

SECOND REGULAR SESSION

HOUSE BILL NO. 1573

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), DIEHL, GATSCHENBERGER, ROORDA,
KOLKMEYER, REIBOLDT, PHILLIPS, ROWLAND, JUSTUS, MAYFIELD, HIGDON, BROWN, RIZZO,
BLACK, FITZWATER AND LAFAVER (Co-sponsors).

4151H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325, 650.330,
and 650.340, RSMo, and to enact in lieu thereof ten new sections relating to emergency
communications service, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325,
2 650.330, and 650.340, RSMo, are repealed and ten new sections enacted in lieu thereof, to be
3 known as sections 190.300, 190.308, 190.400, 190.420, 190.450, 190.451, 650.320, 650.325,
4 650.330, and 650.340, to read as follows:

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

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

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

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

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

10 (5) "Person", any individual, firm, partnership, copartnership, joint venture, association,
11 cooperative organization, corporation, municipal or private, and whether organized for profit or
12 not, state, county, political subdivision, state department, commission, board, bureau or fraternal

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 organization, estate, trust, business or common law trust, receiver, assignee for the benefit of
14 creditors, trustee or trustee in bankruptcy, or any other service user;

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

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

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

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

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

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

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

190.400. As used in sections 190.400 to [190.440] **190.452**, the following words and
2 terms shall mean:

3 (1) ["911", the primary emergency telephone number within the wireless system;

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

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

9 [(4)] (2) "Public safety answering point", the location at which 911 calls are [initially]
10 answered;

11 [(5)] (3) "Wireless service provider", a provider of commercial mobile service pursuant
12 to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et
13 seq).

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

5 2. The director of the department of revenue shall deposit such payments into the
6 [wireless service provider enhanced] **Missouri** 911 service **trust** fund. Moneys in the fund shall
7 be used for the purpose of reimbursing expenditures actually incurred in the implementation and
8 operation of the [wireless service provider enhanced] **Missouri** 911 [system] **systems**.

9 3. Any unexpended balance in the fund shall be exempt from the provisions of section
10 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall
11 remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the
12 fund.

13 4. **The moneys in the trust fund shall not be deemed to be state funds and shall not**
14 **be commingled with any funds of the state. The director of revenue shall keep accurate**
15 **records of the amount of money in the trust fund which was collected in each county under**
16 **sections 190.400 to 190.440 and sections 190.450 and 190.451, and the records shall be open**
17 **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
2 of the tax levy authorized under section 190.305 or the sales tax imposed under section
3 190.335, the governing body of any county or any city not within a county may impose, by
4 order or ordinance, a monthly fee on any device capable of contacting 911. The fee
5 authorized in this section shall not exceed one dollar and fifty cents per any such device
6 capable of contacting 911 and shall be imposed solely for the purpose of funding 911
7 service in such county or city not within a county. The fee authorized in this section shall
8 be in addition to all other taxes and fees imposed by law and shall be stated separately
9 from all other charges and taxes.

10 2. No such order or ordinance adopted under this section shall become effective
11 unless the governing body of the county or city not within a county submits to the voters
12 residing within the county or city not within a county at a state general, primary, or special
13 election a proposal to authorize the governing body to impose a fee under this section. The
14 question submitted shall be in substantially the following form:

15 **"Shall (insert county name) County (or insert name of city not within a county)**
16 **impose a monthly fee of (insert amount) per any device capable of contacting 911 for the**
17 **purpose of funding 911 service in the county?".**

18

19 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
20 **favor of the question, then the fee shall become effective on the first day of the second**
21 **calendar quarter after the director of revenue receives notification of adoption of the fee.**
22 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
23 **opposed to the question, then the fee shall not become effective unless and until the**
24 **question is resubmitted under this section to the qualified voters and such question is**
25 **approved by a majority of the qualified voters voting on the question.**

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

28 **4. All revenue collected under this section by the director of the department of**
29 **revenue on behalf of any county or city not within a county, except for one percent for the**
30 **cost of collection which shall be deposited in the state's general revenue fund, shall be**
31 **deposited in the Missouri 911 service trust fund created in section 190.420. The director**
32 **of the department of revenue shall remit such funds to the county or city not within a**
33 **county on a monthly basis. The county commission or governing body of any city not**
34 **within a county shall control such funds remitted to the county or city not within a county**
35 **unless the county or city has established an elected board for the purpose of administering**
36 **such funds. In the event that any county or city not within a county has established a**
37 **board under any other provision of state law for the purpose of administering funds for**
38 **911 service, such existing board may continue to perform such functions after the county**
39 **has adopted the monthly fee under this section.**

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

47 **6. Notwithstanding any other provision of law to the contrary, in no event shall any**
48 **911 communications service provider, its officers, employees, assigns, or agents be liable**
49 **for any form of civil damages or criminal liability that directly or indirectly result from,**
50 **or is caused by, an act or omission in the development, design, installation, operation,**

51 maintenance, performance, or provision of a public safety answering point, or that directly
52 or indirectly result from, or is caused by, the release of subscriber information to any
53 governmental entity as required under this section unless such acts, release of subscriber
54 information, or omissions constitute gross negligence, recklessness, or intentional
55 misconduct. No cause of action shall lie in any court of law against any provider of
56 telecommunications service, commercial mobile service, or other communications-related
57 service, or its officers, employees, agents, or other persons acting on behalf of them, for
58 providing call location information concerning the user of any such service in an
59 emergency situation to a law enforcement official or agency in order to respond to a call
60 for emergency service by a subscriber, customer, or user of such service or for providing
61 caller location information or doing a ping locate in an emergency situation that involves
62 danger of death or serious physical injury to any person where disclosure of
63 communications relating to the emergency is required without delay, whether such
64 providing of information is required by law or voluntary.

65 7. The fee imposed under this section shall not be imposed on customers who pay
66 for service prospectively, known as prepaid wireless telecommunications service customers.

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

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

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

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

81 (3) The county develops a plan for consolidation of emergency telephone service as
82 define in section 190.300 and public safety answering point operations within the county
83 that includes either consolidation or entering into a shared services agreement for such
84 services, which shall be implemented on approval of the fee by the voters. The plan shall
85 be filed with the Missouri 911 service board under subsection 4 of section 650.330. The
86 director of the department of revenue shall not remit any funds as provided under this

87 section until it receives notification from the board that the county has filed a plan that is
88 ready for implementation.

89 **10. Each county of the third classification that does not have a public agency as**
90 **defined in section 190.300 that provides emergency telephone service as defined in section**
91 **190.300 for the county shall either:**

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

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

101 **11. A county of the third classification operating joint or shared emergency**
102 **telephone service as defined in section 190.300 may submit to the voters of the county a**
103 **proposal to impose the fee to support joint operations and further consolidation under this**
104 **section.**

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

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

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

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

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

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

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

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

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

21 2. (1) Beginning January 1, 2015, there is hereby imposed a prepaid wireless
22 emergency telephone service charge on each retail transaction. The amount of such charge
23 shall be equal to three percent of each retail transaction. However, if a minimal amount
24 of prepaid wireless telecommunications service is sold with a prepaid wireless device for
25 a single non-itemized price, then the seller may elect not to apply such service charge to
26 such transaction. For purposes of this subdivision, an amount of service denominated as
27 ten or fewer minutes, or five dollars or less is minimal.

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

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

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

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

48 3. (1) Prepaid wireless emergency telephone service charges collected by sellers
49 shall be remitted to the department at the times and in the manner provided by state law
50 with respect to the sales and use taxes. The department shall establish registration and
51 payment procedures that substantially coincide with the registration and payment
52 procedures that apply under state law.

53 (2) Beginning on January 1, 2015 and ending on January 31, 2015, when a consumer
54 purchases prepaid wireless telecommunications service in a retail transaction from a seller

55 under this section, the seller shall be allowed to retain one hundred percent of the prepaid
56 wireless emergency telephone service charges that are collected by the seller from the
57 consumer. Beginning on February 1, 2015, a seller shall be permitted to deduct and retain
58 two percent of prepaid wireless emergency telephone service charges that are collected by
59 the seller from consumers.

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

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

70 (5) Ten percent of remitted prepaid wireless emergency telephone service charges
71 deposited in the Missouri 911 service trust fund less the deduction authorized in
72 subdivision (4) of this subsection shall be dedicated to the Missouri regional poison
73 information center established in section 190.353. The amount allocated under this
74 subdivision shall not exceed one million dollars in any twelve-month period, nor shall the
75 Missouri regional poison information center receive more than one million dollars from
76 the Missouri 911 service trust fund in any one calendar year under this subdivision.

77 Any amount that would be allocated under this subdivision in excess of one million
78 dollars in any twelve month period or any calendar year shall be retained in the Missouri
79 911 service trust fund.

80 (6) The board shall set a rate between twenty-five and fifty percent of the prepaid
81 wireless emergency telephone service charges deposited in the Missouri 911 service trust
82 fund less the deductions authorized in subdivisions (4) and (5) of this subsection that shall
83 be remitted to the counties in direct proportion to the amount of charges collected in each
84 county. The initial percentage rate set by the board may be adjusted after five years and
85 thereafter the rate may be adjusted every two years.

86 (7) Any amounts received by a county under subdivision (6) of this subsection shall
87 be used only for purposes authorized in sections 190.305, 190.335, and 190.430.

88 4. (1) A seller that is not a provider shall be entitled to the immunity and liability
89 protections under section 190.450, notwithstanding any requirement in state law regarding
90 compliance with Federal Communications Commission Order 05-116.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 [(10)] (9) One member chosen to represent [911 service providers in] counties [of the
23 second, third and fourth classification;

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

26 [(12)] (10) One member chosen to represent telecommunications service providers [with
27 at least one hundred thousand access lines located within Missouri];

28 [(13)] (11) One member chosen to represent **wireless** telecommunications service
29 providers [with less than one hundred thousand access lines located within Missouri;

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

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

35 2. Each of the members of the [committee for 911 service oversight] **board** shall be
36 appointed by the governor with the advice and consent of the senate for a term of four years;
37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed
39 to serve for three years and four members shall be appointed to serve for four years. Members
40 of the committee may serve multiple terms.

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

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

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

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

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

53 (4) Provide requested mediation services to political subdivisions involved in
54 jurisdictional disputes regarding the provision of 911 services, except that [such committee] **the**
55 **board** shall not supersede decision-making authority of local political subdivisions in regard to
56 911 services;

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

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

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

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

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

67 **(10) Designate a state 911 coordinator;**

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

69 **(12) Administer and authorize grants and loans to counties, that demonstrate a**
70 **commitment to improving 911. The purpose of grants and loans from the 911 service trust**
71 **fund shall include:**

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

74 **(b) Promotion of consolidation where appropriate;**

75 **(c) Mapping and addressing all county locations;**

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

78 **(e) Implementation of initial emergency medical dispatch services including pre-**
79 **arrival medical instructions in counties where those services are not offered as of July 1,**
80 **2014;**

81 (13) Authorize and conduct audits as deemed necessary to review the grants and
82 loans authorized by the board;

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

86 (15) Conduct a survey every five years of public safety answering points in
87 Missouri to evaluate potential for improved services, coordination, and feasibility of
88 consolidation;

89 (16) Set a rate between twenty-five and fifty percent of the prepaid wireless
90 emergency telephone service charges deposited in the Missouri 911 service trust fund less
91 the deductions authorized in subdivisions (4) and (5) of subsection 3 of section 190.451 that
92 shall be remitted to the counties in direct proportion to the amount of prepaid wireless
93 emergency telephone service charges collected in each county. The board may adjust the
94 initial percentage rate after five years, and thereafter the rate may be adjusted every two
95 years;

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

98 (18) Retain in its records proposed county plans developed under subsection 9 of
99 section 190.450 and notify the department of revenue that the county has filed a plan that
100 is ready for implementation.

101 5. The department of public safety shall provide staff assistance to the [committee for
102 911 service oversight] **board** as necessary in order for the [committee] **board** to perform its
103 duties pursuant to sections 650.320 to 650.340.

104 6. The [department of public safety is authorized to adopt those] **board shall**
105 **promulgate rules and regulations** that are reasonable and necessary [to accomplish the limited
106 duties specifically delegated within section] **to implement and administer the provisions of**
107 **sections 650.320 to 650.340.** Any rule or portion of a rule, as that term is defined in section
108 536.010, shall become effective only if it has been promulgated pursuant to the provisions of
109 chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with
110 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
111 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
112 authority and any rule proposed or adopted after August 28, [1999] **2014**, shall be invalid and
113 void.

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

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

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

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

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

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

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

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

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

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

7 (2) The chairperson of the public service commission or the chairperson's
8 designee; except that such designee shall be a commissioner of the public service
9 commission or hold a position of authority in the commission of at least a
10 division director;

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

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

18 2. Immediately after the board is established the initial term of
19 membership for a member elected pursuant to subdivision (3) of subsection 1 of
20 this section shall be one year and all subsequent terms for members so elected
21 shall be two years. The membership term for a member elected pursuant to
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be
23 two years. Each member shall serve no more than two successive terms unless
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of
25 this section. Members of the board shall serve without compensation, however,
26 the members may receive reimbursement of actual and necessary expenses. Any
27 vacancies on the board shall be filled in the manner provided for in this
28 subsection.

29 3. The board shall do the following:

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

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

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

36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]

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