

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 773, Page 4, Section 57.015, Line 18, by
2 inserting the following after all of said line:

3
4 "70.210. As used in sections 70.210 to 70.320, the following terms mean:

5 (1) "Governing body", the board, body or persons in which the powers of a municipality or
6 political subdivision are vested;

7 (2) "Municipality", municipal corporations, political corporations, and other public
8 corporations and agencies authorized to exercise governmental functions;

9 (3) "Political subdivision", counties, townships, cities, towns, villages, school, county
10 library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water
11 conservation districts, watershed subdistricts, county hospitals, [and] any board of control of an art
12 museum, any 911 or emergency services board authorized in chapter 190 or in section 321.243, and
13 any other public subdivision or public corporation having the power to tax."; and
14

15 Further amend said bill and page, Section 84.430, Line 6, by inserting the following after all of said
16 line:

17 "92.077. As used in sections 92.074 to 92.095, unless the context clearly requires otherwise,
18 the following terms mean:

19 (1) "Business license tax", any tax, including any fee, charge, or assessment in the nature of a
20 tax, assessed by a municipality on a telecommunications company for the privilege of doing business
21 within the borders of such municipality, and specifically includes any tax assessed on a
22 telecommunications company by a municipality under section 66.300 and section 80.090, section
23 92.073, section 94.110, 94.270, or 94.360, or under authority granted in its charter, as well as an
24 occupation license tax, gross receipts tax, franchise tax, or similar tax, but shall not include:

25 (a) Any state or municipal sales tax imposed under sections 144.010 to 144.525; or

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

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

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- 1 (d) Any flat tax duly imposed on or before August 28, 2005;
- 2 (2) "Director", the director of the department of revenue;
- 3 (3) "Municipal", of or relating to a municipality;
- 4 (4) "Municipality", any city, county, town, or village in Missouri entitled by authority of
- 5 section 66.300, section 80.090, section 92.073, section 94.110, 94.270, or 94.360, or under authority
- 6 granted in its charter to assess a business license tax on telecommunications companies;
- 7 (5) "Telecommunications company", any company doing business in this state that provides
- 8 telecommunications service;
- 9 (6) "Telecommunications service", the same meaning as such term is defined in section
- 10 144.010. The term telephone company, as used in sections 94.110, 94.270, and 94.360, shall have the
- 11 same meaning as telecommunications company as defined in this section."; and
- 12

13 Further amend said bill, Page 9, Section 190.255, Line 20, by inserting the following after all of said

14 line:

15 "190.300. As used in sections 190.300 to [190.320] 190.340, the following terms and

16 phrases mean:

17 (1) "Emergency telephone service", a telephone system utilizing a single three digit number

18 "911" for reporting police, fire, medical or other emergency situations;

19 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone

20 service;

21 (3) "Exchange access facilities", all facilities provided by the service supplier for local

22 telephone exchange access to a service user;

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

24 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,

25 cooperative organization, corporation, municipal or private, and whether organized for profit or not,

26 state, county, political subdivision, state department, commission, board, bureau or fraternal

27 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of

28 creditors, trustee or trustee in bankruptcy, or any other service user;

29 (6) "Public agency", any city, county, city not within a county, municipal corporation, public

30 district or public authority located in whole or in part within this state which provides or has

31 authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other

32 emergency services;

33 (7) "Service supplier", any person providing exchange telephone services to any service user

34 in this state;

35 (8) "Service user", any person, other than a person providing pay telephone service pursuant

36 to the provisions of section 392.520 not otherwise exempt from taxation, who is provided exchange

37 telephone service in this state;

38 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the

39 service supplier's tariffs, [approved by the Missouri public service commission] contracts, service

40 agreements, or similar documents governing the provision of the service, which represent the service

41 supplier's recurring charges for exchange access facilities or their equivalent, or equivalent rates

1 contained in contracts, service agreements, or similar documents, exclusive of all taxes, fees, licenses
2 or similar charges whatsoever.

3 190.308. 1. In any county that has established an emergency telephone service pursuant to
4 sections 190.300 to [190.320] 190.340, it shall be unlawful for any person to misuse the emergency
5 telephone service. For the purposes of this section, "emergency" means any incident involving
6 danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other
7 public safety organization, "misuse the emergency telephone service" includes, but is not limited to,
8 repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use
9 when emergency situations may need such operators or equipment and "repeatedly" means three or
10 more times within a one-month period.

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

12 3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone
13 or on the owner of any property upon which a pay telephone is located for calls to the emergency
14 telephone service made from the pay telephone. Any such fine or penalty is hereby void.

15 190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
16 telephone services, the county commission of any county may impose a county sales tax for the
17 provision of central dispatching of fire protection, including law enforcement agencies, emergency
18 ambulance service or any other emergency services, including emergency telephone services, which
19 shall be collectively referred to herein as "emergency services", and which may also include the
20 purchase and maintenance of communications and emergency equipment, including the operational
21 costs associated therein, in accordance with the provisions of this section.

22 2. Such county commission may, by a majority vote of its members, submit to the voters of
23 the county, at a public election, a proposal to authorize the county commission to impose a tax under
24 the provisions of this section. If the residents of the county present a petition signed by a number of
25 residents equal to ten percent of those in the county who voted in the most recent gubernatorial
26 election, then the commission shall submit such a proposal to the voters of the county.

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

28 Shall the county of (insert name of county) impose a county sales tax of
29 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
30 emergency ambulance service, including emergency telephone services, and other emergency
31 services?

32 YES NO

33 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
34 the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast
35 by the qualified voters voting are opposed to the proposal, then the county commission shall have no
36 power to impose the tax authorized by this section unless and until the county commission shall
37 again have submitted another proposal to authorize the county commission to impose the tax under
38 the provisions of this section, and such proposal is approved by a majority of the qualified voters
39 voting thereon.

40 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the
41 sale at retail of all tangible personal property or taxable services at retail within any county adopting

1 such tax, if such property and services are subject to taxation by the state of Missouri under the
2 provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
3 months before operation of the central dispatching of emergency services.

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

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

10 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
11 amount authorized, that together with any surplus revenues carried forward will produce sufficient
12 revenues to fund the expenditures authorized by this act. Amounts collected in excess of that
13 necessary within a given year shall be carried forward to subsequent years. The board shall make its
14 determination of such tax rate each year no later than September first and shall fix the new rate
15 which shall be collected as provided in this act. Immediately upon making its determination and
16 fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by
17 mail of the new rate.

18 8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to
19 establish a county sales tax pursuant to the provisions of this section, the county commission shall
20 appoint the initial members of a board to administer the funds and oversee the provision of
21 emergency services in the county. Beginning with the general election in 1994, all board members
22 shall be elected according to this section and other applicable laws of this state. At the time of the
23 appointment of the initial members of the board, the commission shall relinquish and no longer
24 exercise the duties prescribed in this chapter with regard to the provision of emergency services and
25 such duties shall be exercised by the board.

26 9. The initial board shall consist of seven members appointed without regard to political
27 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
28 ambulance districts, sheriff's department, municipalities, any other emergency services and the
29 general public. This initial board shall serve until its successor board is duly elected and installed in
30 office. The commission shall ensure geographic representation of the county by appointing no more
31 than four members from each district of the county commission.

32 10. Beginning in 1994, three members shall be elected from each district of the county
33 commission and one member shall be elected at large, such member to be the chairman of the board.
34 Of those first elected, four members from districts of the county commission shall be elected for
35 terms of two years and two members from districts of the county commission and the member at
36 large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four
37 years. Notwithstanding any other provision of law, if there is no candidate for an open position on
38 the board, then no election shall be held for that position and it shall be considered vacant, to be
39 filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open
40 position, no election shall be held and the candidate or candidates shall assume office at the same
41 time and in the same manner as if elected.

1 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in
 2 any county of the first classification with more than two hundred forty thousand three hundred but
 3 fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service
 4 911 board appointed by the county under section 190.309 which is in existence on the date the voters
 5 approve a sales tax under this section shall continue to exist and shall have the powers set forth under
 6 section 190.339. Such boards which existed prior to August 25, 2010 shall not be considered a body
 7 corporate and a political subdivision of the state for any purpose, unless and until an order is entered
 8 upon an unanimous vote of the commissioners of the county in which such board is established
 9 reclassifying such board as a corporate body and political subdivision of the state. The order shall
 10 approve the transfer of the assets and liabilities related to the operation of the emergency service 911
 11 system to the new entity created by the reclassification of the board.

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

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

- 21 (a) The head of any of the county's fire protection districts, or a designee;
- 22 (b) The head of any of the county's ambulance districts, or a designee;
- 23 (c) The county sheriff, or a designee;
- 24 (d) The head of any of the police departments in the county, or a designee; and
- 25 (e) The head of any of the county's emergency management organizations, or a designee.

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

30 (4) In any county of the first classification with more than fifty thousand but fewer than
 31 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be
 32 represented on the board by at least one member."; and

33
 34 Further amend said bill, Page 12, Section 190.336, Line 88, by inserting the following after all of
 35 said line:

36 "190.339. 1. The powers and duties of the emergency services board shall include, but not
 37 be limited to:

- 38 (1) Planning a 911 system and dispatching system;
- 39 (2) Coordinating and supervising the implementation, upgrading or maintenance of the
 40 system, including the establishment of equipment specifications and coding systems;
- 41 (3) Receiving money from any county sales tax authorized to be levied pursuant to section

1 190.335 and authorizing disbursements from such moneys collected;

2 (4) Hiring any staff necessary for the implementation, upgrade or operation of the system.

3 2. Except for emergency services 911 boards in existence prior to August 25, 2010 and
4 operating under the authority of subsection 11 of section 190.335, the board shall be a body
5 corporate and a political subdivision of the state and shall be known as the "..... Emergency
6 Services Board".

7 3. The administrative control and management of the moneys from any county sales tax
8 authorized to be levied pursuant to section 190.335 and the administrative control and management
9 of the central dispatching of emergency services shall rest solely with the board, and the board shall
10 employ all necessary personnel, affix their compensation and provide suitable quarters and
11 equipment for the operation of the central dispatching of emergency services from the funds
12 available for this purpose.

13 4. The board may contract to provide services relating in whole or in part to central
14 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

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

21 6. The board may accept any gift of property or money for the use and benefit of the central
22 dispatching of emergency services, and the board is authorized to sell or exchange any such property
23 which it believes would be to the benefit of the service so long as the proceeds are used exclusively
24 for central dispatching of emergency services. The board shall have exclusive control of all gifts,
25 property or money it may accept; of all interest of other proceeds which may accrue from the
26 investment of such gifts or money or from the sale of such property; of all tax revenues collected by
27 the county on behalf of the central dispatching of emergency services; and of all other funds granted,
28 appropriated or loaned to it by the federal government, the state or its political subdivisions so long
29 as such resources are used solely to benefit the central dispatching of emergency services.

30 7. Any board member may, following notice and an opportunity to be heard, be removed
31 from any office by a majority vote of the other members of the board for any of the following
32 reasons:

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

34 (2) Conduct prejudicial to the good order and efficient operation of the central dispatching of
35 emergency services; or

36 (3) Neglect of duty.

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

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

4 10. Individual board members shall not be eligible for employment by the board within
5 twelve months of termination of service as a member of the board.

6 11. No person shall be employed by the board who is related within the fourth degree by
7 blood or by marriage to any member of the board.

8 190.400. As used in sections 190.400 to [190.440] 190.451, the following words and terms
9 shall mean:

10 (1) ["911", the primary emergency telephone number within the wireless system;

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

12 (3) "Communications service", any service that:

13 (a) Uses telephone numbers or IP addresses or their functional equivalents or successors;

14 (b) Provides access to, and connection or interface with, a 911 system through the activation
15 or enabling of a device, transmission medium, or technology that is used by a customer to dial,
16 initialize, or otherwise activate the 911 system, regardless of the particular device, transmission
17 medium, or technology employed;

18 (c) Provides and enables real time and interactive communications, other than machine to
19 machine communications; and

20 (d) Is available to a prepaid user or a standard user.

21
22 The term includes, but is not limited to, the following:

23 a. Internet protocol enabled services and applications that are provided through wireline,
24 cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting
25 and enabling a 911 communication to a public safety answering point;

26 b. Commercial mobile radio service;

27 c. Interconnected voice over internet protocol service and voice over power lines; and

28 d. Integrated telecommunications service;

29 (2) "Provider", a person who provides communications services to the public that includes
30 911 communications service, including but not limited to a local exchange carrier, a wireless
31 provider, a voice over internet protocol provider, but only if such entity provides access to, and
32 connection and interface with, a 911 communications service or its successor service;

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

37 (4) "Public safety answering point", the location at which 911 calls are [initially] answered;

38 (5) "Subscriber", a person who contracts with, and is billed by a provider for, a
39 communications service. In the case of wireless service and for purposes of section 190.450, the
40 term "subscriber" means a person who contracts with a provider if the person's primary place of use
41 is within the county or city imposing a monthly fee pursuant to section 190.450, and does not include

1 subscribers to prepaid wireless service;

2 (6) "Wireless service provider", a provider of commercial mobile service pursuant to Section
3 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

4 190.420. 1. There is hereby established a special trust fund to be known as the "[Wireless
5 Service Provider Enhanced] Missouri 911 Service Trust Fund". All fees collected pursuant to
6 sections 190.400 to [190.440 by wireless service providers] 190.451 shall be remitted to the director
7 of the department of revenue.

8 2. The director of the department of revenue shall deposit such payments into the [wireless
9 service provider enhanced] Missouri 911 service trust fund. Moneys in the fund shall be used for the
10 purpose of reimbursing expenditures actually incurred in the implementation and operation of the
11 [wireless service provider enhanced] Missouri 911 [system] systems and for the answering and
12 dispatching of emergency calls as determined to be appropriate by the governing body of the city or
13 county imposing the fee.

14 3. Any unexpended balance in the fund shall be exempt from the provisions of section
15 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain
16 in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

17 4. The moneys in the trust fund shall not be deemed to be state funds and shall not be
18 commingled with any funds of the state. The director of revenue shall keep accurate records of the
19 amount of money in the trust fund which was collected in each county, city not within a county, or
20 home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and
21 partially located in any county of the third classification without a township form of government and
22 with more than thirty-seven thousand but fewer than forty-one thousand inhabitants under sections
23 190.400 to 190.451, and the records shall be open to the inspection of officers of a participating
24 county or city and the public.

25 190.450. 1. Except as provided under subsections 9 and 11 of this section, in lieu of the tax
26 levy authorized under section 190.305 or the sales tax imposed under section 190.292, 190.325, or
27 190.335, the governing body of any county or city not within a county, or home rule city with more
28 than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any
29 county of the third classification without a township form of government and with more than
30 thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or
31 ordinance, a monthly fee on subscribers of any communications service that has been enabled to
32 contact 911. The monthly fee authorized in this section shall not exceed one dollar and fifty cents
33 and shall be limited to one fee per device. The fee shall be imposed solely for the purpose of funding
34 911 service in such county or city. The fee shall be in addition to all other taxes and fees imposed by
35 law, and may be stated separately from all other charges and taxes.

36 2. No such order or ordinance adopted under this section shall become effective unless the
37 governing body of the county or city submits to the voters residing within the county or city at a state
38 general, primary, or special election a proposal to authorize the governing body to impose a fee
39 under this section. The question submitted shall be in substantially the following form:

40 "Shall (insert name of county or city) impose a monthly fee of (insert amount) on a
41 subscriber of any communications service that has been enabled to contact 911 for the purpose of

1 funding 911 service in the (county or city)?"
2

3 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
4 the question, then the fee shall become effective on the first day of the second calendar quarter after
5 the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on
6 the question by the qualified voters voting thereon are opposed to the question, then the fee shall not
7 become effective unless and until the question is resubmitted under this section to the qualified
8 voters and such question is approved by a majority of the qualified voters voting on the question.

9 3. Except as modified in this section, all provisions of sections 32.085, 32.087, and
10 subsection 7 of section 144.190 shall apply to the fee imposed under this section.

11 4. All revenue collected under this section by the director of the department of revenue on
12 behalf of the county or city, except for two percent to be withheld by the provider for the cost of
13 administering the collection and remittance of the fee and one percent for the cost of collection
14 which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911
15 service trust fund created in section 190.420. The director of the department of revenue shall remit
16 such funds to the county or city on a monthly basis. The governing body of any such county or city
17 shall control such funds remitted to the county or city unless the county or city has established an
18 elected board for the purpose of administering such funds. In the event that any county or city has
19 established a board under any other provision of state law for the purpose of administering funds for
20 911 service, such existing board may continue to perform such functions after the county or city has
21 adopted the monthly fee under this section.

22 5. Nothing in this section imposes any obligation upon a provider of a communications
23 service to take any legal action to enforce the collection of the tax imposed in this section. The tax
24 shall be collected in compliance with the federal Mobile Telecommunications Sourcing Act, 4
25 U.S.C. Section 116 through 124, as amended.

26 6. Notwithstanding any other provision of law to the contrary, proprietary information
27 submitted under this section shall only be subject to subpoena or lawful court order. General
28 information collected under this section shall only be released or published in aggregate amounts that
29 do not identify or allow identification of numbers of subscribers or revenues attributable to an
30 individual 911 communications service provider.

31 7. Notwithstanding any other provision of law to the contrary, in no event shall any 911
32 communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting
33 on behalf of such persons, be liable for any form of civil damages or criminal liability that directly or
34 indirectly results from, or is caused by:

35 (1) An act or omission in the development, design, installation, operation, maintenance,
36 performance, or provision of service to a public safety answering point or to subscribers that use
37 such service whether providing such service is required by law or voluntary; or

38 (2) The release of subscriber information to any governmental entity as required under this
39 section,

40
41 unless such acts, release of subscriber information, or omissions constitute gross negligence,

1 recklessness, or intentional misconduct. Nothing in this section is intended to void or otherwise
2 override any contractual obligation pertaining to equipment or services sold to a public service
3 answering point by a communications service provider. No cause of action shall lie in any court of
4 law against any provider of communications service, or its officers, employees, agents, vendors, or
5 anyone acting on behalf of such persons, for providing call location information concerning the user
6 of any such service in an emergency situation to a law enforcement official or agency in order to
7 respond to a call for emergency service by a subscriber, customer, or user of such service or for
8 providing caller location information or doing a ping locate in an emergency situation that involves
9 danger of death or serious physical injury to any person where disclosure of communications relating
10 to the emergency is required without delay, whether such providing of information is required by law
11 or voluntary.

12 8. The fee imposed under this section shall not be imposed on customers who pay for service
13 prospectively, known as purchasers of prepaid wireless telecommunications service customers.

14 9. No county or city shall submit a proposal to the voters pursuant to this section for a fee of
15 more than one dollar until the county or city receives approval for the fee amount from the Missouri
16 911 service board established under section 650.325. Once a fee of more than one dollar has been
17 approved by the board and the voters, the county or city shall not subsequently increase the fee until
18 the increased fee amount has been approved by the board and the voters pursuant to this section.
19 Any county or city seeking to impose or increase a fee of more than one dollar shall submit to the
20 Missouri 911 service board information to justify the fee amount. The information to be provided
21 shall include but not be limited to the following:

22 (1) Estimated costs of services to be provided;

23 (2) Estimated revenue from all sources intended to financially support the proposed 911
24 service;

25 (3) Prior revenue amounts and sources of financial support for the previously funded 911 or
26 emergency dispatch service;

27 (4) Efforts to secure revenue to support the proposed 911 service other than the proposed fee
28 under this section;

29 (5) Current level of 911 service provided and the proposed level of 911 service to be
30 provided;

31 (6) Any previous efforts regarding consolidation of 911 services and any currently proposed
32 efforts regarding consolidation of 911 services; and

33 (7) Expected level of training of personnel and expected number of telecommunications per
34 shift.

35 10. For the purposes of this section, when a device is permanently installed in a vehicle
36 which is capable of contacting 911, it shall not be subject to this section unless the owner of such
37 vehicle purchases or otherwise subscribes to a commercial mobile service as defined under 47 U.S.C.
38 332(d) of the Telecommunications Act of 1996.

39 11. Notwithstanding the state board's approval and the subsequent affirmative vote of the
40 people of a maximum fee, each incremental fee increase above one dollar shall be reviewed and
41 approved by the state board before becoming effective, even if it is below the established maximum

1 fee.

2 12. The fee imposed under this section shall not be imposed in conjunction with any tax
3 imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall
4 simultaneously impose more than one tax authorized in this section or section 190.292, 190.305,
5 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred
6 exchange access facilities or their equivalent per person per location.

7 13. No county of the third or fourth classification shall submit a proposal to the voters of the
8 county under this section until either:

9 (1) All providers of emergency telephone service as defined in section 190.300 and public
10 safety answering point operations within the county are consolidated into one public agency as
11 defined in section 190.300 that provides emergency telephone service for the county;

12 (2) The county develops a plan for the consolidation of emergency telephone service as
13 defined in section 190.300 and public safety answering point operations within the county are
14 consolidated into one public agency as defined in section 190.300 that provides emergency telephone
15 service for the county; or

16 (3) The county develops a plan for the consolidation of emergency telephone service as
17 defined in section 190.300 and public safety answering point operations within the county that
18 includes either consolidation or entering into a shared services agreement for such services, which
19 shall be implemented on approval of the fee by the voters. The plan shall be filed with the Missouri
20 911 service board under subsection 4 of section 650.330. The director of the department of revenue
21 shall not remit any funds as provided under this section until it receives notification from the board
22 that the county has filed a plan that is ready for implementation.

23 14. Each county of the third classification that does not have a public agency as defined in
24 section 190.300 that provides emergency telephone service as defined in section 190.300 for the
25 county shall either:

26 (1) Enter into a shared services agreement for providing emergency telephone services with
27 a public agency that provides emergency telephone service if such an agreement is feasible; or

28 (2) Form an emergency telephone services district in conjunction with any adjoining county
29 with a public agency that provides emergency telephone service within such adjoining county. If
30 such a district is formed under this subdivision, the governing body of such district shall be the
31 county commissioners of each county within the district, and each county within such district shall
32 submit to the voters of the county a proposal to impose the fee under this section.

33 15. A county of the third classification operating joint or shared emergency telephone
34 service as defined in section 190.300 may submit to the voters of the county a proposal to impose the
35 fee to support joint operations and further consolidation under this section.

36 16. All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing
37 Act, 4 U.S.C. Sections 116 through 124, as amended.

38 190.451. 1. As used in this section, the following terms mean:

39 (1) "Board", the Missouri 911 service board established under section 650.325;

40 (2) "Consumer", a person who purchases prepaid wireless telecommunications service in a
41 retail transaction;

1 (3) "Department", the department of revenue;

2 (4) "Prepaid wireless telecommunications service", a wireless telecommunications service
3 that allows a caller to dial 911 to access the 911 system and which service shall be paid for in
4 advance and is sold in predetermined units or dollars of which the number declines with use in a
5 known amount;

6 (5) "Prepaid wireless service provider", a provider that provides prepaid wireless service to
7 an end user;

8 (6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a
9 seller for any purpose other than resale. The purchase of more than one item that provides prepaid
10 wireless telecommunications service, when such items are sold separately, constitutes more than one
11 retail transaction;

12 (7) "Seller", a person who sells prepaid wireless telecommunications service to another
13 person;

14 (8) "Wireless telecommunications service", commercial mobile radio service as defined by
15 Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.

16 2. (1) Beginning January 1, 2015, there is hereby imposed a prepaid wireless emergency
17 telephone service charge on each retail transaction. The amount of such charge shall be equal to
18 three percent of each retail transaction. However, if a minimal amount of prepaid wireless
19 telecommunications service is sold with a prepaid wireless device for a single non-itemized price,
20 then the seller may elect not to apply such service charge to such transaction. For purposes of this
21 subdivision, an amount of service denominated as ten or fewer minutes, or five dollars or less is
22 minimal.

23 (2) The prepaid wireless emergency telephone service charge shall be collected by the seller
24 from the consumer with respect to each retail transaction occurring in this state. The amount of the
25 prepaid wireless emergency telephone service charge shall be either separately stated on an invoice,
26 receipt, or other similar document that is provided to the consumer by the seller, or otherwise
27 disclosed to the consumer.

28 (3) For purposes of this subsection, a retail transaction that is effected in person by a
29 consumer at a business location of the seller shall be treated as occurring in this state if that business
30 location is in this state; and any other retail transaction shall be treated as occurring in this state if the
31 retail transaction is treated as occurring in this state under state law.

32 (4) The prepaid wireless emergency telephone service charge is the liability of the consumer
33 and not of the seller or of any provider, except that the seller shall be liable to remit all charges that
34 the seller is deemed to collect where the amount of the charge has not been separately stated on an
35 invoice, receipt, or other similar document provided to the consumer by the seller.

36 (5) The amount of the prepaid wireless emergency telephone service charge that is collected
37 by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other
38 similar document provided to the consumer by the seller, shall not be included in the base for
39 measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political
40 subdivision of this state, or any intergovernmental agency.

41 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be

1 remitted to the department at the times and in the manner provided by state law with respect to the
2 sales and use taxes. The department shall establish registration and payment procedures that
3 substantially coincide with the registration and payment procedures that apply under state law.

4 (2) Beginning on January 1, 2015, and ending on January 31, 2015, when a consumer
5 purchases prepaid wireless telecommunications service in a retail transaction from a seller under this
6 section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency
7 telephone service charges that are collected by the seller from the consumer. Beginning on February
8 1, 2015, a seller shall be permitted to deduct and retain two percent of prepaid wireless emergency
9 telephone service charges that are collected by the seller from consumers.

10 (3) The department shall establish procedures by which a seller of prepaid wireless
11 telecommunications service may document that a sale is not a retail transaction which procedures
12 shall substantially coincide with the procedures for documenting sale for resale transactions for sales
13 and use purposes under state law.

14 (4) The department shall deposit all remitted prepaid wireless emergency telephone service
15 charges into the Missouri 911 service trust fund created in section 190.420 within thirty days of
16 receipt for use by the board. The department may deduct an amount not to exceed one percent of
17 collected charges to be retained by the department to reimburse its direct costs of administering the
18 collection and remittance of prepaid wireless emergency telephone service charges.

19 (5) Ten percent of remitted prepaid wireless emergency telephone service charges deposited
20 in the Missouri 911 service trust fund less the deduction authorized in subdivision (4) of this
21 subsection shall be dedicated to the Missouri regional poison information center established in
22 section 190.353. The amount allocated under this subdivision shall not exceed one million dollars in
23 any twelve-month period, nor shall the Missouri regional poison information center receive more
24 than one million dollars from the Missouri 911 service trust fund in any one calendar year under this
25 subdivision. Any amount that would be allocated under this subdivision in excess of one million
26 dollars in any twelve month period or any calendar year shall be retained in the Missouri 911 service
27 trust fund.

28 (6) The board shall set a rate between twenty-five and seventy-five percent of the prepaid
29 wireless emergency telephone service charges deposited in the Missouri 911 service trust fund less
30 the deductions authorized in subdivisions (4) and (5) of this subsection that shall be remitted to the
31 counties without a charter form of government in direct proportion to the amount of charges
32 collected in each county. The board shall set a rate between sixty-five and seventy-five percent of
33 the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust
34 fund less the deductions authorized in subdivisions (4) and (5) of this subsection that shall be
35 remitted to the counties with a charter form of government and any city not within a county in direct
36 proportion to the amount of charges collected in each such county or city not within a county. The
37 initial percentage rate set by the board for counties with and without a charter form of government
38 and any city not within a county may be adjusted after three years and thereafter the rate may be
39 adjusted every two years.

40 (7) Any amounts received by a county or city not within a county under subdivision (6) of
41 this subsection shall be used only for purposes authorized in sections 190.305 and 190.335.

1 4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections
 2 under section 190.450, notwithstanding any requirement in state law regarding compliance with
 3 Federal Communications Commission Order 05-116.

4 (2) A provider shall be entitled to the immunity and liability protections under section
 5 190.450.

6 (3) In addition to the protection from liability provided in subdivisions (1) and (2) of this
 7 subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone
 8 acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is
 9 provided to providers and sellers of wireless telecommunications service that is not prepaid wireless
 10 telecommunications service under section 190.450.

11 5. The prepaid wireless emergency telephone service charge imposed by this section shall be
 12 in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political
 13 subdivision of this state, or any intergovernmental agency for 911 funding purposes.

14 190.455. Any county or 911 or emergency services board established under chapter 190 or
 15 under section 321.243 may contract and cooperate with any other county or 911 or emergency
 16 services board established under chapter 190 or under section 321.243 as provided in sections 70.210
 17 to 70.320. Any contracting counties or boards may seek assistance and advice from the Missouri 911
 18 service board established in section 650.325 regarding terms of the joint contract and the
 19 administration and operation of the contracting counties and boards.

20 190.475. The director of the department of revenue shall maintain a centralized database
 21 which shall be made available to the Missouri 911 service board established under section 650.325,
 22 specifying the current monthly fee or tax imposed by each county or city under section 190.292,
 23 190.305, 190.325, 190.335, or 190.450. The database shall be updated no less than sixty days prior
 24 to the effective date of the establishment or modification of any monthly fee or tax listed in the
 25 database."; and

26
 27 Further amend said bill, Page 17, Section 307.375, Line 60, by inserting the following after all of
 28 said line:

29 "321.015. 1. No person holding any lucrative office or employment under this state, or any
 30 political subdivision thereof as defined in section 70.120, shall hold the office of fire protection
 31 district director under this chapter. When any fire protection district director accepts any office or
 32 employment under this state or any political subdivision thereof, his office shall thereby be vacated
 33 and he shall thereafter perform no duty and receive no salary or expenses as fire protection district
 34 director.

35 2. This section shall not apply to:

36 (1) Members of the organized militia, of the reserve corps, public school employees and
 37 notaries public;

38 (2) Fire protection districts located wholly within counties of the second, third or fourth
 39 classification;

40 (3) Fire protection districts in counties of the first classification with less than eighty-five
 41 thousand inhabitants;

1 (4) Fire protection districts located within counties of the first classification not adjoining
2 any other county of the first classification;

3 (5) Fire protection districts located within any county of the first or second classification not
4 having more than nine hundred thousand inhabitants which borders any three counties of the first
5 classification;

6 (6) Fire protection districts located within any county of the first classification which adjoins
7 both a county with a charter form of government with more than nine hundred fifty thousand
8 inhabitants, and adjoins at least four other counties;

9 (7) Fire protection districts located within any county of the first classification with more
10 than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

11 3. For the purposes of this section, the term "lucrative office or employment" does not
12 include part-time employment as defined as less than thirty-five hours per week, receiving retirement
13 benefits, compensation for expenses, or [a stipend or per diem, in an amount not to exceed
14 seventy-five dollars for each day of service,] for service rendered to a fire protection district, the
15 state or any political subdivision thereof."; and

16
17 Further amend said bill, Page 25, Section 590.750, Line 12, by inserting the following after all of
18 said line:

19 "650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

20 (1) ["Committee"] "Board", the [advisory committee for] Missouri 911 service [oversight]
21 board established in section 650.325;

22 (2) "Public safety answering point", the location at which 911 calls are [initially] answered;

23 (3) "Telecommunicator", any person employed as an emergency telephone worker, call taker
24 or public safety dispatcher whose duties include receiving, processing or transmitting public safety
25 information received through a 911 public safety answering point.

26 650.325. There is hereby established within the department of public safety the ["Advisory
27 Committee for 911 Service Oversight"] "Missouri 911 Service Board" which is charged with
28 assisting and advising the state in ensuring the availability, implementation and enhancement of a
29 statewide emergency telephone number common to all jurisdictions through research, planning,
30 training, and education, but shall have no authority over communications service providers. The
31 [committee for 911 service oversight] board shall represent all entities and jurisdictions before
32 appropriate policy-making authorities and the general assembly and shall strive toward the
33 immediate access to emergency services for all citizens of this state.

34 650.330. 1. The [committee for 911 service oversight] board shall consist of [sixteen]
35 fourteen members, one of which shall be chosen from the department of public safety [who shall
36 serve as chair of the committee and only vote in the instance of a tie vote among the other members],
37 and the other members shall be selected as follows:

38 (1) One member chosen to represent an association domiciled in this state whose primary
39 interest relates to [counties] municipalities;

40 (2) One member chosen to represent the Missouri [public service commission] 911 directors
41 association;

1 (3) One member chosen to represent emergency medical services and physicians;

2 (4) One member chosen to represent an association with a chapter domiciled in this state
3 whose primary interest relates to a national emergency number;

4 (5) One member chosen to represent an association whose primary interest relates to issues
5 pertaining to fire chiefs;

6 (6) One member chosen to represent an association with a chapter domiciled in this state
7 whose primary interest relates to issues pertaining to public safety communications officers;

8 (7) One member chosen to represent an association whose primary interest relates to issues
9 pertaining to police chiefs;

10 (8) [One member chosen to represent a league or association domiciled in this state whose
11 primary interest relates to issues pertaining to municipalities;

12 (9)] One member chosen to represent an association domiciled in this state whose primary
13 interest relates to issues pertaining to sheriffs;

14 [(10)] (9) One member chosen to represent [911 service providers in] counties of the second,
15 third and fourth classification;

16 [(11)] (10) One member chosen to represent [911 service providers in] counties of the first
17 classification[,] counties with [and without] a charter [forms] form of government, and cities not
18 within a county;

19 [(12)] (11) One member chosen to represent telecommunications service providers [with at
20 least one hundred thousand access lines located within Missouri];

21 [(13)] (12) One member chosen to represent wireless telecommunications service providers
22 [with less than one hundred thousand access lines located within Missouri];

23 (14) One member chosen to represent a professional association of physicians who conduct
24 with emergency care; and

25 (15) One member chosen to represent the general public of Missouri who represents an
26 association whose primary interest relates to education and training, including that of 911, police and
27 fire dispatchers] ; and

28 (13) One member chosen to represent voice over internet protocol service providers.

29 2. Each of the members of the [committee for 911 service oversight] board shall be
30 appointed by the governor with the advice and consent of the senate for a term of four years[; except
31 that, of those members first appointed, four members shall be appointed to serve for one year, four
32 members shall be appointed to serve for two years, four members shall be appointed to serve for
33 three years and four members shall be appointed to serve for four years]. Members of the committee
34 may serve multiple terms. No corporation shall have more than one officer, employee, assign, agent,
35 or other representative serving as a member of the board. Notwithstanding subsection 1 of this
36 section to the contrary, all members appointed as of August 28, 2014, shall continue to serve the
37 remainder of their terms.

38 3. The [committee for 911 service oversight] board shall meet at least quarterly at a place
39 and time specified by the chairperson of the committee and it shall keep and maintain records of such
40 meetings, as well as the other activities of the committee. Members shall not be compensated but
41 shall receive actual and necessary expenses for attending meetings of the committee.

1 4. The [committee for 911 service oversight] board shall:

2 (1) Organize and adopt standards governing the committee's formal and informal
3 procedures;

4 (2) Provide recommendations for primary answering points and secondary answering points
5 on [statewide] technical and operational standards for 911 services;

6 (3) Provide recommendations to public agencies concerning model systems to be considered
7 in preparing a 911 service plan;

8 (4) Provide requested mediation services to political subdivisions involved in jurisdictional
9 disputes regarding the provision of 911 services, except that [such committee] the board shall not
10 supersede decision-making authority of local political subdivisions in regard to 911 services;

11 (5) Provide assistance to the governor and the general assembly regarding 911 services;

12 (6) Review existing and proposed legislation and make recommendations as to changes that
13 would improve such legislation;

14 (7) Aid and assist in the timely collection and dissemination of information relating to the
15 use of a universal emergency telephone number;

16 (8) Perform other duties as necessary to promote successful development, implementation
17 and operation of 911 systems across the state, including monitoring federal and industry standards
18 being developed for next generation 911 systems; [and]

19 (9) [Advise the department of public safety on establishing rules and regulations necessary to
20 administer the provisions of sections 650.320 to 650.340] Elect the chair from its membership;

21 (10) Designate a state 911 coordinator;

22 (11) Apply for and receive grants from federal, private, and other sources;

23 (12) Administer and authorize grants and loans pursuant to section 650.335 to those counties
24 and any home rule city with more than fifteen thousand but fewer than seventeen thousand
25 inhabitants and partially located in any county of the third classification without a township form of
26 government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants
27 that can demonstrate a financial commitment to improving 911 services by providing at least a fifty
28 percent match and demonstrate the ability to operate and maintain ongoing 911 services. The
29 purpose of grants and loans from the 911 service trust fund shall include:

30 (a) Implementation of 911 services in counties of the state where services do not exist or to
31 improve existing 911 systems;

32 (b) Promotion of consolidation where appropriate;

33 (c) Mapping and addressing all county locations;

34 (d) Ensuring primary access and texting abilities to 911 services for disabled residents;

35 (e) Implementation of initial emergency medical dispatch services including pre-arrival
36 medical instructions in counties where those services are not offered as of July 1, 2014;

37 (13) Develop an application process including reporting and accountability requirements,
38 withholding a portion of the grant until completion of a project and other measures to assure funds
39 are used in accordance with the law and purpose of the grant, then conduct audits as deemed
40 necessary;

41 (14) Report to the governor and the general assembly at least every three years on the status

1 of 911 services statewide as well as specific efforts to improve efficiency, cost effectiveness, and
2 levels of service;

3 (15) Conduct and review a survey at least every three years of public safety answering points
4 in Missouri to evaluate potential for improved services, coordination, and feasibility of
5 consolidation;

6 (16) Set the percentage rate of the prepaid wireless emergency telephone service charges to
7 be remitted to a county or city as provided under subdivision (6) of subsection 3 of section 190.451;

8 (17) Make and execute contracts or any other instruments and agreements necessary or
9 convenient for the exercise of its powers and functions;

10 (18) Approve a proposal of a city or county to impose a fee of more than one dollar under
11 section 190.450;

12 (19) Retain in its records proposed county plans developed under subsection 11 of section
13 190.450 and notify the department of revenue that the county has filed a plan that is ready for
14 implementation; and

15 (20) Notify any communications service provider that has voluntarily submitted its contact
16 information when any update is made to the centralized database established under section 190.475
17 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days
18 prior to the effective date of the establishment or modification of the tax or monthly fee.

19 5. The department of public safety shall provide staff assistance to the [committee for 911
20 service oversight] board as necessary in order for the [committee] board to perform its duties
21 pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to
22 administer the provisions of sections 650.320 to 650.340.

23 6. The [department of public safety is authorized to adopt those] board shall promulgate
24 rules and regulations that are reasonable and necessary [to accomplish the limited duties specifically
25 delegated within section] to implement and administer the provisions of sections 650.320 to 650.340.
26 Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only
27 if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536
28 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
29 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
30 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
31 August 28, [1999] 2014, shall be invalid and void.

32 650.335. 1. Any county or any home rule city with more than fifteen thousand but fewer
33 than seventeen thousand inhabitants and partially located in any county of the third classification
34 without a township form of government and with more than thirty-seven thousand but fewer than
35 forty-one thousand inhabitants may submit an application for loan funds or other financial assistance
36 to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911
37 communications service project. The application shall be accompanied by a technical assistance
38 report. The application and the technical assistance report shall be in such form and contain such
39 information, financial or otherwise, as prescribed by the board. This section shall not preclude any
40 applicant or borrower from joining in a cooperative project with any other political subdivision or
41 with any state or federal agency or entity in a 911 communications service project; provided that, all

1 other requirements of this section have been met.

2 2. Applications may be approved for loans only in those instances where the applicant has
3 furnished the board information satisfactory to assure that the project cost will be recovered during
4 the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval
5 of the governing body of the applicant to the loan agreement is obtained and a written certification of
6 such approval is provided, where applicable. Repayment periods are to be determined by the board.

7 3. The board shall approve or disapprove all applications for loans which are sent by
8 certified or registered mail or hand delivered and received by the board upon a schedule as
9 determined by the board.

10 4. Each applicant to whom a loan has been made under this section shall repay such loan,
11 with interest. The rate of interest shall be the rate required by the board. The number, amounts, and
12 timing of the payments shall be as determined by the board.

13 5. Any applicant who receives a loan under this section shall annually budget an amount
14 which is at least sufficient to make the payments required under this section.

15 6. Repayment of principal and interest on loans shall be credited to the Missouri 911 Service
16 Trust Fund established under section 190.420.

17 7. If a loan recipient fails to remit a payment to the board in accordance with this section
18 within sixty days of the due date of such payment, the board shall notify the director of the
19 department of revenue to deduct such payment amount from first; the prepaid wireless emergency
20 telephone service charge remitted to the county or city pursuant to section 190.451 and if insufficient
21 to affect repayment of the loan; next the regular apportionment of local sales tax distributions to that
22 county or city. Such amount shall then immediately be deposited in the Missouri 911 Service Trust
23 Fund and credited to the loan recipient.

24 8. All applicants having received loans pursuant to this section shall remit the payments
25 required by subsection 4 of this section to the board or such other entity as may be directed by the
26 board. The board or such other entity shall immediately deposit such payments in the Missouri 911
27 Service Trust Fund.

28 9. Loans made pursuant to this section shall be used only for the purposes specified in an
29 approved application or loan agreement. In the event the board determines that loan funds have been
30 expended for purposes other than those specified in an approved application or loan agreement or
31 any event of default of the loan agreement occurs without resolution, the board shall take appropriate
32 actions to obtain the return of the full amount of the loan and all moneys duly owed or other
33 available remedies.

34 10. Upon failure of a borrower to remit repayment to the board within sixty days of the date
35 a payment is due, the board may initiate collection or other appropriate action through the provisions
36 outlined in subsection 7 of this section when applicable.

37 11. When the borrower is an entity not covered under the collection procedures established
38 in this section, the board, with the advice and consent of the attorney general, may initiate collection
39 procedures or other appropriate action pursuant to applicable law.

40 12. The board may, at its discretion, audit the expenditure of any loan, grant or expenditure
41 made or the computation of any payments made.

