

HB 1573 -- EMERGENCY SERVICES (Lauer)

COMMITTEE OF ORIGIN: Committee on Local Government

This bill changes the laws regarding ground ambulance operation in certain emergencies, funding for emergency 911 services, administration of 911 funding, cooperation and contracting between emergency services providers, and wireless service provider enhanced 911.

GROUND AMBULANCE OPERATION DURING CERTAIN EMERGENCIES

The bill authorizes first responders, firefighters, or law enforcement personnel with a valid driver's license and prior experience operating emergency vehicles to drive the ground ambulance in emergency situations that require additional medical personnel to assist the patient if the ground ambulance service stipulates to this practice in operational policies.

MONTHLY FEE FOR COMMUNICATIONS SERVICES CAPABLE OF CONTACTING 911

The bill:

(1) Changes the name of the Wireless Service Provider Enhanced 911 Service Fund to the Missouri 911 Service Trust Fund;

(2) Authorizes counties, any city not within a county, and certain home rule cities to impose by order or ordinance a monthly fee, not to exceed \$1.50 per communications service as defined in the bill, on any communications service capable of contacting 911 solely for the purpose of funding 911 service in the county, city not within a county, or home rule city upon approval by the voters of the county, city not within a county, or home rule city. All revenue from this fee except for certain administrative and collection costs of the providers and the department of revenue will be deposited into the Missouri 911 Service Trust Fund to be remitted monthly by the Director of the Department of Revenue to governing body of the county, city not within a county, or home rule city. The governing body of the county, city not within a county, or home rule city will control the funds unless the county, city not within a county, or home rule city has established an elected board to administer the funds. The fee:

(a) Will be in lieu of the emergency 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;

(b) Will not be imposed upon prepaid wireless telecommunications

service customers who will be subject to the charge imposed under Section 190.451; and

(c) Cannot be imposed simultaneously with any tax imposed under Sections 190.305 or 190.335.

(3) Requires the Director of the Department of Revenue to maintain a centralized database that will be available to communications service providers specifying the current monthly fee imposed by each county, city not within a county, or home rule city updated no less than 60 days prior to the effective date of any changes;

(4) Prohibits a third or fourth classification county from submitting a proposal to the voters of the county until one of the specified actions occurs;

(5) Specifies one of the actions each third classification county that does not have a public agency as defined in Section 190.300 must take; and

(6) Requires all 911 fees to be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

Currently, the only cities for which this fee is authorized is the City of St. Louis and the City of Sikeston.

STATEWIDE PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE

Beginning January 1, 2015, the bill 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 charges collected by the seller from

consumers. Beginning on February 1, 2015, a seller will be allowed to deduct and retain 2% of the prepaid service charges that are collected.

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 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 Missouri 911 Service Trust Fund will be dedicated to the Missouri Regional Poison Information Center, not in excess of \$1 million 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 and cities in direct proportion to the amount of charges collected in each county or city. The initial percentage rate set by the board may be adjusted after five years and every two years thereafter.

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.

Beginning January 1, 2015, there is imposed a prepaid wireless emergency telephone service charge on each retail transaction in the amount equal to 3% of each transaction.

The number of board members is reduced from 16 to 13, 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) Developing an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project and other measures to assure funds are used in accordance with the law and purpose of the grant, and conducting audits as deemed necessary;

(6) Preparing and presenting a report to the Governor and General Assembly on the status of 911 services statewide every five years, including specific efforts to improve efficiency, cost effectiveness, and levels of service;

(7) Conducting a survey at least 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. The board may adjust the initial percentage rate after five years and every two years thereafter;

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

(10) Retaining in its records proposed county plans developed under a specified provision of the bill and notifying the Department of Revenue that the county has filed a plan that is ready for implementation.

COOPERATION AND CONTRACTING BETWEEN BOARDS

The bill clarifies that any county or 911 or emergency service board established under Chapter 190 or Section 321.243 may contract and cooperate with any other county or 911 or emergency service board and may seek assistance from the Missouri 911 Service Board.

WIRELESS SERVICE PROVIDER ENHANCED 911

The bill repeals the provision authorizing the Office of Administration to impose, upon statewide voter approval, a wireless service provider enhanced 911 fee not to exceed 50 cents per wireless telephone number per month, and specifying the ballot language for the statewide fee.