

SECOND REGULAR SESSION

HOUSE BILL NO. 1199

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ENGLER (Sponsor), SCHLOTTACH, BRUNS, RUPP,
SHOEMAKER AND GRAHAM (Co-sponsors).

Read 1st time January 21, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3512L.011

AN ACT

To repeal sections 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, and 650.330, RSMo, and to enact in lieu thereof nine new sections relating to 911 emergency services.

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

Section A. Sections 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 2 190.430, 190.440, 650.320, and 650.330, RSMo, are repealed and nine new sections enacted in 3 lieu thereof, to be known as sections 190.300, 190.304, 190.305, 190.310, 190.312, 190.335, 4 190.430, 650.320, and 650.330, to read as follows:

190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- 2 (1) "Emergency telephone service", a telephone system utilizing a single three digit
3 number "911" for reporting police, fire, medical or other emergency situations;
- 4 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone
5 service;
- 6 (3) "Exchange access facilities", all facilities provided by the service supplier for local
7 telephone exchange access to a service user;
- 8 (4) "Governing body", the legislative body for a city, county or city not within a county;
- 9 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,
10 cooperative organization, corporation, municipal or private, and whether organized for profit or
11 not, state, county, political subdivision, state department, commission, board, bureau or fraternal
12 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of
13 creditors, trustee or trustee in bankruptcy, or any other service user;

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

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

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

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

23 (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated
24 in the service supplier's tariffs, approved by the Missouri public service commission which
25 represent the service supplier's recurring charges for exchange access facilities or their
26 equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

27 (10) "Wireless service supplier", any person providing wireless telephone services
28 to any wireless service user in this state;

29 (11) "Wireless service user", any person who uses a wireless telephone service in
30 this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be
31 in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C.
32 Sections 116 through 124, as amended.

**190.304. 1. In addition to its other powers for the protection of the public health,
2 a governing body of a county or a city not within a county may, by a majority vote of its
3 members, choose to submit to a vote of the qualified voters of the county or a city not
4 within a county a ballot containing either of the two proposals pursuant to subdivisions (1)
5 and (2) of this subsection to provide for the operation of an emergency telephone service.
6 In no case shall a governing body be permitted to enact provisions of both subdivisions (1)
7 and (2) of this subsection, whether in simultaneous elections or by separate elections. If the
8 governing body so chooses, by a majority vote of its members, it may submit:**

9 (1) **A proposition to the qualified voters of the county or a city not within a county
10 to levy a tax in an amount equal to the average levied tax per line for wire lines in such
11 county or such city not within a county in the current year based on the tax on the tariff
12 rate authorized in section 190.305 for each access line or device which has an assigned
13 mobile identification number containing an area code assigned to Missouri by the North
14 American Numbering Plan Administrator in such county or a city not within a county. If
15 a majority of the qualified voters of the county or a city not within a county adopt the
16 provision in this subdivision, such tax shall be in addition to the tax authorized pursuant
17 to section 190.305. The tax authorized pursuant to this subdivision shall be in lieu of any**

18 tax authorized and adopted pursuant to sections 190.325 to 190.329. The governing body
19 of the county shall certify to the office of administration the amount of the average levied
20 tax per line for wire lines in such county or city not within a county; or

21 (2) A proposition to the qualified voters of the county or a city not within a county
22 to levy a tax in an amount up to fifty cents per month on each access line user or device
23 which has an assigned mobile identification number containing an area code assigned to
24 Missouri by the North American Numbering Plan Administrator in such county or a city
25 not within a county, plus a tax of up to fifty cents per access line per month for wired
26 telephone services in such county or a city not within a county. If a majority of the
27 qualified voters of the county or a city not within a county adopt the provision in this
28 subdivision, the approved taxes shall be in lieu of the tax authorized pursuant to section
29 190.305 and in lieu of the tax authorized pursuant to sections 190.325 to 190.329. The taxes
30 authorized pursuant to this subdivision shall not exceed fifty cents and shall be equal to
31 one another.

32 2. The taxes collected pursuant to this section shall be utilized to pay for the
33 operation of emergency telephone service and the operational costs associated with the
34 answering and dispatching of emergency calls as deemed appropriate by the governing
35 body and for no other purpose; however, collection of such taxes shall not begin prior to
36 twelve months before the operation upgraded to facilities which implement phase I
37 enhanced 911 services as described in Federal Communications Docket 94-102, or in
38 counties which do not have a functioning emergency telephone service and dispatch center
39 the collection of such taxes shall not begin prior to twenty-seven months before operation
40 of such emergency telephone service and dispatch center.

41 3. Any county or city not within a county which has not implemented service
42 pursuant to the requirements of subsection 2 of this section shall immediately cease
43 collection of such tax, and if the county or city not within a county fails to implement such
44 service within twelve months thereafter, the governing body of such county or city not
45 within a county shall remit all taxes collected pursuant to this section to the state treasurer
46 to be deposited in the 911 emergency services fund created pursuant to section 190.312.

47 4. Every billed service user or wireless service user is liable for the taxes until the
48 taxes have been paid to the service supplier.

49 5. The duty to collect the tax from a service user or wireless service user shall
50 commence at such time as specified by the governing body in accordance with the
51 provisions of sections 190.300 to 190.320. The tax required to be collected by the service
52 supplier or wireless service supplier shall be added to and shall be stated separately in the
53 billings to the service user or wireless service user.

54 **6. Nothing in this section imposes any obligation upon a service supplier or wireless**
55 **service supplier to take any legal action to enforce the collection of the tax imposed by this**
56 **section unless the charges for wireless service are unpaid. The service supplier or wireless**
57 **service supplier shall provide the governing body with a list of amounts uncollected along**
58 **with the names and addresses of the service users or wireless service users refusing to pay**
59 **the tax imposed by this section, if any.**

60 **7. The tax imposed by this section shall be collected insofar as practicable at the**
61 **same time as, and along with, the charges for the tariff rate in accordance with the regular**
62 **billing practice of the service supplier.**

63 **8. The state auditor shall have the authority to perform audits of receipts and**
64 **expenditures of taxes collected pursuant to this section to determine whether such taxes are**
65 **being properly administered for the operational costs of administering emergency**
66 **telephone services.**

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

22 2. The tax shall be utilized to pay for the operation of emergency telephone service and
23 the operational costs associated with the answering and dispatching of emergency calls as

24 deemed appropriate by the governing body **and for no other purpose**, and may be levied at any
25 time subsequent to execution of a contract with the provider of such service at the discretion of
26 the governing body, but collection of such tax shall not begin prior to twenty-seven months
27 before operation of the emergency telephone service and dispatch center.

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

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

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

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

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

46 **8. The state auditor shall have the authority to perform audits of receipts and**
47 **expenditures of taxes collected pursuant to this section to determine whether such taxes are**
48 **being properly administered for the operational costs of administering emergency**
49 **telephone services.**

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

11 the return, together with a remittance of the amount of the [tax] **taxes** collected under the
12 provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one
13 year from the time the [tax] **taxes** is collected.

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

17 3. **Every remittance to the governing body which is not paid within thirty days of**
18 **the due date thereof by the service supplier or wireless service provider shall accrue**
19 **interest at the rate of one percent per month for which such payment is overdue.**

20 4. **Nothing in this section shall prevent the governing body and the service supplier**
21 **or wireless service supplier from entering into an agreement for an alternate remittance**
22 **schedule which in no event shall require payments less frequently than quarterly.**

23 5. **For any county collecting the tax authorized pursuant to section 190.305,** at least
24 once each calendar year, the governing body shall establish a tax rate, not to exceed the amount
25 authorized, that together with any surplus revenues carried forward will produce sufficient
26 revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected
27 in excess of that necessary within a given year shall be carried forward to subsequent years. The
28 governing body shall make its determination of such tax rate each year no later than September
29 first and shall fix the new rate which shall be collected as provided in sections 190.300 to
30 190.320. Immediately upon making its determination and fixing the rate, the governing body
31 shall publish in its minutes the new rate, and it shall notify by mail every service supplier
32 registered with it of the new rate. The governing body may require an audit of the service
33 supplier's books and records concerning the collection and remittance of the tax authorized by
34 sections 190.300 to 190.320.

35 6. **Twenty percent of the taxes collected pursuant to any tax levied for wireless**
36 **services pursuant to section 190.304, subject to the provisions of subsection 7 of this**
37 **section, shall be collected by the governing body of the county levying the tax and**
38 **forwarded each quarter to the state treasurer to be deposited in the 911 emergency services**
39 **fund, which is created pursuant to section 190.312.**

40 7. **When at least sixty percent of the counties comprising at least seventy-five**
41 **percent of the population in this state have enacted a tax pursuant to this section, the**
42 **percentage of such taxes being deposited in the 911 emergency services fund shall be**
43 **reduced from twenty percent to ten percent, and two calendar years after the office of**
44 **administration verifies passage of the tax authorized pursuant to section 190.304 in ninety**
45 **percent of the counties in the state, the percentage deposited in the 911 emergency services**
46 **fund shall be eliminated.**

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 5 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.

3. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.

4. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.

5. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.

6. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.

7. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

8. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

9. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

190.335. 1. In lieu of the tax levy authorized under section 190.304 or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a

11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 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
17 of..... (insert rate of percent) percent for the purpose of providing central dispatching of fire
18 protection, emergency ambulance service, including emergency telephone services, and other
19 emergency services?

20 YES NO

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

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

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

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

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

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

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

61 10. Beginning in 1994, three members shall be elected from each district of the county
62 commission and one member shall be elected at large, such member to be the chairman of the
63 board. Of those first elected, four members from districts of the county commission shall be
64 elected for terms of two years and two members from districts of the county commission and the
65 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
66 office shall be four years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and

53 services authorized by sections 190.400 to 190.440.

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

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

2 **(1) "911", the primary emergency telephone number within the wired and wireless**
3 **telephone system;**

4 [(1)] **(2) "Committee"**, the advisory committee for 911 service oversight established in
5 section 650.325;

6 [(2)] **(3) "Public safety answering point"**, the location at which 911 calls are initially
7 answered;

8 [(3)] **(4) "Telecommunicator"**, any person employed as an emergency telephone worker,
9 call taker or public safety dispatcher whose duties include receiving, processing or transmitting
10 public safety information received through a 911 public safety answering point.

650.330. 1. The committee for 911 service oversight shall consist of sixteen members,
2 one of which shall be chosen from the department of public safety who shall serve as chair of the
3 committee and only vote in the instance of a tie vote among the other members, and the other
4 members shall be selected as follows:

5 (1) One member chosen to represent an association domiciled in this state whose primary
6 interest relates to counties;

7 (2) One member chosen to represent the Missouri public service commission;

8 (3) One member chosen to represent emergency medical services;

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

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

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

15 (7) One member chosen to represent an association whose primary interest relates to

16 issues pertaining to police chiefs;

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

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

21 (10) One member chosen to represent 911 service providers in counties of the second,
22 third and fourth classification;

23 (11) One member chosen to represent 911 service providers in counties of the first
24 classification, with and without charter forms of government, and cities not within a county;

25 (12) One member chosen to represent telecommunications service providers with at least
26 one hundred thousand access lines located within Missouri;

27 (13) One member chosen to represent telecommunications service providers with less
28 than one hundred thousand access lines located within Missouri;

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

31 (15) One member chosen to represent the general public of Missouri who represents an
32 association whose primary interest relates to education and training, including that of 911, police
33 and fire dispatchers.

34 2. Each of the members of the committee for 911 service oversight shall be appointed
35 by the governor with the advice and consent of the senate for a term of four years; except that,
36 of those members first appointed, four members shall be appointed to serve for one year, four
37 members shall be appointed to serve for two years, four members shall be appointed to serve for
38 three years and four members shall be appointed to serve for four years. Members of the
39 committee may serve multiple terms.

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

44 4. The committee for 911 service oversight shall:

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

47 (2) Provide recommendations for primary answering points and secondary answering
48 points on statewide technical and operational standards for 911 services;

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

51 (4) Provide requested mediation services to political subdivisions involved in

52 jurisdictional disputes regarding the provision of 911 services, except that such committee shall
 53 not supersede decision-making authority of local political subdivisions in regard to 911 services;

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

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

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

59 (8) Perform other duties as necessary to promote successful development,
 60 implementation and operation of 911 systems across the state; [and]

61 **(9) Advise the department of public safety and the office of administration**
 62 **regarding the implementation of Federal Communications Docket 94-102 or any**
 63 **subsequent orders on the same or similar subjects;**

64 **(10) Advise the department of public safety and the office of administration on the**
 65 **administration of grants from the 911 emergency services fund created pursuant to section**
 66 **190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services;**

67 ~~[(9)]~~ **(11) Advise the department of public safety on establishing rules and regulations**
 68 **necessary to administer the provisions of sections 650.320 to 650.340.**

69 5. The department of public safety shall provide staff assistance to the committee for 911
 70 service oversight as necessary in order for the committee to perform its duties pursuant to
 71 sections 650.320 to 650.340.

72 6. The department of public safety is authorized to adopt those rules that are reasonable
 73 and necessary to accomplish the limited duties specifically delegated within section 650.340.
 74 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become
 75 effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This
 76 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
 77 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
 78 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
 79 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

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

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

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

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

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

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

16
17 [190.410. 1. There is hereby created in the department of public safety the
18 "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight
19 members as follows:

20 (1) The director of the department of public safety or the director's designee
21 who shall hold a position of authority in such department of at least a division
22 director;

23 (2) The chairperson of the public service commission or the chairperson's
24 designee; except that such designee shall be a commissioner of the public service
25 commission or hold a position of authority in the commission of at least a division
26 director;

27 (3) Three representatives and one alternate from the wireless service
28 providers, elected by a majority vote of wireless service providers licensed to provide
29 service in this state; and

30 (4) Three representatives from public safety answering point organizations,
31 elected by the members of the state chapter of the associated public safety
32 communications officials and the state chapter of the National Emergency
33 Numbering Association.

34 2. Immediately after the board is established the initial term of membership
35 for a member elected pursuant to subdivision (3) of subsection 1 of this section shall
36 be one year and all subsequent terms for members so elected shall be two years. The
37 membership term for a member elected pursuant to subdivision (4) of subsection 1
38 of this section shall initially and subsequently be two years. Each member shall serve
39 no more than two successive terms unless the member is on the board pursuant to
40 subdivision (1) or (2) of subsection 1 of this section. Members of the board shall
41 serve without compensation, however, the members may receive reimbursement of
42 actual and necessary expenses. Any vacancies on the board shall be filled in the
43 manner provided for in this subsection.

44 3. The board shall do the following:

45 (1) Elect from its membership a chair and other such officers as the board
46 deems necessary for the conduct of its business;

47 (2) Meet at least one time per year for the purpose of discussing the
48 implementation of Federal Communications Commission order 94-102;

49 (3) Advise the office of administration regarding implementation of Federal
50 Communications Commission order 94-102; and

51 (4) Provide any requested mediation service to a political subdivision which
52 is involved in a jurisdictional dispute regarding the providing of wireless 911
53 services. The board shall not supersede decision-making authority of any political

54 subdivision in regard to 911 services.

55 4. The director of the department of public safety shall provide and
56 coordinate staff and equipment services to the board to facilitate the board's duties.]
57

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

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

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

2 [190.440. 1. The office of administration shall not be authorized to establish
3 a fee pursuant to the authority granted in section 190.430 unless a ballot measure is
4 submitted and approved by the voters of this state. The ballot measure shall be
5 submitted by the secretary of state for approval or rejection at the general election
6 held and conducted on the Tuesday immediately following the first Monday in
7 November, 1998, or at a special election to be called by the governor on the ballot
8 measure. If the measure is rejected at such general or special election, the measure
9 may be resubmitted at each subsequent general election, or may be resubmitted at any
10 subsequent special election called by the governor on the ballot measure, until such
11 measure is approved.

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

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

17 YES NO

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

20 3. If a majority of the votes cast on the ballot measure by the qualified voters
21 voting thereon are in favor of such measure, then the office of administration shall
22 be authorized to establish a fee pursuant to section 190.430, and the fee shall be
23 effective on January 1, 1999, or the first day of the month occurring at least thirty
24 days after the approval of the ballot measure. If a majority of the votes cast on the
25 ballot measure by the qualified voters voting thereon are opposed to the measure,

26 then the office of administration shall have no power to establish the fee unless and
27 until the measure is approved.]