

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By \_\_\_\_\_

AMEND House Committee Substitute for House Bill No. 1458, Page 1, Section A, Line 3, by inserting the following after all of said Line:

“[650.325.] 190.411. There is hereby established within the department of public safety the “[Advisory Committee for] 911 Service Oversight Board” which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The [committee for] 911 service oversight board shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state.

[650.330.] 190.415. 1. The [committee for] 911 service oversight board shall consist of [sixteen] seven members, one of [which] whom shall be [chosen from] the director of the department of public safety or the director's designee, who shall serve as chair of the [committee] board 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)] (2) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

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

[(6)] (4) 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)] (5) One member chosen to represent an association whose primary interest relates to issues pertaining to [police chiefs] law enforcement officials; and

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

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

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

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

7 (12)] (6) One member chosen to represent telecommunications service providers with at  
8 least one hundred thousand access lines located within Missouri];

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

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

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

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

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

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

28 (1) Organize and adopt standards governing the [committee's] board's formal and informal  
29 procedures;

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

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

34 (4) Provide requested mediation services to political subdivisions involved in  
35 jurisdictional disputes regarding the provision of 911 services, except that such [committee] board

shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 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 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] 190.400 to 190.445.

5. The department of public safety shall provide staff assistance to the [committee for] 911 service oversight board as necessary in order for the [committee] board to perform its duties pursuant to sections [650.320 to 650.340] 190.400 to 190.445.

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] 190.445. 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.

[650.340.] 190.445. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator. . . . .16 hours;

(2) Fire telecommunicator. . . . .16 hours;

(3) Emergency medical services telecommunicator. . . . .16 hours;

(4) Joint communication center telecommunicator. . . . .40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such

persons or organizations as provided in subsection 6 of this section. The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the [committee] board that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or dispatch agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for [an] a dispatch agency which meets the requirements set forth in section 190.134.”; and

FURTHER AMEND said bill, Section 1, Page 8, Line 27, by inserting the following after all of said Line:

“[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 shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

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

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

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of 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, 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, that is promulgated pursuant to the authority delegated in sections 190.400 to

1 190.440 shall become effective only if it has been promulgated pursuant to the provisions of  
2 chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect  
3 and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity  
4 of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of  
5 chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with  
6 the general assembly pursuant to chapter 536 to review, to delay the effective date or to  
7 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
8 authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

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

12 (1) For the reimbursement of actual expenditures for implementation of wireless enhanced  
13 911 service by wireless service providers in implementing Federal Communications Commission  
14 order 94-102; and

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

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

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

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

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

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

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

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

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

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

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

45 8. Notwithstanding any other provision of the law, in no event shall any wireless service  
46 provider, its officers, employees, assigns or agents, be liable for any form of civil damages or  
47 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.]

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

(1) "Committee", the advisory committee for 911 service oversight established in section 650.325;

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

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

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