emergency services and the general public. This
9 initial board shall serve until its successor board is duly elected and installed in office. The
10 commission shall ensure geographic representation of the county by appointing no more than
11 four members from 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, 2009, 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 emergency communications service in the correct format. Each**
12 **multiline telephone system operator shall arrange to update the ALI database with**
13 **appropriate master street address guideline valid address, emergency response location,**
14 **and call-back information for all additions, moves, changes, or deletions within twenty-**
15 **four hours of record update or 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, 2009, 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 but 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, 2009. 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.**

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.]

✓