

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee
Substitute for Senate Bill No. 62, Page 1, Section A, Line 3, by inserting after all said section and
line, the following:

"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 their communications equivalent,
exclusive of all taxes, fees, licenses, or other similar charges;

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

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

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

~~[(3)]~~ (7) "Exchange access facilities", [all facilities provided by the service supplier for
local telephone exchange access to a service user] the access from a particular telephone
subscriber's premises to the telephone system of a service supplier, including service supplier-
provided access lines, private branch exchange (PBX) trunks, and Centrex network access
registers as defined by tariffs of the telephone companies as provided by the public service

1 commission, wireless and VoIP service suppliers, and any other communication, message, signal,
2 or information delivery system capable of initiating a 911 emergency call;

3 [(4)] (8) "Governing body", the legislative body for a city, county or city not within a
4 county;

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

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

14 [(6)] (11) "Public agency", any city, county, city not within a county, municipal
15 corporation, public district or public authority located in whole or in part within this state which
16 provides or has authority to provide fire fighting, law enforcement, ambulance, emergency
17 medical, or other emergency services;

18 [(7)] (12) "Service supplier", any person providing [exchange] telephone services [to any
19 service user] including computer service, wireless service, or other service that facilitates the
20 placing of calls by persons in need of emergency services to a public safety answering point by
21 dialing or accessing the telephone number 911 in this state;

22 [(8)] (13) "Service user", any person, other than a person providing pay telephone service
23 pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is
24 provided [exchange telephone] 911 emergency communications service in this state;

25 [(9)] (14) "Tariff rate", the rate or rates billed by a service supplier to a service user as
26 stated in the service supplier's tariffs, approved by the Missouri public service commission which
27 represent the service supplier's recurring charges for exchange access facilities or their equivalent,
28 exclusive of all taxes, fees, licenses or similar charges whatsoever;

29 (15) "Telephone service", any method by which a 911 emergency call is delivered to a
30 public safety answering point, including local exchange telephone service, wireless service,
31 prepaid wireless service, mobile telecommunications service, computer service, VoIP service, or
32 any technology that delivers or is required by law to deliver a call to a public safety answering
33 point;

34 (16) "Voice over internet protocol" or "VoIP", any technology that permits a voice
35 conversation using a voice connection to a computer, whether through a microphone, a telephone,

1 or any other device that sends a digital signal over the internet through a broadband connection to
2 be converted back to the human voice at a distant terminal, and that delivers or is required by law
3 to deliver a call to a public safety answering point;

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

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

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

14 190.305. 1. In addition to its other powers for the protection of the public health, a
15 governing body may provide for the operation of [an] 911 emergency [telephone] communications
16 service and may pay for it by levying an emergency telephone [tax] fee for such service in those
17 portions of the governing body's jurisdiction for which 911 emergency [telephone]
18 communications service has been contracted. The governing body may do such other acts as are
19 expedient for the protection and preservation of the public health and are necessary for the
20 operation of the emergency [telephone] communications system. The governing body is hereby
21 authorized to levy the [tax] fee in an amount not to exceed [fifteen percent of the tariff local
22 service rate, as defined in section 190.300, or seventy-five] fifty cents per access line per month,
23 [whichever is greater,] except as provided in sections 190.325 to 190.329, in those portions of the
24 governing body's jurisdiction for which 911 emergency [telephone] communications service has
25 been contracted. In any county of the third classification with a population of at least thirty-two
26 thousand but not greater than forty thousand that borders a county of the first classification, a
27 governing body of a third or fourth class city may, with the consent of the county commission,
28 contract for service with a public agency to provide services within the public agency's
29 jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent
30 shall be demonstrated by the county commission authorizing an election within the public
31 agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and
32 public agencies in existence on August 28, 1996, that meets such criteria prior to August 28,
33 1996, shall be recognized if the county commission authorized the election for 911 emergency
34 [telephone] communications service and a vote was held as provided in section 190.320. The
35 governing body shall provide for a board pursuant to sections 190.327 and 190.328. The board of

1 any county of the first classification with more than one hundred four thousand six hundred but
2 fewer than one hundred four thousand seven hundred inhabitants shall provide services to a city
3 located in more than one county only after making an agreement or contracting with the city for
4 such services, provided that any agreement or contract in effect, as of January 1, 2006, shall
5 continue until such time as a successor agreement or contract is entered into by the board and city
6 and such agreement or contract is to provide services for a period of three or more years.

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

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

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

17 5. The duty to collect the [tax] fee from a service user shall commence at such time as
18 specified by the governing body in accordance with the provisions of sections 190.300 to 190.320.
19 The [tax] fee required to be collected by the service supplier shall be added to and may be stated
20 separately in the billings to the service user.

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

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

31 8. An emergency communications fee shall be imposed on all prepaid wireless service
32 subscribed to by telephone subscribers as provided in this section. A prepaid wireless service
33 supplier shall charge and collect a fee not to exceed fifty cents from the account of each prepaid
34 wireless service user who has sufficient positive balance as of the last day of the month, and shall
35 use any other method to charge and collect the fee. No prepaid wireless service supplier shall

1 charge and collect less than fifty cents per the average monthly amount of prepaid wireless service
2 actually provided to a service user. A prepaid wireless service supplier shall indicate the method
3 of collection it elects on reports filed with the governing body and on receipts issued to the
4 wholesale purchaser.

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

9 190.306. No provision in this chapter shall be construed to require any municipality
10 within any county of the third classification without a township form of government and with
11 more than fifty-four thousand two hundred but less than fifty-four thousand three hundred
12 inhabitants that has established [an] 911 emergency [telephone] communications service to
13 dissolve the service in the event that the county in which the municipality is located establishes
14 [an] 911 emergency [telephone] communications service and moves to a higher county
15 classification.

16 190.308. 1. In any county that has established [an] 911 emergency [telephone]
17 communications service pursuant to sections 190.300 to 190.320, it shall be unlawful for any
18 person to misuse the 911 emergency [telephone] communications service. For the purposes of
19 this section, "emergency" means any incident involving danger to life or property that calls for an
20 emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the
21 911 emergency [telephone] communications service", includes, but is not limited to, repeatedly
22 calling the "911" for nonemergency situations causing operators or equipment to be in use when
23 emergency situations may need such operators or equipment and "repeatedly" means three or more
24 times within a one-month period.

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

26 190.310. 1. The [tax] fee imposed by sections 190.300 to 190.320 and the amounts
27 required to be collected are due quarterly. The amount of [tax] fee collected in one calendar
28 quarter by the service supplier shall be remitted to the governing body no later than sixty days
29 after the close of a calendar quarter. On or before the sixtieth day of each calendar quarter
30 following, a return for the preceding quarter shall be filed with the governing body in such form as
31 the governing body and service supplier shall agree. The service supplier will include the list of
32 any service user refusing to pay the [tax] fee imposed by sections 190.300 to 190.320 with each
33 return filing. The service supplier required to file the return shall deliver the return, together with
34 a remittance of the amount of the [tax] fee collected under the provisions of sections 190.300 to
35 190.320. The records shall be maintained for a period of one year from the time the [tax] fee is

1 collected.

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

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

16 190.315. Any governing body imposing the [tax] fee authorized herein may contract
17 directly with the provider of the 911 emergency [telephone] communications service or may
18 contract and cooperate with any public agency or with other states or their political subdivisions
19 or with any association or corporation for the administration of emergency telephone service as
20 provided by law.

21 190.320. Before any governing body may establish 911 emergency [telephone]
22 communications service and impose an emergency telephone [tax] fee under the provisions of
23 sections 190.300 to 190.320, it shall submit a proposal to its voters for the approval of such
24 service and such [tax] fee. The ballot of submission shall contain, but need not be limited to, the
25 following language:

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

28 ☐ YES

☐ NO

29 The initial [tax] fee imposed shall be

30 (Here the governing body in 25 words or less shall describe the [tax] fee per telephone per year or
31 any other wording which will give the voter an approximation of what the [tax] fee will cost
32 the taxpayer.)
33

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
35 the proposal, then the governing body may establish the service and impose the [tax] fee allowed

1 by the provisions of sections 190.300 to 190.320. If a majority of the votes cast on the proposal
2 by the qualified voters voting thereon are opposed to the proposal, then the governing body
3 submitting the proposal shall not be allowed to implement the provisions of sections 190.300 to
4 190.320 until it has again submitted such proposal to its qualified voters and a majority of the
5 votes cast are in favor of the proposal.

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

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

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

33 190.327. 1. Immediately upon the decision by the commission to utilize a portion of the
34 emergency [telephone] communications tax for central dispatching and an affirmative vote of the
35 [telephone] emergency communications tax, the commission shall appoint the initial members of
36 a board which shall administer the funds and oversee the provision of central dispatching for

1 emergency services in the county and in municipalities and other political subdivisions which
2 have contracted for such service. Beginning with the general election in 1992, all board members
3 shall be elected according to this section and other applicable laws of this state. At the time of the
4 appointment of the initial members of the board, the commission shall relinquish to the board and
5 no longer exercise the duties prescribed in this chapter with regard to the provision of 911
6 emergency [telephone] communications service and in chapter 321, RSMo, with regard to the
7 provision of central dispatching service, and such duties shall be exercised by the board.

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

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

12 (1) To have and use a corporate seal;

13 (2) To sue and be sued, and be a party to suits, actions and proceedings;

14 (3) To enter into contracts, franchises and agreements with any person, partnership,
15 association or corporation, public or private, affecting the affairs of the board;

16 (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal
17 property, including leases and easements;

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

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

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

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

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

26 (10) To have and exercise all rights and powers necessary or incidental to or implied from
27 the specific powers granted in this subsection. Such specific powers shall not be considered as a
28 limitation upon any power necessary or appropriate to carry out the purposes and intent of sections
29 190.300 to 190.329.

30 190.335. 1. In lieu of the [tax] fee levy authorized under section 190.305 for 911
31 emergency [telephone] communications services, the county commission of any county may
32 impose a county sales tax for the provision of central dispatching of fire protection, including law
33 enforcement agencies, emergency ambulance service or any other emergency services, including
34 911 emergency [telephone] communications services, which shall be collectively referred to
35 herein as "emergency services", and which may also include the purchase and maintenance of
36 communications and emergency equipment, including the operational costs associated therein, in

1 accordance with the provisions of this section.

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

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

9 Shall the county of (insert name of county) impose a county sales
10 tax of (insert rate of percent) percent for the purpose of providing central dispatching of
11 fire protection, emergency ambulance service, including 911 emergency [telephone]
12 communications services, and other emergency services?

13 ☐ YES

☐ NO

14
15 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
16 the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
17 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
18 have no power to impose the tax authorized by this section unless and until the county
19 commission shall again have submitted another proposal to authorize the county commission to
20 impose the tax under the provisions of this section, and such proposal is approved by a majority of
21 the qualified voters voting thereon.

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

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

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

33 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
34 amount authorized, that together with any surplus revenues carried forward will produce sufficient
35 revenues to fund the expenditures authorized by this act. Amounts collected in excess of that

1 necessary within a given year shall be carried forward to subsequent years. The board shall make
2 its determination of such tax rate each year no later than September first and shall fix the new rate
3 which shall be collected as provided in this act. Immediately upon making its determination and
4 fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer
5 by mail of the new rate.

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

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

20 10. Beginning in 1994, three members shall be elected from each district of the county
21 commission and one member shall be elected at large, such member to be the chairman of the
22 board. Of those first elected, four members from districts of the county commission shall be
23 elected for terms of two years and two members from districts of the county commission and the
24 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
25 office shall be four years.

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

32 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
33 contrary, in any county of the second classification with more than fifty-four thousand two
34 hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax
35 under this section, the county commission shall appoint the members of the board to administer
36 the funds and oversee the provision of emergency services in the county.

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

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

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

Further amend said bill, Page 6, Section 633.401, Line 94, by inserting after all of said section and line, the following:

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

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;
- (2) One member chosen to represent the Missouri public service commission;
- (3) One member chosen to represent emergency medical services;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
- (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (10) One member chosen to represent 911 service providers in counties of the second,

1 third and fourth classification;

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

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

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

8 (14) One member chosen to represent a professional association of physicians who
9 conduct with emergency care; [and]

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

13 (16) One member to represent wireless service providers;

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

15 2. Each of the members of the committee for 911 service oversight shall be appointed by
16 the governor with the advice and consent of the senate for a term of four years; except that, of
17 those members first appointed, four members shall be appointed to serve for one year, four
18 members shall be appointed to serve for two years, four members shall be appointed to serve for
19 three years and four members shall be appointed to serve for four years. Members of the
20 committee may serve multiple terms.

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

25 4. The committee for 911 service oversight shall:

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

28 (2) Provide recommendations for primary answering points and secondary answering
29 points on statewide technical and operational standards for 911 emergency communications
30 services;

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

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

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

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

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

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

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

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

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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 August 28, 1999, shall be invalid and void.

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

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

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

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

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

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

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

(1) The director of the department of public safety or the director's designee who

1 shall hold a position of authority in such department of at least a division director;
2 (2) The chairperson of the public service commission or the chairperson's
3 designee; except that such designee shall be a commissioner of the public service
4 commission or hold a position of authority in the commission of at least a division
5 director;
6 (3) Three representatives and one alternate from the wireless service providers,
7 elected by a majority vote of wireless service providers licensed to provide service
8 in this state; and
9 (4) Three representatives from public safety answering point organizations, elected
10 by the members of the state chapter of the associated public safety communications
11 officials and the state chapter of the National Emergency Numbering Association.
12 2. Immediately after the board is established the initial term of membership for a
13 member elected pursuant to subdivision (3) of subsection 1 of this section shall be
14 one year and all subsequent terms for members so elected shall be two years. The
15 membership term for a member elected pursuant to subdivision (4) of subsection 1
16 of this section shall initially and subsequently be two years. Each member shall
17 serve no more than two successive terms unless the member is on the board
18 pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the
19 board shall serve without compensation, however, the members may receive
20 reimbursement of actual and necessary expenses. Any vacancies on the board shall
21 be filled in the manner provided for in this subsection.
22 3. The board shall do the following:
23 (1) Elect from its membership a chair and other such officers as the board deems
24 necessary for the conduct of its business;
25 (2) Meet at least one time per year for the purpose of discussing the
26 implementation of Federal Communications Commission order 94-102;
27 (3) Advise the office of administration regarding implementation of Federal
28 Communications Commission order 94-102; and
29 (4) Provide any requested mediation service to a political subdivision which is
30 involved in a jurisdictional dispute regarding the providing of wireless 911
31 services. The board shall not supersede decision-making authority of any political
32 subdivision in regard to 911 services.
33 4. The director of the department of public safety shall provide and coordinate
34 staff and equipment services to the board to facilitate the board's duties.]

35
36 [190.420. 1. There is hereby established in the state treasury a fund to be known
37 as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected
38 pursuant to sections 190.400 to 190.440 by wireless service providers shall be
39 remitted to the director of the department of revenue. The director shall remit such
40 payments to the state treasurer.

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

45 3. Any unexpended balance in the fund shall be exempt from the provisions of
46 section 33.080, RSMo, relating to the transfer of unexpended balances to the

1 general revenue fund, and shall remain in the fund. Any interest earned on the
2 moneys in the fund shall be deposited into the fund.]
3

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.