

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 607, Page 1, in the Title, Line 3, by deleting "sales
2 tax for public safety" and inserting in lieu thereof "taxation"; and
3

4 Further amend said bill and page, Section A, Line 3, by inserting the following after all of said line:

5 "70.210. As used in sections 70.210 to 70.320, the following terms mean:

6 (1) "Governing body", the board, body or persons in which the powers of a municipality or political
7 subdivision are vested;

8 (2) "Municipality", municipal corporations, political corporations, and other public corporations and
9 agencies authorized to exercise governmental functions;

10 (3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city
11 library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts,
12 watershed subdistricts, county hospitals, [and] any board of control of an art museum, any 911 or emergency
13 services board authorized in chapter 190 or in section 321.243, and any other public subdivision or public
14 corporation having the power to tax.

15 92.077. As used in sections 92.074 to 92.095, unless the context clearly requires otherwise, the
16 following terms mean:

17 (1) "Business license tax", any tax, including any fee, charge, or assessment in the nature of a tax,
18 assessed by a municipality on a telecommunications company for the privilege of doing business within the
19 borders of such municipality, and specifically includes any tax assessed on a telecommunications company by
20 a municipality under section 66.300 and section 80.090, section 92.073, section 94.110, 94.270, or 94.360, or
21 under authority granted in its charter, as well as an occupation license tax, gross receipts tax, franchise tax, or
22 similar tax, but shall not include:

23 (a) Any state or municipal sales tax imposed under sections 144.010 to 144.525; or

24 (b) Any municipal right-of-way usage fee imposed under the authority of a municipality's police
25 powers under Section 253(c) of the Federal Telecommunications Act of 1996, or under sections 67.1830 to
26 67.1846; or

27 (c) Any tax or fee levied for emergency services under section 190.292, 190.305, 190.325, or
28 190.335, [or 190.430,] or any tax authorized by the general assembly after August 28, 2005, for emergency
29 services;

30 (d) Any flat tax duly imposed on or before August 28, 2005;

31 (2) "Director", the director of the department of revenue;

32 (3) "Municipal", of or relating to a municipality;

33 (4) "Municipality", any city, county, town, or village in Missouri entitled by authority of section
34 66.300, section 80.090, section 92.073, section 94.110, 94.270, or 94.360, or under authority granted in its
35 charter to assess a business license tax on telecommunications companies;

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(5) "Telecommunications company", any company doing business in this state that provides telecommunications service;

(6) "Telecommunications service", the same meaning as such term is defined in section 144.010. The term telephone company, as used in sections 94.110, 94.270, and 94.360, shall have the same meaning as telecommunications company as defined in this section."; and

Further amend said bill, Page 9, Section 144.080, Line 37, by inserting the following after all of said line:

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

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

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

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

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

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

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

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

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

(9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, [approved by the Missouri public service commission] contracts, service agreements, or similar documents governing the provision of the service, which represent the service supplier's recurring charges for exchange access facilities or their equivalent, or equivalent rates contained in contracts, service agreements, or similar documents, exclusive of all taxes, fees, licenses or similar charges whatsoever.

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

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.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other

1 emergency services, including emergency telephone services, which shall be collectively referred to herein as
2 "emergency services", and which may also include the purchase and maintenance of communications and
3 emergency equipment, including the operational costs associated therein, in accordance with the provisions of
4 this section.

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

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

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

14 ☐ YES ☐ NO

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

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

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

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

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

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

46 9. The initial board shall consist of seven members appointed without regard to political affiliation,

1 who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's
 2 department, municipalities, any other emergency services and the general public. This initial board shall serve
 3 until its successor board is duly elected and installed in office. The commission shall ensure geographic
 4 representation of the county by appointing no more than four members from each district of the county
 5 commission.

6 10. Beginning in 1994, three members shall be elected from each district of the county commission
 7 and one member shall be elected at large, such member to be the chairman of the board. Of those first elected,
 8 four members from districts of the county commission shall be elected for terms of two years and two
 9 members from districts of the county commission and the member at large shall be elected for terms of four
 10 years. In 1996, and thereafter, all terms of office shall be four years. Notwithstanding any other provision of
 11 law, if there is no candidate for an open position on the board, then no election shall be held for that position
 12 and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is
 13 only one candidate for each open position, no election shall be held and the candidate or candidates shall
 14 assume office at the same time and in the same manner as if elected.

15 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any
 16 county of the first classification with more than two hundred forty thousand three hundred but fewer than two
 17 hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by
 18 the county under section 190.309 which is in existence on the date the voters approve a sales tax under this
 19 section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which
 20 existed prior to August 25, 2010 shall not be considered a body corporate and a political subdivision of the
 21 state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the
 22 county in which such board is established reclassifying such board as a corporate body and political
 23 subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the
 24 operation of the emergency service 911 system to the new entity created by the reclassification of the board.

25 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any
 26 county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four
 27 thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but
 28 fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county
 29 commission shall appoint the members of the board to administer the funds and oversee the provision of
 30 emergency services in the county.

31 (2) The board shall consist of seven members appointed without regard to political affiliation.
 32 Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

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

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

42 (4) In any county of the first classification with more than fifty thousand but fewer than seventy
 43 thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the
 44 board by at least one member.

45 190.339. 1. The powers and duties of the emergency services board shall include, but not be limited
 46 to:

- 1 (1) Planning a 911 system and dispatching system;
- 2 (2) Coordinating and supervising the implementation, upgrading or maintenance of the system,
- 3 including the establishment of equipment specifications and coding systems;
- 4 (3) Receiving money from any county sales tax authorized to be levied pursuant to section 190.335
- 5 and authorizing disbursements from such moneys collected;
- 6 (4) Hiring any staff necessary for the implementation, upgrade or operation of the system.
- 7 2. Except for emergency services 911 boards in existence prior to August 25, 2010 and operating
- 8 under the authority of subsection 11 of section 190.335, the board shall be a body corporate and a political
- 9 subdivision of the state and shall be known as the "..... Emergency Services Board".
- 10 3. The administrative control and management of the moneys from any county sales tax authorized to
- 11 be levied pursuant to section 190.335 and the administrative control and management of the central
- 12 dispatching of emergency services shall rest solely with the board, and the board shall employ all necessary
- 13 personnel, affix their compensation and provide suitable quarters and equipment for the operation of the
- 14 central dispatching of emergency services from the funds available for this purpose.
- 15 4. The board may contract to provide services relating in whole or in part to central dispatching of
- 16 emergency services and for such purpose may expend the tax funds or other funds.
- 17 5. The board shall elect a vice chairman, treasurer, secretary and such other officers as it deems
- 18 necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be determined and in
- 19 a form to be approved by the board for the faithful performance of the treasurer's duties and faithful
- 20 accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety
- 21 bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by
- 22 the board of directors.
- 23 6. The board may accept any gift of property or money for the use and benefit of the central
- 24 dispatching of emergency services, and the board is authorized to sell or exchange any such property which it
- 25 believes would be to the benefit of the service so long as the proceeds are used exclusively for central
- 26 dispatching of emergency services. The board shall have exclusive control of all gifts, property or money it
- 27 may accept; of all interest of other proceeds which may accrue from the investment of such gifts or money or
- 28 from the sale of such property; of all tax revenues collected by the county on behalf of the central dispatching
- 29 of emergency services; and of all other funds granted, appropriated or loaned to it by the federal government,
- 30 the state or its political subdivisions so long as such resources are used solely to benefit the central
- 31 dispatching of emergency services.
- 32 7. Any board member may, following notice and an opportunity to be heard, be removed from any
- 33 office by a majority vote of the other members of the board for any of the following reasons:
- 34 (1) Failure to attend five consecutive meetings, without good cause;
- 35 (2) Conduct prejudicial to the good order and efficient operation of the central dispatching of
- 36 emergency services; or
- 37 (3) Neglect of duty.
- 38 8. The chairperson of the board shall preside at such removal hearing, unless the chairperson is the
- 39 person sought to be removed, in which case the hearing shall be presided over by another member elected by a
- 40 majority vote of the other board members. All interested parties may present testimony and arguments at such
- 41 hearing, and the witnesses shall be sworn in by oath or affirmation before testifying. Any interested party
- 42 may, at his or her own expense, record the proceedings.
- 43 9. Vacancies on the board occasioned by removals, resignations or otherwise, shall be filled by the
- 44 remaining members of the board. The appointee or appointees shall act until the next election at which a
- 45 director or directors are elected to serve the remainder of the unexpired term.
- 46 10. Individual board members shall not be eligible for employment by the board within twelve

1 months of termination of service as a member of the board.

2 11. No person shall be employed by the board who is related within the fourth degree by blood or by
3 marriage to any member of the board.

4 190.400. As used in sections 190.400 to [190.440] 190.451, the following words and terms shall
5 mean:

6 (1) ["911", the primary emergency telephone number within the wireless system;

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

8 (3)] "Communications service", any service that:

9 (a) Uses telephone numbers or IP addresses or their functional equivalents or successors;

10 (b) Provides access to, and connection or interface with, a 911 system through the activation or
11 enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or
12 otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology
13 employed;

14 (c) Provides and enables real time and interactive communications, other than machine to machine
15 communications; and

16 (d) Is available to a prepaid user or a standard user.

17
18 The term includes, but is not limited to, the following:

19 a. Internet protocol enabled services and applications that are provided through wireline, cable,
20 wireless, or satellite facilities, or any other facility or platform that is capable of connecting and enabling a
21 911 communication to a public safety answering point;

22 b. Commercial mobile radio service;

23 c. Interconnected voice over internet protocol service and voice over power lines; and

24 d. Integrated telecommunications service;

25 (2) "Provider", a person who provides communications services to the public that includes 911
26 communications service, including but not limited to a local exchange carrier, a wireless provider, a voice over
27 internet protocol provider, but only if such entity provides access to, and connection and interface with, a 911
28 communications service or its successor service;

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

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

34 (5) "Subscriber", a person who contracts with, and is billed by a provider for, a communications
35 service. In the case of wireless service and for purposes of section 190.450, the term "subscriber" means a
36 person who contracts with a provider if the person's primary place of use is within the county or city imposing
37 a monthly fee pursuant to section 190.450, and does not include subscribers to prepaid wireless service;

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

40 190.420. 1. There is hereby established a special trust fund to be known as the "[Wireless Service
41 Provider Enhanced] Missouri 911 Service Trust Fund". All fees collected pursuant to sections 190.400 to
42 [190.440 by wireless service providers] 190.451 shall be remitted to the director of the department of revenue.

43 2. The director of the department of revenue shall deposit such payments into the [wireless service
44 provider enhanced] Missouri 911 service trust fund. Moneys in the fund shall be used for the purpose of
45 reimbursing expenditures actually incurred in the implementation and operation of the [wireless service
46 provider enhanced] Missouri 911 [system] systems and for the answering and dispatching of emergency calls

1 as determined to be appropriate by the governing body of the city or county imposing the fee.

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

5 4. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled
6 with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the
7 trust fund which was collected in each county, city not within a county, or home rule city with more than
8 fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third
9 classification without a township form of government and with more than thirty-seven thousand but fewer
10 than forty-one thousand inhabitants under sections 190.400 to 190.451, and the records shall be open to the
11 inspection of officers of a participating county or city and the public.

12 190.450. 1. Except as provided under subsections 9 and 11 of this section, in lieu of the tax levy
13 authorized under section 190.305 or the sales tax imposed under section 190.292, 190.325, or 190.335, the
14 governing body of any county or city not within a county, or home rule city with more than fifteen thousand
15 but fewer than seventeen thousand inhabitants and partially located in any county of the third classification
16 without a township form of government and with more than thirty-seven thousand but fewer than forty-one
17 thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications
18 service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one
19 dollar and fifty cents and shall be limited to one fee per device. The fee shall be imposed solely for the
20 purpose of funding 911 service in such county or city. The fee shall be in addition to all other taxes and fees
21 imposed by law, and may be stated separately from all other charges and taxes.

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

26 "Shall (insert name of county or city) impose a monthly fee of (insert amount) on a subscriber
27 of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in
28 the (county or city)?"

29
30 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the
31 question, then the fee shall become effective on the first day of the second calendar quarter after the director of
32 revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the
33 qualified voters voting thereon are opposed to the question, then the fee shall not become effective unless and
34 until the question is resubmitted under this section to the qualified voters and such question is approved by a
35 majority of the qualified voters voting on the question.

36 3. Except as modified in this section, all provisions of sections 32.085, 32.087, and subsection 7 of
37 section 144.190 shall apply to the fee imposed under this section.

38 4. All revenue collected under this section by the director of the department of revenue on behalf of
39 the county or city, except for two percent to be withheld by the provider for the cost of administering the
40 collection and remittance of the fee and one percent for the cost of collection which shall be deposited in the
41 state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created in section
42 190.420. The director of the department of revenue shall remit such funds to the county or city on a monthly
43 basis. The governing body of any such county or city shall control such funds remitted to the county or city
44 unless the county or city has established an elected board for the purpose of administering such funds. In the
45 event that any county or city has established a board under any other provision of state law for the purpose of
46 administering funds for 911 service, such existing board may continue to perform such functions after the

1 county or city has adopted the monthly fee under this section.

2 5. Nothing in this section imposes any obligation upon a provider of a communications service to
3 take any legal action to enforce the collection of the tax imposed in this section. The tax shall be collected in
4 compliance with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 116 through 124, as
5 amended.

6 6. Notwithstanding any other provision of law to the contrary, proprietary information submitted
7 under this section shall only be subject to subpoena or lawful court order. General information collected
8 under this section shall only be released or published in aggregate amounts that do not identify or allow
9 identification of numbers of subscribers or revenues attributable to an individual 911 communications service
10 provider.

11 7. Notwithstanding any other provision of law to the contrary, in no event shall any 911
12 communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting on behalf
13 of such persons, be liable for any form of civil damages or criminal liability that directly or indirectly results
14 from, or is caused by:

15 (1) An act or omission in the development, design, installation, operation, maintenance, performance,
16 or provision of service to a public safety answering point or to subscribers that use such service whether
17 providing such service is required by law or voluntary; or

18 (2) The release of subscriber information to any governmental entity as required under this section,
19
20 unless such acts, release of subscriber information, or omissions constitute gross negligence, recklessness, or
21 intentional misconduct. Nothing in this section is intended to void or otherwise override any contractual
22 obligation pertaining to equipment or services sold to a public service answering point by a communications
23 service provider. No cause of action shall lie in any court of law against any provider of communications
24 service, or its officers, employees, agents, vendors, or anyone acting on behalf of such persons, for providing
25 call location information concerning the user of any such service in an emergency situation to a law
26 enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or
27 user of such service or for providing caller location information or doing a ping locate in an emergency
28 situation that involves danger of death or serious physical injury to any person where disclosure of
29 communications relating to the emergency is required without delay, whether such providing of information is
30 required by law or voluntary.

31 8. The fee imposed under this section shall not be imposed on customers who pay for service
32 prospectively, known as purchasers of prepaid wireless telecommunications service customers.

33 9. No county or city shall submit a proposal to the voters pursuant to this section for a fee of more
34 than one dollar until the county or city receives approval for the fee amount from the Missouri 911 service
35 board established under section 650.325. Once a fee of more than one dollar has been approved by the board
36 and the voters, the county or city shall not subsequently increase the fee until the increased fee amount has
37 been approved by the board and the voters pursuant to this section. Any county or city seeking to impose or
38 increase a fee of more than one dollar shall submit to the Missouri 911 service board information to justify the
39 fee amount. The information to be provided shall include but not be limited to the following:

40 (1) Estimated costs of services to be provided;

41 (2) Estimated revenue from all sources intended to financially support the proposed 911 service;

42 (3) Prior revenue amounts and sources of financial support for the previously funded 911 or
43 emergency dispatch service;

44 (4) Efforts to secure revenue to support the proposed 911 service other than the proposed fee under
45 this section;

46 (5) Current level of 911 service provided and the proposed level of 911 service to be provided;

1 (6) Any previous efforts regarding consolidation of 911 services and any currently proposed efforts
 2 regarding consolidation of 911 services; and

3 (7) Expected level of training of personnel and expected number of telecommunications per shift.

4 10. For the purposes of this section, when a device is permanently installed in a vehicle which is
 5 capable of contacting 911, it shall not be subject to this section unless the owner of such vehicle purchases or
 6 otherwise subscribes to a commercial mobile service as defined under 47 U.S.C. 332(d) of the
 7 Telecommunications Act of 1996.

8 11. Notwithstanding the state board's approval and the subsequent affirmative vote of the people of a
 9 maximum fee, each incremental fee increase above one dollar shall be reviewed and approved by the state
 10 board before becoming effective, even if it is below the established maximum fee.

11 12. The fee imposed under this section shall not be imposed in conjunction with any tax imposed
 12 under section 190.292, 190.305, 190.325, or 190.335. No county or city shall simultaneously impose more
 13 than one tax authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed
 14 under this section shall be imposed on more than one hundred exchange access facilities or their equivalent
 15 per person per location.

16 13. No county shall submit a proposal to the voters of the county under this section until either:

17 (1) All providers of emergency telephone service as defined in section 190.300 and public safety
 18 answering point operations within the county are consolidated into one public agency as defined in section
 19 190.300 that provides emergency telephone service for the county;

20 (2) The county develops a plan for the consolidation of emergency telephone service as defined in
 21 section 190.300 and public safety answering point operations within the county are consolidated into one
 22 public agency as defined in section 190.300 that provides emergency telephone service for the county; or

23 (3) The county develops a plan for the consolidation of emergency telephone service as defined in
 24 section 190.300 and public safety answering point operations within the county that includes either
 25 consolidation or entering into a shared services agreement for such services, which shall be implemented on
 26 approval of the fee by the voters. The plan shall be filed with the Missouri 911 service board under subsection
 27 4 of section 650.330. The director of the department of revenue shall not remit any funds as provided under
 28 this section until it receives notification from the board that the county has filed a plan that is ready for
 29 implementation.

30 14. Each county of the third classification that does not have a public agency as defined in section
 31 190.300 that provides emergency telephone service as defined in section 190.300 for the county shall either:

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

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

39 15. A county of the third classification operating joint or shared emergency telephone service as
 40 defined in section 190.300 may submit to the voters of the county a proposal to impose the fee to support joint
 41 operations and further consolidation under this section.

42 16. All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4
 43 U.S.C. Sections 116 through 124, as amended.

44 190.451. 1. As used in this section, the following terms mean:

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

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

1 transaction;

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

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

6 (5) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end
 7 user;

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

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

12 (8) "Wireless telecommunications service", commercial mobile radio service as defined by Section
 13 20.3 of Title 47 of the Code of Federal Regulations, as amended.

14 2. (1) Beginning January 1, 2015, there is hereby imposed a prepaid wireless emergency telephone
 15 service charge on each retail transaction. The amount of such charge shall be equal to three percent of each
 16 retail transaction. However, if a minimal amount of prepaid wireless telecommunications service is sold with
 17 a prepaid wireless device for a single non-itemized price, then the seller may elect not to apply such service
 18 charge to such transaction. For purposes of this subdivision, an amount of service denominated as ten or
 19 fewer minutes, or five dollars or less is minimal.

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

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

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

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

37 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to
 38 the department at the times and in the manner provided by state law with respect to the sales and use taxes.
 39 The department shall establish registration and payment procedures that substantially coincide with the
 40 registration and payment procedures that apply under state law.

41 (2) Beginning on January 1, 2015, and ending on January 31, 2015, when a consumer purchases
 42 prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller
 43 shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges
 44 that are collected by the seller from the consumer. Beginning on February 1, 2015, a seller shall be permitted
 45 to deduct and retain two percent of prepaid wireless emergency telephone service charges that are collected by
 46 the seller from consumers.

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

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

(5) The board shall set a rate between twenty-five and ninety-five percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund less the deductions authorized in subdivision (4) of this subsection that shall be remitted to the counties without a charter form of government in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and ninety-five percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund less the deductions authorized in subdivision (4)) of this subsection that shall be remitted to the counties with a charter form of government and any city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county may be adjusted after three years and thereafter the rate may be adjusted every two years.

(6) Any amounts received by a county or city not within a county under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305 and 190.335.

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

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

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.450.

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

190.455. Any county or 911 or emergency services board established under chapter 190 or under section 321.243 may contract and cooperate with any other county or 911 or emergency services board established under chapter 190 or under section 321.243 as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek assistance and advice from the Missouri 911 service board established in section 650.325 regarding terms of the joint contract and the administration and operation of the contracting counties and boards.

190.475. The director of the department of revenue shall maintain a centralized database which shall be made available to the Missouri 911 service board established under section 650.325, specifying the current monthly fee or tax imposed by each county or city under section 190.292, 190.305, 190.325, 190.335, or 190.450. The database shall be updated no less than sixty days prior to the effective date of the establishment or modification of any monthly fee or tax listed in the database.

321.015. 1. No person holding any lucrative office or employment under this state, or any political

subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public;

(2) Fire protection districts located wholly within counties of the second, third or fourth classification;

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within counties of the first classification not adjoining any other county of the first classification;

(5) Fire protection districts located within any county of the first or second classification not having more than nine hundred thousand inhabitants which borders any three counties of the first classification;

(6) Fire protection districts located within any county of the first classification which adjoins both a county with a charter form of government with more than nine hundred fifty thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term "lucrative office or employment" does not include part-time employment as defined as less than thirty-five hours per week, receiving retirement benefits, compensation for expenses, or [a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service,] for service rendered to a fire protection district, the state or any political subdivision thereof.

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, but shall have no authority over communications service providers. 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] fourteen 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)] (10) One member chosen to represent [911 service providers in] counties of the first classification[, counties with [and without] a charter [forms] form of government, and cities not within a county;

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

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

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

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

(13) One member chosen to represent voice over internet protocol service providers.

2. Each of the members of the [committee for 911 service oversight] board shall be appointed by the governor with the advice and consent of the senate for a term of four years[; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years]. Members of the committee may serve multiple terms. No corporation shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2014, shall continue to serve the remainder of their terms.

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

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

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

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

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

1 (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes
 2 regarding the provision of 911 services, except that [such committee] the board shall not supersede
 3 decision-making authority of local political subdivisions in regard to 911 services;

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

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

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

9 (8) Perform other duties as necessary to promote successful development, implementation and
 10 operation of 911 systems across the state, including monitoring federal and industry standards being
 11 developed for next generation 911 systems; [and]

12 (9) [Advise the department of public safety on establishing rules and regulations necessary to
 13 administer the provisions of sections 650.320 to 650.340] Elect the chair from its membership;

14 (10) Designate a state 911 coordinator;

15 (11) Apply for and receive grants from federal, private, and other sources;

16 (12) Administer and authorize grants and loans pursuant to section 650.335 to those counties and any
 17 home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially
 18 located in any county of the third classification without a township form of government and with more than
 19 thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial
 20 commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability
 21 to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund
 22 shall include:

23 (a) Implementation of 911 services in counties of the state where services do not exist or to improve
 24 existing 911 systems;

25 (b) Promotion of consolidation where appropriate;

26 (c) Mapping and addressing all county locations;

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

28 (e) Implementation of initial emergency medical dispatch services including pre-arrival medical
 29 instructions in counties where those services are not offered as of July 1, 2014;

30 (13) Develop an application process including reporting and accountability requirements,
 31 withholding a portion of the grant until completion of a project and other measures to assure funds are used in
 32 accordance with the law and purpose of the grant, then conduct audits as deemed necessary;

33 (14) Report to the governor and the general assembly at least every three years on the status of 911
 34 services statewide as well as specific efforts to improve efficiency, cost effectiveness, and levels of service;

35 (15) Conduct and review a survey at least every three years of public safety answering points in
 36 Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;

37 (16) Set the percentage rate of the prepaid wireless emergency telephone service charges to be
 38 remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.451;

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

41 (18) Approve a proposal of a city or county to impose a fee of more than one dollar under section
 42 190.450;

43 (19) Retain in its records proposed county plans developed under subsection 11 of section 190.450
 44 and notify the department of revenue that the county has filed a plan that is ready for implementation; and

45 (20) Notify any communications service provider that has voluntarily submitted its contact
 46 information when any update is made to the centralized database established under section 190.475 as a result

1 of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective
2 date of the establishment or modification of the tax or monthly fee.

3 5. The department of public safety shall provide staff assistance to the [committee for 911 service
4 oversight] board as necessary in order for the [committee] board to perform its duties pursuant to sections
5 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of
6 sections 650.320 to 650.340.

7 6. The [department of public safety is authorized to adopt those] board shall promulgate rules and
8 regulations that are reasonable and necessary [to accomplish the limited duties specifically delegated within
9 section] to implement and administer the provisions of sections 650.320 to 650.340. Any rule or portion of a
10 rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated
11 pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the
12 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to
13 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
14 any rule proposed or adopted after August 28, [1999] 2014, shall be invalid and void.

15 650.335. 1. Any county or any home rule city with more than fifteen thousand but fewer than
16 seventeen thousand inhabitants and partially located in any county of the third classification without a
17 township form of government and with more than thirty-seven thousand but fewer than forty-one thousand
18 inhabitants may submit an application for loan funds or other financial assistance to the board for the purpose
19 of financing all or a portion of the costs incurred in implementing a 911 communications service project. The
20 application shall be accompanied by a technical assistance report. The application and the technical assistance
21 report shall be in such form and contain such information, financial or otherwise, as prescribed by the board.
22 This section shall not preclude any applicant or borrower from joining in a cooperative project with any other
23 political subdivision or with any state or federal agency or entity in a 911 communications service project;
24 provided that, all other requirements of this section have been met.

25 2. Applications may be approved for loans only in those instances where the applicant has furnished
26 the board information satisfactory to assure that the project cost will be recovered during the repayment period
27 of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the
28 applicant to the loan agreement is obtained and a written certification of such approval is provided, where
29 applicable. Repayment periods are to be determined by the board.

30 3. The board shall approve or disapprove all applications for loans which are sent by certified or
31 registered mail or hand delivered and received by the board upon a schedule as determined by the board.

32 4. Each applicant to whom a loan has been made under this section shall repay such loan, with
33 interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the
34 payments shall be as determined by the board.

35 5. Any applicant who receives a loan under this section shall annually budget an amount which is at
36 least sufficient to make the payments required under this section.

37 6. Repayment of principal and interest on loans shall be credited to the Missouri 911 Service Trust
38 Fund established under section 190.420.

39 7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty
40 days of the due date of such payment, the board shall notify the director of the department of revenue to
41 deduct such payment amount from first; the prepaid wireless emergency telephone service charge remitted to
42 the county or city pursuant to section 190.451 and if insufficient to affect repayment of the loan; next the
43 regular apportionment of local sales tax distributions to that county or city. Such amount shall then
44 immediately be deposited in the Missouri 911 Service Trust Fund and credited to the loan recipient.

45 8. All applicants having received loans pursuant to this section shall remit the payments required by
46 subsection 4 of this section to the board or such other entity as may be directed by the board. The board or

1 such other entity shall immediately deposit such payments in the Missouri 911 Service Trust Fund.

2 9. Loans made pursuant to this section shall be used only for the purposes specified in an approved
 3 application or loan agreement. In the event the board determines that loan funds have been expended for
 4 purposes other than those specified in an approved application or loan agreement or any event of default of the
 5 loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the
 6 full amount of the loan and all moneys duly owed or other available remedies.

7 10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a
 8 payment is due, the board may initiate collection or other appropriate action through the provisions outlined in
 9 subsection 7 of this section when applicable.

10 11. When the borrower is an entity not covered under the collection procedures established in this
 11 section, the board, with the advice and consent of the attorney general, may initiate collection procedures or
 12 other appropriate action pursuant to applicable law.

13 12. The board may, at its discretion, audit the expenditure of any loan, grant or expenditure made or
 14 the computation of any payments made.

15 650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and
 16 Standards Act".

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

- 19 (1) Police telecommunicator 16 hours;
 20 (2) Fire telecommunicator..... 16 hours;
 21 (3) Emergency medical services telecommunicator..... 16 hours;
 22 (4) Joint communication center telecommunicator..... 40 hours.

23 3. All persons employed as a telecommunicator in this state shall be required to complete ongoing
 24 training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete
 25 at least twenty-four hours of ongoing training every three years by such persons or organizations as provided
 26 in subsection 6 of this section. The reporting period for the ongoing training under this subsection shall run
 27 concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to
 28 chapter 590.

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

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

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

38 7. This section shall not apply to an emergency medical dispatcher or agency as defined in section
 39 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who
 40 provides prearrival medical instructions who works for an agency which meets the requirements set forth in
 41 section 190.134."; and

42
 43 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
 44