

HB 1573 -- EMERGENCY COMMUNICATIONS SERVICE

SPONSOR: Lauer

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Local Government by a vote of 18 to 2.

This bill changes the laws regarding funding for emergency 911 services, and the administration of those funds.

MISSOURI 911 SERVICE BOARD

The bill establishes the Missouri 911 Service Board by changing the name of the Advisory Committee for 911 Service Oversight and repealing the provisions creating the Wireless Service Provider Enhanced 911 Advisory Board.

The number of board members is reduced from 16 to 12, and the composition of the board is changed. Additional new powers and responsibilities of the board are specified, including:

- (1) Electing the chair from its membership;
- (2) Designating a state 911 coordinator;
- (3) Applying for and receiving private and federal grants;
- (4) Administering and authorizing grants and loans to counties that demonstrate a commitment to improving 911. The purpose of grants from the Missouri 911 Service Trust Fund include:
 - (a) Implementation of 911 services in counties currently without service;
 - (b) Promotion of consolidation where appropriate;
 - (c) Mapping and addressing all county locations;
 - (d) Ensuring primary access and texting abilities to 911 services for disabled residents; and
 - (e) Implementation of initial emergency medical dispatch services including pre-arrival medical instruction in counties where those services are not offered as of July 1, 2014;
- (5) Authorizing and conducting audits as deemed necessary to review the grants and loans authorized by the board;
- (6) Preparing and presenting a report to the Governor and General

Assembly on the state of the state's 911 systems every five years, including specific efforts to improve efficiency, cost effectiveness, and levels of service;

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

(8) Setting aside between 25% and 50% of the charges deposited in the service trust fund to be remitted to the counties in direct proportion to the amount of charges collected in each county. This rate may be initially adjusted after five years and every two years thereafter; and

(9) Making and executing contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions.

MONTHLY FEE FOR EACH DEVICE CAPABLE OF CONTACTING 911

The bill changes the name of the Wireless Service Provider Enhanced 911 Service Fund to the Missouri 911 Service Trust Fund.

Counties are authorized to impose, upon voter approval, a monthly fee not to exceed \$1.50 per device on any device capable of contacting 911 solely for the purpose of funding 911 service in the county. All revenue from this fee will be deposited into the Missouri 911 Service Trust Fund to be remitted monthly by the Director of the Department of Revenue to the county commission or governing body of any city not within a county. The county commission or city not within a county will control the funds unless it has established an elected board to administer the funds.

The fee:

(1) Will be in lieu of the emergency service telephone tax levy authorized under Section 190.305, RSMo, or the county sales tax authorized under Section 190.335 for funding the central dispatch of emergency services;

(2) Will not be imposed upon prepaid wireless telecommunications service customers who will be subject to the charge imposed under Section 190.451; and

(3) Will not be imposed on more than 100 exchange access facilities or their equivalent per person per location.

Third or fourth classification counties cannot submit a proposal to the voters of the county until either:

(a) All emergency telephone service and public safety answering operations with the county are consolidated into one public agency;

(b) The county develops a plan for consolidating emergency telephone service and public safety answering operations and are consolidated into one public agency; or

(c) The county develops a plan for consolidating or entering into a shared services agreement between emergency telephone service and public safety answering operations that will be implemented upon approval of the fee by the voters. The plan must be filed with the Missouri 911 service board and the Department of Revenue will not remit any funds until it receives notification from the board that a county has filed a plan and is ready for implementation.

Any third classification county that does not have a public agency as defined in Section 190.300 must either:

(a) Enter into a shared services agreement for providing emergency telephone services with a public agency that provides emergency telephone service; or

(b) Form an emergency telephone services district with any adjoining county that has a public agency that provides emergency telephone service. When a district is formed, the county commissioners of each county within the district will govern. Each county in the district will submit the fee proposal to the voters.

STATEWIDE PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE

The bill also imposes a statewide prepaid wireless emergency telephone service charge of 3% on each retail purchase of prepaid wireless telecommunications service. The amount of the charge must be separately stated to the consumer on an invoice, receipt, or other similar document or otherwise disclosed. If the sale of a prepaid wireless device includes 10 or fewer minutes or \$5 or less of wireless telephone service, the seller can elect not to apply the service charge to the transaction. The bill specifies the types of retail transactions that will be deemed to have occurred in this state.

The amount of the service charge that is separately stated on an invoice, receipt, or other similar document cannot be included in the base for measuring any tax, fee, surcharge, or other charge imposed by the state, any political subdivision of the state, or any intergovernmental agency.

Beginning January 1, 2015 and ending on January 31, 2015 the seller

will be allowed to retain 100% of the prepaid wireless emergency telephone service charge collected. Beginning on February 1, 2015, the seller will be allowed to retain 2% of the service charge.

The bill specifies that a provider of wireless service must be entitled to the immunity and liability protections under Section 190.450. A seller that is not a wireless service provider must be entitled to the immunity and liability protections under Section 190.450, regardless of any state law regarding compliance with Federal Communications Commission Order 05-116.

The prepaid wireless emergency telephone service charge established by this section will 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.

Ten percent of the remitted prepaid wireless emergency telephone service charges deposited in the 911 service trust fund will be dedicated to the Missouri regional poison information center, not in excess of one million dollars in any 12 month period or in any one calendar year.

The board will set aside between 25% and 50% of the charges deposited in the fund to be remitted to the counties in direct proportion to the amount of charges collected in each county. This rate may be initially adjusted after five years and every two years after the initial adjustment.

PROPONENTS: Supporters say that funding for 911 services is a major public safety concern. The proposed alternative funding mechanisms would allow counties to make up for the rapidly decreasing revenue from landlines, and would provide much-needed funding for counties around the state that do not have any 911 service or need to upgrade their current 911 systems.

Testifying for the bill were Representative Lauer; Nathan Preston and Lisa Schlottach, Missouri 911 Directors Association; P. Michael Snider and Kevin Pratt, Western Missouri Fire Chiefs; Kevin Smith, Clay County Dispatch Consortium; Julie Weber, Missouri Poison Center; James Doyle III, State Fire Marshals Association; Jerry Daugherty, Lincoln County EMA; Art Maxwell, ADAM - MAA; Doug Galloway, CenturyLink; David McCracken, Jasper County 911; Lisa Christie, Vernon County Ambulance District, City of Nevada; Martin Limpert, St. Charles County Ambulance District; Missouri Farm Bureau; Missouri Association of Counties; Donald Kritzer, County Commissioners Association of Missouri; and Mid-America Regional Council.

OTHERS: Others testifying on the bill say they were available to answer any questions.

Testifying on the bill was St. Louis County Municipal League.

OPPONENTS: There was no opposition voiced to the committee.