

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 83, Page 81, Section 184.865, Line 7, by inserting after all of said section and line,
3 the following:
4

5 "190.300. As used in sections 190.300 to [190.320] 190.340, the following terms and
6 phrases mean:

7 (1) "Emergency telephone service", a telephone system utilizing a single three digit number
8 "911" for reporting police, fire, medical or other emergency situations;

9 (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone
10 service;

11 (3) "Exchange access facilities", all facilities provided by the service supplier for local
12 telephone exchange access to a service user;

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

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

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

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

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

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

32 190.308. 1. In any county that has established an emergency telephone service pursuant to
33 sections 190.300 to [190.320] 190.340, it shall be unlawful for any person to misuse the emergency
34 telephone service. For the purposes of this section, "emergency" means any incident involving
35 danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other
36 public safety organization, "misuse the emergency telephone service" includes, but is not limited to,
37 repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use

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1 when emergency situations may need such operators or equipment and "repeatedly" means three or
2 more times within a one-month period.

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

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

7 190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

8 (1) ["911", the primary emergency telephone number within the wireless system;

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

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

14 [(4)] (2) "Public safety answering point", the location at which 911 calls are [initially]
15 answered;

16 [(5)] (3) "Wireless service provider", a provider of commercial mobile service pursuant to
17 Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

18 190.420. 1. There is hereby established in the state treasury a fund to be known as the
19 "[Wireless Service Provider Enhanced] Missouri 911 Service Fund". All fees collected pursuant to
20 sections 190.400 to 190.440 and sections 190.450 and 190.451 by wireless service providers shall be
21 remitted to the director of the department of revenue. The director shall remit such payments to the
22 state treasurer.

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

27 3. Any unexpended balance in the fund shall be exempt from the provisions of section
28 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain
29 in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

30 190.450. 1. In lieu of the tax levy authorized under section 190.305 or the sales tax imposed
31 under section 190.335, the governing body of any county may impose, by order or ordinance, a
32 monthly fee on any device capable of contacting 911. The fee authorized in this section shall not
33 exceed one dollar and fifty cents per any such device capable of contacting 911, and shall be imposed
34 solely for the purpose of funding 911 service in such county. The fee authorized in this section shall
35 be in addition to all other taxes and fees imposed by law, and shall be stated separately from all other
36 charges and taxes.

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

41 "Shall (insert county name) County impose a monthly fee of (insert amount) per any such
42 device capable of contacting 911 on each such device for the purpose of funding 911 service in the
43 county?".

44
45 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
46 the question, then the fee shall become effective on the first day of the second calendar quarter after
47 the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on
48 the question by the qualified voters voting thereon are opposed to the question, then the fee shall not

1 become effective unless and until the question is resubmitted under this section to the qualified
2 voters and such question is approved by a majority of the qualified voters voting on the question.

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

5 4. All revenue collected under this section by the director of the department of revenue on
6 behalf of any county, except for one percent for the cost of collection which shall be deposited in the
7 state's general revenue fund, shall be deposited in the Missouri 911 service fund created in section
8 190.420. The state treasurer shall remit such funds to the county on a monthly basis. The county
9 commission shall control such funds remitted to the county unless the county has established an
10 elected board for the purpose of administering such funds. In the event that any county has
11 established a board under any other provision of state law for the purpose of administering funds for
12 911 service, such existing board may continue to perform such functions after the county has adopted
13 the monthly fee under this section.

14 5. Notwithstanding any other provision of law to the contrary, no proprietary information
15 submitted under this section shall be subject to subpoena or otherwise released to any person other
16 than to the submitting 911 communications service provider without the express permission of such
17 911 communications service provider. General information collected under this section shall only be
18 released or published in aggregate amounts that do not identify or allow identification of numbers of
19 subscribers or revenues attributable to an individual 911 communications service provider.

20 6. Notwithstanding any other provision of law to the contrary, in no event shall any 911
21 communications service provider, its officers, employees, assigns, or agents, be liable for any form
22 of civil damages or criminal liability that directly or indirectly result from, or is caused by, an act or
23 omission in the development, design, installation, operation, maintenance, performance, or provision
24 of a public safety answering point, or that directly or indirectly result from, or is caused by, the
25 release of subscriber information to any governmental entity as required under this section unless
26 such acts, release of subscriber information, or omissions constitute gross negligence, recklessness,
27 or intentional misconduct. No cause of action shall lie in any court of law against any provider of
28 telecommunications service, commercial mobile service, or other communications-related service, or
29 its officers, employees, agents, or other persons acting on behalf of them, for providing call location
30 information concerning the user of any such service, in an emergency situation, to a law enforcement
31 official or agency in order to respond to a call for emergency service by a subscriber, customer, or
32 user of such service or for providing caller location information or doing a ping locate in an
33 emergency situation that involves danger of death or serious physical injury to any person where
34 disclosure of communications relating to the emergency is required without delay, whether such
35 providing of information is required by law or voluntarily.

36 7. The fee imposed under this section shall not be imposed upon customers who pay for
37 service prospectively, known as prepaid wireless telecommunications service customers. Prepaid
38 wireless telecommunications service customers shall be subject to the charge imposed under section
39 190.451.

40 8. The fee imposed under this section shall not be imposed upon any landline capable of
41 contacting 911 if such landline is already subject to a tax or fee imposed for the purpose of funding
42 911 service in such county. The fee imposed under this section shall not be imposed in conjunction
43 with any tax imposed under section 190.305 or 190.335.

44 9. No county of the third classification shall submit a proposal to the voters of the county
45 under this section until either:

46 (1) All providers of emergency telephone service as defined in section 190.300 within the
47 county are consolidated into one public agency as defined in section 190.300 that provides
48 emergency telephone service for the county; or

(2) The county develops a plan for implementation of emergency telephone service as defined in section 190.300 within the county that considers either consolidation or entering into a shared services agreement for such service if such an agreement is feasible.

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

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

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

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

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

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

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

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

(5) "Provider", a person or business that provides prepaid wireless telecommunications service under a license issued by the Federal Communications Commission;

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

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

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

2. (1) Beginning October 1, 2013, except as provided in subsection 6 of this section, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of each retail transaction. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single nonitemized price, then the seller may elect not to apply such service charge to such transaction. For purposes of this subdivision, an amount of service denominated as ten or fewer minutes, or five dollars or less, is minimal.

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

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

1 retail transaction is treated as occurring in this state under state law.

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

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

11 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be
12 remitted to the department at the times and in the manner provided by state law with respect to the
13 sales and use taxes. The department shall establish registration and payment procedures that
14 substantially coincide with the registration and payment procedures that apply under state law.

15 (2) Beginning on October 1, 2013, and ending on October 31, 2013, when a consumer
16 purchases prepaid wireless telecommunications service in a retail transaction from a seller under this
17 section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency
18 telephone service charges that are collected by the seller from the consumer. Beginning on
19 November 1, 2013, a seller shall be permitted to deduct and retain two percent of prepaid wireless
20 emergency telephone service charges that are collected by the seller from consumers.

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

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

30 (5) Ten percent of remitted prepaid wireless emergency telephone service charges deposited
31 in the Missouri 911 service fund created in section 190.420 under subdivision (4) of this subsection
32 shall be dedicated to the Missouri regional poison information center established in section 190.353.
33 The amount allocated under this subdivision shall not exceed one million dollars in any
34 twelve-month period, nor shall the Missouri regional poison information center receive more than
35 one million dollars from the Missouri 911 service fund in any one calendar year under this
36 subdivision.

37 4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections
38 under section 190.450, notwithstanding any requirement in state law regarding compliance with
39 Federal Communications Commission Order 05-116.

40 (2) A provider shall be entitled to the immunity and liability protections under section
41 190.450.

42 (3) In addition to the protection from liability provided in subdivisions (1) and (2) of this
43 subsection, each provider and seller shall be entitled to the further protection from liability, if any,
44 that is provided to providers and sellers of wireless telecommunications service that is not prepaid
45 wireless telecommunications service under section 190.450.

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

6. This section shall not apply to any county with a charter form of government."; and

Further amend said bill, Page 130, Section 577.041, Line 138, by inserting after all of said section and line the following:

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

(1) ["Committee"] "Board", the [advisory committee for] Missouri 911 service [oversight] board 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.

650.325. There is hereby established within the department of public safety the ["Advisory Committee for 911 Service Oversight"] "Missouri 911 Service 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. 1. The [committee for 911 service oversight] board shall consist of [sixteen] twelve 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] municipalities;

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

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

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

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

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

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

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

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

6 2. Each of the members of the [committee for 911 service oversight] board shall be
7 appointed by the governor with the advice and consent of the senate for a term of four years; except
8 that, of those members first appointed, four members shall be appointed to serve for one year, four
9 members shall be appointed to serve for two years, four members shall be appointed to serve for
10 three years and four members shall be appointed to serve for four years. Members of the committee
11 may serve multiple terms.

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

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

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

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

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

23 (4) Provide requested mediation services to political subdivisions involved in jurisdictional
24 disputes regarding the provision of 911 services, except that such committee shall not supersede
25 decision-making authority of local political subdivisions in regard to 911 services;

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

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

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

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

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

35 (10) Elect the chair from its membership;

36 (11) Designate a state 911 coordinator;

37 (12) Apply for and receive private and federal grants;

38 (13) Prepare and present a report to the governor and general assembly on the state of the
39 state's 911 systems;

40 (14) Administer and authorize grants and loans to counties, other than counties with a charter
41 form of government, that demonstrate a commitment to improving 911. The purpose of grants from
42 the 911 service fund shall include:

43 (a) Implementation of 911 services in every county of the state;

44 (b) Promotion of consolidation where appropriate;

45 (c) Mapping and addressing all county locations;

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

47 (15) Report to the governor and the general assembly every five years on the status of 911
48 services statewide as well as specific efforts to improve efficiency, cost effectiveness, and levels of

1 service;

2 (16) Conduct a survey every five years of public safety answering points in Missouri to
 3 evaluate potential for improved services, coordination, and feasibility of consolidation;

4 (17) Make and execute contracts or any other instruments and agreements necessary or
 5 convenient for the exercise of its powers and functions.

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

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

17
 18 Further amend said bill, Page 130, Section 1, Line 6, by inserting after all of said section and line the
 19 following:

20
 21 "[190.410. 1. There is hereby created in the department of public safety the
 22 "Wireless Service Provider Enhanced 911 Advisory Board", consisting of
 23 eight members as follows:

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

27 (2) The chairperson of the public service commission or the chairperson's
 28 designee; except that such designee shall be a commissioner of the public
 29 service commission or hold a position of authority in the commission of at
 30 least a division director;

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

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

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

1 3. The board shall do the following:

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

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

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

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

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

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.