

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Bill No. 366, Section 144.030, Page 13, Line 338, by inserting
2 after all of said Line the following:

3 "190.300. As used in sections 190.300 to [190.320] 190.340, the following terms and
4 phrases mean:

5 (1) "Emergency telephone service", a telephone system utilizing a single three digit number
6 "911" for reporting police, fire, medical or other emergency situations;

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

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

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

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

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

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

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

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

30 190.308. 1. In any county that has established an emergency telephone service pursuant to
31 sections 190.300 to [190.320] 190.340, it shall be unlawful for any person to misuse the emergency
32 telephone service. For the purposes of this section, "emergency" means any incident involving
33 danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other
34 public safety organization, "misuse the emergency telephone service" includes, but is not limited to,
35 repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use
36 when emergency situations may need such operators or equipment and "repeatedly" means three or
37 more times within a one-month period.

Action Taken _____ Date _____

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

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby 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)] (2) "Public safety answering point", the location at which 911 calls are [initially] answered;

[(5)] (3) "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).

190.420. 1. There is hereby established a special trust fund to be known as the "[Wireless Service Provider Enhanced] Missouri 911 Service Trust Fund". All fees collected pursuant to sections 190.400 to 190.440 and sections 190.450 and 190.451 by wireless service providers shall be remitted to the director of the department of revenue.

2. The director of the department of revenue shall deposit such payments into the [wireless service provider enhanced] Missouri 911 service trust 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] Missouri 911 [system] systems.

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.

4. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county pursuant to sections 190.400 to 190.440 and sections 190.450 and 190.451 and the records shall be open to the inspection of officers of a participating county and the public.

190.450. 1. Except as provided under subsections 9 and 10 of this section, in lieu of the tax levy authorized under section 190.305 or the sales tax imposed under section 190.335, the governing body of any county may impose, by order or ordinance, a monthly fee on any device capable of contacting 911. The fee authorized in this section shall not exceed one dollar and fifty cents per any such device capable of contacting 911, and shall be imposed solely for the purpose of funding 911 service in such county. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law, and shall be stated separately from all other charges and taxes.

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

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the fee shall become effective on the first day of the second calendar quarter after

1 the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on
2 the question by the qualified voters voting thereon are opposed to the question, then the fee shall not
3 become effective unless and until the question is resubmitted under this section to the qualified
4 voters and such question is approved by a majority of the qualified voters voting on the question.

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

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

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

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

38 7. The fee imposed under this section shall not be imposed upon customers who pay for
39 service prospectively, known as prepaid wireless telecommunications service customers.

40 8. The fee imposed under this section shall not be imposed in conjunction with any tax
41 imposed under section 190.305 or 190.335. No fee imposed under this section shall be imposed on
42 more than one hundred exchange access facilities or their equivalent per person per location.

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

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

48 (2) The county develops a plan for consolidation of emergency telephone service as defined

in section 190.300 and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented upon approval of the fee by the voters. The plan shall be filed with the Missouri 911 service board pursuant to subsection 4 of section 650.330. The director of the department of revenue shall not remit any funds as provided under this section until it receives notification from the board that the county has filed a plan that is ready for implementation.

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 a public agency that provides emergency telephone service if such an agreement is feasible; or

(2) Form an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within such adjoining county. If such a district is formed under this subdivision, 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.

11. A county of the third classification operating joint or shared emergency telephone service as defined in section 190.300 may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation 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 January 1, 2014, 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,

1 receipt, or other similar document that is provided to the consumer by the seller, or otherwise
2 disclosed to the consumer.

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

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

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

16 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be
17 remitted to the department at the times and in the manner provided by state law with respect to the
18 sales and use taxes. The department shall establish registration and payment procedures that
19 substantially coincide with the registration and payment procedures that apply under state law.

20 (2) Beginning on January 1, 2014, and ending on January 31, 2014, when a consumer
21 purchases prepaid wireless telecommunications service in a retail transaction from a seller under this
22 section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency
23 telephone service charges that are collected by the seller from the consumer. Beginning on February
24 1, 2014, a seller shall be permitted to deduct and retain two percent of prepaid wireless emergency
25 telephone service charges that are collected by the seller from consumers.

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

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

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

42 4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections
43 under section 190.450, notwithstanding any requirement in state law regarding compliance with
44 Federal Communications Commission Order 05-116.

45 (2) A provider shall be entitled to the immunity and liability protections under section
46 190.450.

47 (3) In addition to the protection from liability provided in subdivisions (1) and (2) of this
48 subsection, each provider and seller shall be entitled to the further protection from liability, if any,

1 that is provided to providers and sellers of wireless telecommunications service that is not prepaid
 2 wireless telecommunications service under section 190.450.

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

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

7
 8 FURTHER AMEND said bill, Section 374.150, Page 16, Line 26, by inserting after all of said line
 9 the following:

10 "650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

11 (1) ["Committee"] "Board", the [advisory committee for] Missouri 911 service [oversight]
 12 board established in section 650.325;

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

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

17 650.325. There is hereby established within the department of public safety the ["Advisory
 18 Committee for 911 Service Oversight"] "Missouri 911 Service Board" which is charged with
 19 assisting and advising the state in ensuring the availability, implementation and enhancement of a
 20 statewide emergency telephone number common to all jurisdictions through research, planning,
 21 training and education. The [committee for 911 service oversight] board shall represent all entities
 22 and jurisdictions before appropriate policy-making authorities and the general assembly and shall
 23 strive toward the immediate access to emergency services for all citizens of this state.

24 650.330. 1. The [committee for 911 service oversight] board shall consist of [sixteen]
 25 twelve members, one of which shall be chosen from the department of public safety [who shall serve
 26 as chair of the committee and only vote in the instance of a tie vote among the other members], and
 27 the other members shall be selected as follows:

28 (1) One member chosen to represent an association domiciled in this state whose primary
 29 interest relates to [counties] municipalities;

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

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

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

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

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

39 (7) One member chosen to represent an association whose primary interest relates to issues
 40 pertaining to police chiefs;

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

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

45 [(10)] (9) One member chosen to represent [911 service providers in counties of the second,
 46 third and fourth classification;

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

1 [(12)] (10) One member chosen to represent telecommunications service providers [with at
2 least one hundred thousand access lines located within Missouri];

3 [(13)] (11) One member chosen to represent wireless telecommunications service providers
4 [with less than one hundred thousand access lines located within Missouri];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (10) Elect the chair from its membership;

40 (11) Designate a state 911 coordinator;

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

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

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

47 (a) Implementation of 911 services in counties of the state where services do not exist;

48 (b) Promotion of consolidation where appropriate;

1 (c) Mapping and addressing all county locations;

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

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

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

8 (17) Make and execute contracts or any other instruments and agreements necessary or
9 convenient for the exercise of its powers and functions;

10 (18) Retain in its records proposed county plans developed pursuant to subsection 9 of
11 section 190.450 and notify the department of revenue that the county has filed a plan that is ready for
12 implementation.

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

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

24
25 "[190.410. 1. There is hereby created in the department of public safety the
26 "Wireless Service Provider Enhanced 911 Advisory Board", consisting of
27 eight members as follows:

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

31 (2) The chairperson of the public service commission or the chairperson's
32 designee; except that such designee shall be a commissioner of the public
33 service commission or hold a position of authority in the commission of at
34 least a division director;

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

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

42 2. Immediately after the board is established the initial term of membership
43 for a member elected pursuant to subdivision (3) of subsection 1 of this
44 section shall be one year and all subsequent terms for members so elected
45 shall be two years. The membership term for a member elected pursuant to
46 subdivision (4) of subsection 1 of this section shall initially and subsequently
47 be two years. Each member shall serve no more than two successive terms
48 unless the member is on the board pursuant to subdivision (1) or (2) of

1 subsection 1 of this section. Members of the board shall serve without
2 compensation, however, the members may receive reimbursement of actual
3 and necessary expenses. Any vacancies on the board shall be filled in the
4 manner provided for in this subsection.

5 3. The board shall do the following:

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

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

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

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

16 4. The director of the department of public safety shall provide and coordinate
17 staff and equipment services to the board to facilitate the board's duties.]" ; and
18

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