

SECOND REGULAR SESSION

HOUSE BILL NO. 1574

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDER (Sponsor), JONES (117),
ROORDA AND BRANDOM (Co-sponsors).

3589L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.300, 190.305, 190.306, 190.308, 190.310, 190.315, 190.320, 190.325, 190.327, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof eleven new sections relating to 911 emergency communications service, with penalty provisions.

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

Section A. Sections 190.300, 190.305, 190.306, 190.308, 190.310, 190.315, 190.320, 190.325, 190.327, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 190.300, 190.305, 190.306, 190.308, 190.310, 190.315, 190.320, 190.325, 190.327, 190.335, and 650.330, to read as follows:

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

- (1) **"911", the digits, address, internet protocol address, or other information used to access or initiate a call to a public safety answering point;**
- (2) **"911 Emergency [telephone] communications service", a [telephone] communications system utilizing any communications device capable of accessing a single three digit number "911" for reporting, processing, and dispatching of police, fire, medical or other emergency situations;**
- (3) **"Base service rate", the rate or rates billed by a service supplier to a service user. Such rate or rates shall be considered the rate charged for minimum access to the service supplier's system or rates that have been approved by the public service commission, representing the service supplier's recurring charges for access facilities or**

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

12 **their communications equivalent, exclusive of all taxes, fees, licenses, or other similar**
13 **charges;**

14 **(4) "Call", any communication, message, signal, or transmission;**

15 **[(2)] (5) "Emergency [telephone tax] communications fee", a [tax] fee on a telephone**
16 **or other communication device such as any wireless phone, prepaid wireless phone, mobile**
17 **telecommunications service, computer service, VoIP service, or any other technology that**
18 **delivers or is required by law to deliver a call to a public safety answering point to finance**
19 **the operation of a 911 emergency [telephone] communications service;**

20 **(6) "Enhanced zip code", a United States Postal Service zip code of nine or more**
21 **digits;**

22 **[(3)] (7) "Exchange access facilities", [all facilities provided by the service supplier for**
23 **local telephone exchange access to a service user] the access from a particular telephone**
24 **subscriber's premises to the telephone system of a service supplier, including service**
25 **supplier-provided access lines, private branch exchange (PBX) trunks, and Centrex**
26 **network access registers as defined by tariffs of the telephone companies as provided by**
27 **the public service commission, wireless and VoIP service suppliers, and any other**
28 **communication, message, signal, or information delivery system capable of initiating a 911**
29 **emergency call;**

30 **[(4)] (8) "Governing body", the legislative body for a city, county or city not within a**
31 **county;**

32 **[(5)] (9) "Person", any individual, firm, partnership, copartnership, joint venture,**
33 **association, cooperative organization, corporation, municipal or private, and whether organized**
34 **for profit or not, state, county, political subdivision, state department, commission, board, bureau**
35 **or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the**
36 **benefit of creditors, trustee or trustee in bankruptcy, or any other service user;**

37 **(10) "Prepaid wireless service", any method by which a customer pays a wireless**
38 **service provider in advance for a wireless telecommunications connection, including calling**
39 **or usage privileges included with the purchase of a wireless telephone, additional calling**
40 **or usage privileges purchased by any means;**

41 **[(6)] (11) "Public agency", any city, county, city not within a county, municipal**
42 **corporation, public district or public authority located in whole or in part within this state which**
43 **provides or has authority to provide fire fighting, law enforcement, ambulance, emergency**
44 **medical, or other emergency services;**

45 **[(7)] (12) "Service supplier", any person providing [exchange] telephone services [to any**
46 **service user] including computer service, wireless service, or other service that facilitates**

47 **the placing of calls by persons in need of emergency services to a public safety answering**
48 **point by dialing or accessing the telephone number 911** in this state;

49 [(8)] (13) "Service user", any person, other than a person providing pay telephone service
50 pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who
51 is provided [exchange telephone] **911 emergency communications** service in this state;

52 [(9)] (14) "Tariff rate", the rate or rates billed by a service supplier to a service user as
53 stated in the service supplier's tariffs, approved by the Missouri public service commission which
54 represent the service supplier's recurring charges for exchange access facilities or their
55 equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

56 (15) "Telephone service", any method by which a **911 emergency call is delivered**
57 **to a public safety answering point, including local exchange telephone service, wireless**
58 **service, prepaid wireless service, mobile telecommunications service, computer service,**
59 **VoIP service, or any technology that delivers or is required by law to deliver a call to a**
60 **public safety answering point;**

61 (16) "Voice over internet protocol" or "VoIP", any technology that permits a voice
62 conversation using a voice connection to a computer, whether through a microphone, a
63 telephone, or any other device that sends a digital signal over the internet through a
64 broadband connection to be converted back to the human voice at a distant terminal, and
65 that delivers or is required by law to deliver a call to a public safety answering point;

66 (17) "VoIP service supplier", a person or entity that provides VoIP service to
67 subscribers for a fee and that is subject to section 392.550;

68 (18) "Wireless service", any commercial mobile service as defined under Title 47,
69 U.S.C. Section 332(d), as amended, regulations of the Federal Communications
70 Commission, and the Omnibus Budget Reconciliation Act of 1993, as amended, including
71 real-time, two-way interconnected voice service that is provided over networks that use
72 intelligent switching capability and offer seamless handoff to customers. Such term shall
73 not include prepaid wireless service, or any one-way signaling service, data transmission
74 service, nonlocal radio access line service, or a private telecommunications service;

75 (19) "Wireless service supplier", a provider of wireless service.

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] **911 emergency [telephone]**
3 **communications** service and may pay for it by levying an emergency telephone [tax] **fee** for
4 such service in those portions of the governing body's jurisdiction for which **911 emergency**
5 **[telephone] communications** service has been contracted. The governing body may do such
6 other acts as are expedient for the protection and preservation of the public health and are
7 necessary for the operation of the emergency [telephone] **communications** system. The

8 governing body is hereby authorized to levy the [tax] **fee** in an amount not to exceed fifteen
9 percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per
10 access line per month, whichever is greater, except as provided in sections 190.325 to 190.329,
11 in those portions of the governing body's jurisdiction for which **911** emergency [telephone]
12 **communications** service has been contracted. In any county of the third classification with a
13 population of at least thirty-two thousand but not greater than forty thousand that borders a
14 county of the first classification, a governing body of a third or fourth class city may, with the
15 consent of the county commission, contract for service with a public agency to provide services
16 within the public agency's jurisdiction when such city is located wholly within the jurisdiction
17 of the public agency. Consent shall be demonstrated by the county commission authorizing an
18 election within the public agency's jurisdiction pursuant to section 190.320. Any contract
19 between governing bodies and public agencies in existence on August 28, 1996, that meets such
20 criteria prior to August 28, 1996, shall be recognized if the county commission authorized the
21 election for **911** emergency [telephone] **communications** service and a vote was held as
22 provided in section 190.320. The governing body shall provide for a board pursuant to sections
23 190.327 and 190.328. The board of any county of the first classification with more than one
24 hundred four thousand six hundred but fewer than one hundred four thousand seven hundred
25 inhabitants shall provide services to a city located in more than one county only after making an
26 agreement or contracting with the city for such services, provided that any agreement or contract
27 in effect, as of January 1, 2006, shall continue until such time as a successor agreement or
28 contract is entered into by the board and city and such agreement or contract is to provide
29 services for a period of three or more years.

30 2. The [tax] **fee** shall be utilized to pay for the operation of emergency telephone service
31 and the operational costs associated with the answering and dispatching of emergency calls as
32 deemed appropriate by the governing body, and may be levied at any time subsequent to
33 execution of a contract with the provider of such service at the discretion of the governing body,
34 but collection of such [tax] **fee** shall not begin prior to twenty-seven months before operation of
35 the emergency telephone service and dispatch center.

36 3. Such [tax] **fee** shall be levied only upon the tariff rate. No [tax] **fee** shall be imposed
37 upon more than one hundred exchange access facilities or their equivalent per person per
38 location.

39 4. Every billed service user is liable for the [tax] **fee** until it has been paid to the service
40 supplier.

41 5. The duty to collect the [tax] **fee** from a service user shall commence at such time as
42 specified by the governing body in accordance with the provisions of sections 190.300 to

43 190.320. The [tax] **fee** required to be collected by the service supplier shall be added to and may
44 be stated separately in the billings to the service user.

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

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

56 **8. An emergency communications fee shall be imposed on all prepaid wireless**
57 **service subscribed to by telephone subscribers as provided in this section. A prepaid**
58 **wireless service supplier shall charge and collect a fee not to exceed seventy-five cents from**
59 **the account of each prepaid wireless service user who has sufficient positive balance as of**
60 **the last day of the month, and shall use any other method to charge and collect the fee. No**
61 **prepaid wireless service supplier shall charge and collect less than seventy-five cents per**
62 **the average monthly amount of prepaid wireless service actually provided to a service user.**
63 **A prepaid wireless service supplier shall indicate the method of collection it elects on**
64 **reports filed with the governing body and on receipts issued to the wholesale purchaser.**

65 **9. All emergency service fees provided for in this section shall be paid to the**
66 **governing body's jurisdiction for which 911 emergency communications service has been**
67 **contracted. Enhanced zip codes from the billing address of the prepaid wireless subscriber**
68 **shall determine which governing body shall receive the fees collected.**

190.306. No provision in this chapter shall be construed to require any municipality
2 within any county of the third classification without a township form of government and with
3 more than fifty-four thousand two hundred but less than fifty-four thousand three hundred
4 inhabitants that has established [an] **911** emergency [telephone] **communications** service to
5 dissolve the service in the event that the county in which the municipality is located establishes
6 [an] **911** emergency [telephone] **communications** service and moves to a higher county
7 classification.

190.308. 1. In any county that has established [an] **911** emergency [telephone]
2 **communications** service pursuant to sections 190.300 to 190.320, it shall be unlawful for any
3 person to misuse the **911** emergency [telephone] **communications** service. For the purposes of

4 this section, "emergency" means any incident involving danger to life or property that calls for
5 an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse
6 the **911** emergency [telephone] **communications** service", includes, but is not limited to,
7 repeatedly calling the "911" for nonemergency situations causing operators or equipment to be
8 in use when emergency situations may need such operators or equipment and "repeatedly" means
9 three or more times within a one-month period.

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

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

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

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

190.315. Any governing body imposing the [tax] **fee** authorized herein may contract
2 directly with the provider of the **911** emergency [telephone] **communications** service or may
3 contract and cooperate with any public agency or with other states or their political subdivisions

4 or with any association or corporation for the administration of emergency telephone service as
5 provided by law.

190.320. Before any governing body may establish **911** emergency [telephone]
2 **communications** service and impose an emergency telephone [tax] **fee** under the provisions of
3 sections 190.300 to 190.320, it shall submit a proposal to its voters for the approval of such
4 service and such [tax] **fee**. The ballot of submission shall contain, but need not be limited to, the
5 following language:

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

8 ☐ YES

☐ NO

9 The initial [tax] **fee** imposed shall be

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

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

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

10 2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall
11 not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the
12 provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section
13 and the amounts required to be collected are due monthly. The amount of tax collected in one
14 calendar month by the service supplier shall be remitted to the governing body no later than one
15 month after the close of a calendar month. On or before the last day of each calendar month, a

16 return for the preceding month shall be filed with the governing body in such form as the
17 governing body and service supplier shall agree. The service supplier shall include the list of any
18 service user refusing to pay the tax imposed by this section with each return filing. The service
19 supplier required to file the return shall deliver the return, together with a remittance of the
20 amount of the tax collected. The records shall be maintained for a period of one year from the
21 time the tax is collected. From every remittance to the governing body made on or before the
22 date when the same becomes due, the service supplier required to remit the same shall be entitled
23 to deduct and retain, as a collection fee, an amount equal to two percent thereof.

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

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the
2 emergency [telephone] **communications** tax for central dispatching and an affirmative vote of
3 the [telephone] **emergency communications** tax, the commission shall appoint the initial
4 members of a board which shall administer the funds and oversee the provision of central
5 dispatching for emergency services in the county and in municipalities and other political
6 subdivisions which have contracted for such service. Beginning with the general election in
7 1992, all board members shall be elected according to this section and other applicable laws of
8 this state. At the time of the appointment of the initial members of the board, the commission
9 shall relinquish to the board and no longer exercise the duties prescribed in this chapter with
10 regard to the provision of **911** emergency [telephone] **communications** service and in chapter
11 321, RSMo, with regard to the provision of central dispatching service, and such duties shall be
12 exercised by the board.

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

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

- 18 (1) To have and use a corporate seal;
- 19 (2) To sue and be sued, and be a party to suits, actions and proceedings;
- 20 (3) To enter into contracts, franchises and agreements with any person, partnership,
21 association or corporation, public or private, affecting the affairs of the board;
- 22 (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal
23 property, including leases and easements;

24 (5) To have the management, control and supervision of all the business affairs of the
25 board and the construction, installation, operation and maintenance of any improvements;

26 (6) To hire and retain agents and employees and to provide for their compensation
27 including health and pension benefits;

28 (7) To adopt and amend bylaws and any other rules and regulations;

29 (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of
30 implementing and operating the services described in this section;

31 (9) To pay all expenses connected with the first election and all subsequent elections;
32 and

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

190.335. 1. In lieu of the [tax] **fee** levy authorized under section 190.305 for **911**
2 emergency [telephone] **communications** services, the county commission of any county may
3 impose a county sales tax for the provision of central dispatching of fire protection, including
4 law enforcement agencies, emergency ambulance service or any other emergency services,
5 including **911** emergency [telephone] **communications** services, which shall be collectively
6 referred to herein as "emergency services", and which may also include the purchase and
7 maintenance of communications and emergency equipment, including the operational costs
8 associated therein, in accordance with the provisions of this section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 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 **911** emergency [telephone]
19 **communications** services, and other emergency services?

20 ☐ YES ☐ NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes

24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
25 have no power to impose the tax authorized by this section unless and until the county
26 commission shall again have submitted another proposal to authorize the county commission to
27 impose the tax under the provisions of this section, and such proposal is approved by a majority
28 of the qualified voters voting thereon.

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

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

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

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

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

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and

60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

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

68 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
69 in any county of the first classification with more than two hundred forty thousand three hundred
70 but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone
71 service 911 board appointed by the county under section 190.309 which is in existence on the
72 date the voters approve a sales tax under this section shall continue to exist and shall have the
73 powers set forth under section 190.339.

74 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
75 contrary, in any county of the second classification with more than fifty-four thousand two
76 hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales
77 tax under this section, the county commission shall appoint the members of the board to
78 administer the funds and oversee the provision of emergency services in the county.

79 (2) The board shall consist of seven members appointed without regard to political
80 affiliation. Each member shall be one of the following:

- 81 (a) The head of any of the county's fire protection districts, or a designee;
- 82 (b) The head of any of the county's ambulance districts, or a designee;
- 83 (c) The county sheriff, or a designee;
- 84 (d) The head of any of the police departments in the county, or a designee; and
- 85 (e) The head of any of the county's emergency management organizations, or a designee.

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

650.330. 1. The committee for 911 service oversight shall consist of [sixteen] **eighteen**
2 members, one of which shall be chosen from the department of public safety who shall serve as
3 chair of the committee and only vote in the instance of a tie vote among the other members, and
4 the other 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 **(16) One member to represent wireless service providers;**

35 **(17) One member to represent voice over internet protocol (VoIP) service providers.**

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

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

46 4. The committee for 911 service oversight shall:

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

49 (2) Provide recommendations for primary answering points and secondary answering
50 points on statewide technical and operational standards for 911 **emergency communications**
51 services;

52 (3) Provide recommendations to public agencies concerning model systems to be
53 considered in preparing a 911 **emergency communications** service plan;

54 (4) Provide requested mediation services to political subdivisions involved in
55 jurisdictional disputes regarding the provision of 911 **emergency communications** services,
56 except that such committee shall not supersede decision-making authority of local political
57 subdivisions in regard to 911 services;

58 (5) Provide assistance to the governor and the general assembly regarding 911
59 **emergency communications** services;

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

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

64 (8) Perform other duties as necessary to promote successful development,
65 implementation and operation of 911 **emergency communications** systems across the state; and

66 (9) Advise the department of public safety on establishing rules and regulations
67 necessary to administer the provisions of sections 650.320 to 650.340.

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

71 6. The department of public safety is authorized to adopt those rules that are reasonable
72 and necessary to accomplish the limited duties specifically delegated within section 650.340.
73 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become
74 effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This
75 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
76 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to

77 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
78 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[190.400. As used in sections 190.400 to 190.440, the following words
2 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
8 purpose of providing wireless service to users of 911 emergency services, as
9 expressly provided in this section, the department of public safety and state
10 highway patrol 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

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

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

7 (2) The chairperson of the public service commission or the chairperson's
8 designee; except that such designee shall be a commissioner of the public service
9 commission or hold a position of authority in the commission of at least a
10 division director;

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

14 (4) Three representatives from public safety answering point
15 organizations, elected by the members of the state chapter of the associated
16 public safety communications officials and the state chapter of the National
17 Emergency Numbering Association.

18 2. Immediately after the board is established the initial term of
19 membership for a member elected pursuant to subdivision (3) of subsection 1 of
20 this section shall be one year and all subsequent terms for members so elected
21 shall be two years. The membership term for a member elected pursuant to
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be
23 two years. Each member shall serve no more than two successive terms unless
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of
25 this section. Members of the board shall serve without compensation, however,

the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

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

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

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

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

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

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

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

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

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

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no

force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ YES

☐ NO

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

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430,

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

✓