

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1456

AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty new sections relating to emergency communication services, with penalty provisions.

---

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 43.401, 70.210, 190.300, 190.308,  
2 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400,  
3 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo,  
4 are repealed and twenty new sections enacted in lieu thereof, to  
5 be known as sections 43.401, 70.210, 190.300, 190.308, 190.325,  
6 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.420,  
7 190.455, 190.460, 190.465, 190.470, 190.475, 650.330, 650.335,  
8 and 650.340, to read as follows:

9           43.401. 1. The reporting of missing persons by law  
10 enforcement agencies, private citizens, and the responsibilities  
11 of the patrol in maintaining accurate records of missing persons  
12 are as follows:

1 (1) A person may file a complaint of a missing person with  
2 a law enforcement agency having jurisdiction. The complaint  
3 shall include, but need not be limited to, the following  
4 information:

5 (a) The name of the complainant;

6 (b) The name, address, and phone number of the guardian, if  
7 any, of the missing person;

8 (c) The relationship of the complainant to the missing  
9 person;

10 [(c)] (d) The name, age, address, and all identifying  
11 characteristics of the missing person;

12 [(d)] (e) The length of time the person has been missing;  
13 and

14 [(e)] (f) All other information deemed relevant by either  
15 the complainant or the law enforcement agency;

16 (2) A report of the complaint of a missing person shall be  
17 immediately entered into the Missouri uniform law enforcement  
18 system (MULES) and the National Crime Information Center (NCIC)  
19 system by the law enforcement agency receiving the complaint, and  
20 disseminated to other law enforcement agencies who may come in  
21 contact with or be involved in the investigation or location of a  
22 missing person;

23 (3) A law enforcement agency with which a complaint of a  
24 missing child has been filed shall prepare, as soon as  
25 practicable, a standard missing child report. The missing child  
26 report shall be maintained as a record by the reporting law  
27 enforcement agency during the course of an active investigation;

28 (4) Upon the location of a missing person, or the

1 determination by the law enforcement agency of jurisdiction that  
2 the person is no longer missing, the law enforcement agency which  
3 reported the missing person shall immediately remove the record  
4 of the missing person from the MULES and NCIC files.

5 2. No law enforcement agency shall prevent an immediate  
6 active investigation on the basis of an agency rule which  
7 specifies an automatic time limitation for a missing person  
8 investigation.

9 70.210. As used in sections 70.210 to 70.320, the following  
10 terms mean:

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

13 (2) "Municipality", municipal corporations, political  
14 corporations, and other public corporations and agencies  
15 authorized to exercise governmental functions;

16 (3) "Political subdivision", counties, townships, cities,  
17 towns, villages, school, county library, city library,  
18 city-county library, road, drainage, sewer, levee and fire  
19 districts, soil and water conservation districts, watershed  
20 subdistricts, county hospitals, any board of control of an art  
21 museum, any 911 or emergency services board authorized in chapter  
22 190 or section 321.243, the board created under sections 205.968  
23 to 205.973, and any other public subdivision or public  
24 corporation having the power to tax.

25 190.300. As used in sections 190.300 to ~~[190.320]~~ 190.340,  
26 the following terms and phrases mean:

27 (1) "Emergency telephone service", a telephone system  
28 utilizing a single three digit number "911" for reporting police,

1 fire, medical or other emergency situations;

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

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

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

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

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

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

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

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

10           190.308. 1. In any county that has established an  
11 emergency telephone service pursuant to sections 190.300 to  
12 [190.320] 190.340, it shall be unlawful for any person to misuse  
13 the emergency telephone service. For the purposes of this  
14 section, "emergency" means any incident involving danger to life  
15 or property that calls for an emergency response dispatch of  
16 police, fire, EMS or other public safety organization, "misuse  
17 the emergency telephone service" includes, but is not limited to,  
18 repeatedly calling the "911" for nonemergency situations causing  
19 operators or equipment to be in use when emergency situations may  
20 need such operators or equipment and "repeatedly" means three or  
21 more times within a one-month period.

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

23           3. No political subdivision shall impose any fine or  
24 penalty on the owner of a pay telephone or on the owner of any  
25 property upon which a pay telephone is located for calls to the  
26 emergency telephone service made from the pay telephone. Any  
27 such fine or penalty is hereby void.

28           190.325. 1. In any county of the first classification

1 without a charter form of government with a population of at  
2 least one hundred fifty thousand inhabitants but less than two  
3 hundred fifty thousand inhabitants, and any county with a charter  
4 form of government and with more than two hundred thousand but  
5 fewer than three hundred fifty thousand inhabitants, the county  
6 commission may use all or a part of the moneys derived from the  
7 emergency telephone tax authorized pursuant to section 190.305  
8 for central dispatching of fire protection, emergency ambulance  
9 service or any other emergency services, which may include the  
10 purchase and maintenance of communications and emergency  
11 equipment. In the event such commission chooses to use the tax  
12 provided in that section for such services, the provisions of  
13 sections 190.300 to 190.320 shall apply except as provided in  
14 this section. In any county with a charter form of government  
15 and with more than two hundred thousand but fewer than three  
16 hundred fifty thousand inhabitants or any county with a charter  
17 form of government and with more than six hundred thousand but  
18 fewer than seven hundred thousand inhabitants, the county  
19 commission may use all or a part of the moneys derived from the  
20 charge authorized under section 190.460 for public safety capital  
21 improvements.

22 2. The tax shall not exceed a percentage of the base tariff  
23 rate and such percentage shall not exceed an amount equal to a  
24 maximum rate of one dollar thirty cents per line per month, the  
25 provisions of section 190.305 to the contrary notwithstanding.  
26 The tax imposed by this section and the amounts required to be  
27 collected are due monthly. The amount of tax collected in one  
28 calendar month by the service supplier shall be remitted to the

1 governing body no later than one month after the close of a  
2 calendar month. On or before the last day of each calendar  
3 month, a return for the preceding month shall be filed with the  
4 governing body in such form as the governing body and service  
5 supplier shall agree. The service supplier shall include the  
6 list of any service user refusing to pay the tax imposed by this  
7 section with each return filing. The service supplier required  
8 to file the return shall deliver the return, together with a  
9 remittance of the amount of the tax collected. The records shall  
10 be maintained for a period of one year from the time the tax is  
11 collected. From every remittance to the governing body made on  
12 or before the date when the same becomes due, the service  
13 supplier required to remit the same shall be entitled to deduct  
14 and retain, as a collection fee, an amount equal to two percent  
15 thereof.

16 3. Nothing in this section shall be construed to require  
17 any municipality or other political subdivision to join the  
18 central dispatching system established pursuant to this section.  
19 The governing body of any municipality or other political  
20 subdivision may contract with the board established pursuant to  
21 section 190.327 for such services or portion of such services, or  
22 for the purchase and maintenance of communication and emergency  
23 equipment.

24 190.327. 1. Immediately upon the decision by the  
25 commission to utilize a portion of the emergency telephone tax  
26 for central dispatching and an affirmative vote of the telephone  
27 tax, the commission shall appoint the initial members of a board  
28 which shall administer the funds and oversee the provision of

1 central dispatching for emergency services in the county and in  
2 municipalities and other political subdivisions which have  
3 contracted for such service. Beginning with the general election  
4 in 1992, all board members shall be elected according to this  
5 section and other applicable laws of this state. At the time of  
6 the appointment of the initial members of the board, the  
7 commission shall relinquish to the board and no longer exercise  
8 the duties prescribed in this chapter with regard to the  
9 provision of emergency telephone service and in chapter 321, with  
10 regard to the provision of central dispatching service, and such  
11 duties shall be exercised by the board.

12 2. Elections for board members may be held on general  
13 municipal election day, as defined in subsection 3 of section  
14 115.121, after approval by a simple majority of the county  
15 commission.

16 3. For the purpose of providing the services described in  
17 this section, the board shall have the following powers,  
18 authority and privileges:

19 (1) To have and use a corporate seal;

20 (2) To sue and be sued, and be a party to suits, actions  
21 and proceedings;

22 (3) To enter into contracts, franchises and agreements with  
23 any person, partnership, association or corporation, public or  
24 private, affecting the affairs of the board;

25 (4) To acquire, construct, purchase, maintain, dispose of  
26 and encumber real and personal property, including leases and  
27 easements;

28 (5) To have the management, control and supervision of all

1 the business affairs of the board and the construction,  
2 installation, operation and maintenance of any improvements;

3 (6) To hire and retain agents and employees and to provide  
4 for their compensation including health and pension benefits;

5 (7) To adopt and amend bylaws and any other rules and  
6 regulations;

7 (8) To fix, charge and collect the taxes and fees  
8 authorized by law for the purpose of implementing and operating  
9 the services described in this section;

10 (9) To pay all expenses connected with the first election  
11 and all subsequent elections; and

12 (10) To have and exercise all rights and powers necessary  
13 or incidental to or implied from the specific powers granted in  
14 this subsection. Such specific powers shall not be considered as  
15 a limitation upon any power necessary or appropriate to carry out  
16 the purposes and intent of sections 190.300 to 190.329.

17 4. (1) Notwithstanding the provisions of subsections 1 and  
18 2 of this section to the contrary, the county commission may  
19 elect to appoint the members of the board to administer the funds  
20 and oversee the provision of central dispatching for emergency  
21 services in the counties, municipalities, and other political  
22 subdivisions which have contracted for such service upon the  
23 request of the municipalities and other political subdivisions.  
24 Upon appointment of the initial members of the board, the  
25 commission shall relinquish all powers and duties to the board  
26 and no longer exercise the duties prescribed in this chapter with  
27 regard to the provision of central dispatching service and such  
28 duties shall be exercised by the board.

1       (2) The board shall consist of seven members appointed  
2 without regard to political affiliation. The members shall  
3 include:

4       (a) Five members who shall serve for so long as they remain  
5 in their respective county or municipal positions as follows:

6       a. The county sheriff, or his or her designee;

7       b. The heads of the municipal police department who have  
8 contracted for central dispatching service in the two largest  
9 municipalities wholly contained within the county, or their  
10 designees; or

11       c. The heads of the municipal fire departments or fire  
12 divisions who have contracted for central dispatching service in  
13 the two largest municipalities wholly contained within the  
14 county, or their designees;

15       (b) Two members who shall serve two year terms appointed  
16 from among the following:

17       a. The head of any of the county's fire protection  
18 districts who have contracted for central dispatching service, or  
19 his or her designee;

20       b. The head of any of the county's ambulance districts who  
21 have contracted for central dispatching service, or his or her  
22 designee;

23       c. The head of any of the municipal police departments  
24 located in the county who have contracted for central dispatching  
25 service, or his or her designee, excluding those mentioned in  
26 subparagraph b of paragraph (a) of this subdivision; and

27       d. The head of any of the municipal fire departments in the  
28 county who have contracted for central dispatching service, or

1 his or her designee, excluding those mentioned in subparagraph c  
2 of paragraph (a) of this subdivision.

3 (3) Upon the appointment of the board under this  
4 subsection, the board shall have the powers provided in  
5 subsection 3 of this section and the commission shall relinquish  
6 all powers and duties relating to the provision of central  
7 dispatching service under this chapter to the board.

8 190.328. 1. Beginning in 1997, within the area from which  
9 voters and the commission have approved the provision of central  
10 dispatching for emergency services by a public agency for an area  
11 containing third or fourth class cities in counties of the third  
12 classification with a population of at least thirty-two thousand  
13 but no greater than forty thousand that border a county of the  
14 first classification but do not border the Mississippi River, the  
15 initial board shall consist of two members from each township  
16 within such area and one at-large member who shall serve as the  
17 initial chairperson of such board.

18 2. Within the area from which voters and the commission  
19 have approved the provision of central dispatching for emergency  
20 services by a public agency for an area containing third or  
21 fourth class cities in counties of the third classification with  
22 a population of at least thirty-two thousand but no greater than  
23 forty thousand that border a county of the first classification,  
24 voters shall elect a board to administer funds and oversee the  
25 provision of central dispatching for emergency services. Such  
26 board shall consist of two members elected from each of the  
27 townships within such area and one member elected at large who  
28 shall serve as the chairperson of the board.

1           3. Of those initially elected to the board as provided in  
2 this section, four from the townships shall be elected to a term  
3 of two years, and four from the townships and the at-large member  
4 shall be elected to a term of four years. Upon the expiration of  
5 these initial terms, all members shall thereafter be elected to  
6 terms of four years; provided that, if a board established in  
7 this section consolidates with a board established under section  
8 190.327 or 190.335, under the provisions of section 190.470, the  
9 term of office for the existing board members shall end on the  
10 thirtieth day following the appointment of the initial board of  
11 directors for the consolidated district.

12           190.329. 1. Except in areas from which voters and the  
13 commission have approved the provision of central dispatching for  
14 emergency services by a public agency for an area containing  
15 third or fourth class cities located in counties of the third  
16 classification with a population of at least thirty-two thousand  
17 but no greater than forty thousand that border a county of the  
18 first classification but do not border the Mississippi River, the  
19 initial board shall consist of seven members appointed without  
20 regard for political party who shall be selected from and shall  
21 represent the fire protection districts, ambulance districts,  
22 sheriff's department, municipalities, any other emergency  
23 services and the general public. This initial board shall serve  
24 until its successor board is duly elected and installed in  
25 office. The commission shall ensure geographic representation of  
26 the county by appointing no more than four members from any one  
27 commission district of the county.

28           2. Beginning in 1992, three members shall be elected from

1 each commission district and one member shall be elected at  
2 large, with such at-large member to be a voting member and  
3 chairman of the board. Of those first elected, four members from  
4 commission districts shall be elected for terms of two years and  
5 two members from commission districts and the member at large  
6 shall be elected for terms of four years. In 1994, and  
7 thereafter, all terms of office shall be for four years, except  
8 as otherwise provided in this subsection or as provided in  
9 subsection 3 of this section. Any vacancy on the board shall be  
10 filled in the same manner as the initial appointment was made.  
11 Four members shall constitute a quorum. If a board established  
12 in section 190.327 consolidates with a board established under  
13 section 190.327, 190.328, or 190.335, under the provisions of  
14 section 190.470, the term of office for the existing board  
15 members shall end on the thirtieth day following the appointment  
16 of the initial board of directors for the consolidated district.

17 3. Upon approval by the county commission for the election  
18 of board members to be held on general municipal election day,  
19 pursuant to subsection 2 of section 190.327, the terms of those  
20 board members then holding office shall be reduced by seven  
21 months. After a board member's term has been reduced, all  
22 following terms for that position shall be for four years, except  
23 as otherwise provided under subsection 2 of this section.

24 190.334. The state auditor shall have the authority to  
25 conduct performance and fiscal audits of any board, dispatch  
26 center, joint emergency communications entity, or trust fund  
27 established under section 190.327, 190.328, 190.329, 190.335,  
28 190.420, 190.455, 190.460, 190.465, 190.470, or 650.325.

1           190.335. 1. In lieu of the tax levy authorized under  
2 section 190.305 for emergency telephone services, the county  
3 commission of any county may impose a county sales tax for the  
4 provision of central dispatching of fire protection, including  
5 law enforcement agencies, emergency ambulance service or any  
6 other emergency services, including emergency telephone services,  
7 which shall be collectively referred to herein as "emergency  
8 services", and which may also include the purchase and  
9 maintenance of communications and emergency equipment, including  
10 the operational costs associated therein, in accordance with the  
11 provisions of this section.

12           2. Such county commission may, by a majority vote of its  
13 members, submit to the voters of the county, at a public  
14 election, a proposal to authorize the county commission to impose  
15 a tax under the provisions of this section. If the residents of  
16 the county present a petition signed by a number of residents  
17 equal to ten percent of those in the county who voted in the most  
18 recent gubernatorial election, then the commission shall submit  
19 such a proposal to the voters of the county.

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

22           Shall the county of ..... (insert name of county)  
23 impose a county sales tax of ..... (insert rate of  
24 percent) percent for the purpose of providing central dispatching  
25 of fire protection, emergency ambulance service, including  
26 emergency telephone services, and other emergency services?

27                            YES                            NO

28

1 If a majority of the votes cast on the proposal by the qualified  
2 voters voting thereon are in favor of the proposal, then the  
3 ordinance shall be in effect as provided herein. If a majority  
4 of the votes cast by the qualified voters voting are opposed to  
5 the proposal, then the county commission shall have no power to  
6 impose the tax authorized by this section unless and until the  
7 county commission shall again have submitted another proposal to  
8 authorize the county commission to impose the tax under the  
9 provisions of this section, and such proposal is approved by a  
10 majority of the qualified voters voting thereon.

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

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

22 6. Any tax imposed pursuant to section 190.305 shall  
23 terminate at the end of the tax year in which the tax imposed  
24 pursuant to this section for emergency services is certified by  
25 the board to be fully operational. Any revenues collected from  
26 the tax authorized under section 190.305 shall be credited for  
27 the purposes for which they were intended.

28 7. At least once each calendar year, the board shall

1 establish a tax rate, not to exceed the amount authorized, that  
2 together with any surplus revenues carried forward will produce  
3 sufficient revenues to fund the expenditures authorized by this  
4 act. Amounts collected in excess of that necessary within a  
5 given year shall be carried forward to subsequent years. The  
6 board shall make its determination of such tax rate each year no  
7 later than September first and shall fix the new rate which shall  
8 be collected as provided in this act. Immediately upon making  
9 its determination and fixing the rate, the board shall publish in  
10 its minutes the new rate, and it shall notify every retailer by  
11 mail of the new rate.

12 8. Immediately upon the affirmative vote of voters of such  
13 a county on the ballot proposal to establish a county sales tax  
14 pursuant to the provisions of this section, the county commission  
15 shall appoint the initial members of a board to administer the  
16 funds and oversee the provision of emergency services in the  
17 county. Beginning with the general election in 1994, all board  
18 members shall be elected according to this section and other  
19 applicable laws of this state. At the time of the appointment of  
20 the initial members of the board, the commission shall relinquish  
21 and no longer exercise the duties prescribed in this chapter with  
22 regard to the provision of emergency services and such duties  
23 shall be exercised by the board.

24 9. The initial board shall consist of seven members  
25 appointed without regard to political affiliation, who shall be  
26 selected from, and who shall represent, the fire protection  
27 districts, ambulance districts, sheriff's department,  
28 municipalities, any other emergency services and the general

1 public. This initial board shall serve until its successor board  
2 is duly elected and installed in office. The commission shall  
3 ensure geographic representation of the county by appointing no  
4 more than four members from each district of the county  
5 commission.

6 10. Beginning in 1994, three members shall be elected from  
7 each district of the county commission and one member shall be  
8 elected at large, such member to be the chairman of the board.  
9 Of those first elected, four members from districts of the county  
10 commission shall be elected for terms of two years and two  
11 members from districts of the county commission and the member at  
12 large shall be elected for terms of four years. In 1996, and  
13 thereafter, all terms of office shall be four years; provided  
14 that, if a board established under this section consolidates with  
15 a board established under this section, section 190.327, or  
16 section 190.328, under the provisions of section 190.470, the  
17 term of office for the existing board members shall end on the  
18 thirtieth day following the appointment of the initial board of  
19 directors for the consolidated district. Notwithstanding any  
20 other provision of law, if there is no candidate for an open  
21 position on the board, then no election shall be held for that  
22 position and it shall be considered vacant, to be filled pursuant  
23 to the provisions of section 190.339, and, if there is only one  
24 candidate for each open position, no election shall be held and  
25 the candidate or candidates shall assume office at the same time  
26 and in the same manner as if elected.

27 11. Notwithstanding the provisions of subsections 8 to 10  
28 of this section to the contrary, in any county of the first

1 classification with more than two hundred forty thousand three  
2 hundred but fewer than two hundred forty thousand four hundred  
3 inhabitants or in any county of the third classification with a  
4 township form of government and with more than twenty-eight  
5 thousand but fewer than thirty-one thousand inhabitants or in any  
6 county of the third classification without a township form of  
7 government and with more than thirty-seven thousand but fewer  
8 than forty-one thousand inhabitants and with a city of the fourth  
9 classification with more than four thousand five hundred but  
10 fewer than five thousand inhabitants as the county seat, any  
11 emergency telephone service 911 board appointed by the county  
12 under section 190.309 which is in existence on the date the  
13 voters approve a sales tax under this section shall continue to  
14 exist and shall have the powers set forth under section 190.339.  
15 Such boards which existed prior to August 25, 2010, shall not be  
16 considered a body corporate and a political subdivision of the  
17 state for any purpose, unless and until an order is entered upon  
18 an unanimous vote of the commissioners of the county in which  
19 such board is established reclassifying such board as a corporate  
20 body and political subdivision of the state. The order shall  
21 approve the transfer of the assets and liabilities related to the  
22 operation of the emergency telephone service 911 system to the  
23 new entity created by the reclassification of the board.

24 12. (1) Notwithstanding the provisions of subsections 8 to  
25 10 of this section to the contrary, in any county of the second  
26 classification with more than fifty-four thousand two hundred but  
27 fewer than fifty-four thousand three hundred inhabitants or any  
28 county of the first classification with more than fifty thousand

1 but fewer than seventy thousand inhabitants that has approved a  
2 sales tax under this section, the county commission shall appoint  
3 the members of the board to administer the funds and oversee the  
4 provision of emergency services in the county.

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

9 (a) The head of any of the county's fire protection  
10 districts, or a designee;

11 (b) The head of any of the county's ambulance districts, or  
12 a designee;

13 (c) The county sheriff, or a designee;

14 (d) The head of any of the police departments in the  
15 county, or a designee; and

16 (e) The head of any of the county's emergency management  
17 organizations, or a designee.

18 (3) Upon the appointment of the board under this  
19 subsection, the board shall have the power provided in section  
20 190.339 and shall exercise all powers and duties exercised by the  
21 county commission under this chapter, and the commission shall  
22 relinquish all powers and duties relating to the provision of  
23 emergency services under this chapter to the board.

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

28 (5) In any county with more than fifty thousand but fewer

1 than seventy thousand inhabitants and with a county seat with  
2 more than two thousand one hundred but fewer than two thousand  
3 four hundred inhabitants, the entities listed in subdivision (2)  
4 of this subsection shall be represented by one member, and two  
5 members shall be residents of the county not affiliated with any  
6 of the entities listed in subdivision (2) of this subsection and  
7 shall be known as public members.

8 13. Any county that has authorized a tax levy under this  
9 section, and such levy is reduced automatically in future years,  
10 shall not submit to the voters of the county for approval any  
11 proposal authorized under this section that is greater than the  
12 amount at the time of reduction.

13 190.400. 1. As used in sections 190.400 to [190.440]  
14 190.460, the following words and terms shall mean:

15 (1) ["911", the primary emergency telephone number within  
16 the wireless system;

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

19 (3) "Active telephone number", a ten-digit North American  
20 Numbering Plan number that has been assigned to a subscriber and  
21 is provisioned to generally reach, by dialing, the public  
22 switched telephone network and not only 911 or the 911 system;

23 (2) "Communications service":

24 (a) Any service that:

25 a. Uses telephone numbers or their functional equivalents  
26 or successors;

27 b. Provides access to, and a connection or interface with,  
28 a 911 system through the activation or enabling of a device,

1 transmission medium, or technology that is used by a customer to  
2 dial, initialize, or otherwise activate the 911 system,  
3 regardless of the particular device, transmission medium, or  
4 technology employed;

5 c. Provides and enables real-time or interactive  
6 communications other than machine-to-machine communications; and

7 d. Is available to a prepaid user or a standard user;

8 (b) The term includes, but is not limited to, the  
9 following:

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

15 b. Commercial mobile radio service; and

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

18 (c) The term does not include broadband internet access  
19 service;

20 (d) For purposes of this section, if a device that is  
21 capable of contacting 911 is permanently installed in a vehicle,  
22 it shall not be subject to this section unless the owner of such  
23 vehicle purchases or otherwise subscribes to a commercial mobile  
24 service as defined under 47 U.S.C. Section 332(d) of the  
25 Telecommunications Act of 1996;

26 (3) "Provider" or "communications service provider", a  
27 person who provides retail communications services to the public  
28 that include 911 communications service including, but not

1 limited to, a local exchange carrier, a wireless provider, and a  
2 voice over internet protocol provider, but only if such entity  
3 provides access to, and connection and interface with, a 911  
4 communications service or its successor service;

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

11 [(4)] (5) "Public safety answering point", the location at  
12 which 911 calls are [initially] answered;

13 [(5)] (6) "Subscriber", a person who contracts with and is  
14 billed by a provider for a retail communications service. In the  
15 case of wireless service and for purposes of section 190.455, the  
16 term "subscriber" means a person who contracts with a provider if  
17 the person's primary place of use is within the county or city  
18 imposing a monthly fee under section 190.455, and does not  
19 include subscribers to prepaid wireless service;

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

23 2. Upon the request of local emergency service agencies or  
24 local jurisdictions, the following agencies and entities are  
25 authorized to enter into interoperability service agreements for  
26 shared frequencies or shared talk groups for the purpose of  
27 enhancing interoperability of radio systems or talk groups:

28 (1) Missouri department of public safety;

1       (2) Missouri state highway patrol;  
2       (3) Missouri department of natural resources;  
3       (4) State emergency management agency;  
4       (5) Missouri department of conservation; and  
5       (6) State owned and operated radio and emergency  
6 communications systems.

7       190.420. 1. There is hereby established a special trust  
8 fund to be known as the "[Wireless Service Provider Enhanced]  
9 Missouri 911 Service Trust Fund". All fees collected pursuant to  
10 sections 190.400 to [190.440 by wireless service providers]  
11 190.460 shall be remitted to the director of the department of  
12 revenue.

13       2. The director of the department of revenue shall deposit  
14 such payments into the [wireless service provider enhanced]  
15 Missouri 911 service trust fund. Moneys in the fund shall be  
16 used for the purpose of reimbursing expenditures actually  
17 incurred in the implementation and operation of the [wireless  
18 service provider enhanced] Missouri 911 [system] systems and for  
19 the answering and dispatching of emergency calls as determined to  
20 be appropriate by the governing body of the county or city  
21 imposing the fee.

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

27       4. The moneys in the trust fund shall not be deemed to be  
28 state funds and shall not be commingled with any funds of the

1 state. The director of revenue shall keep accurate records of  
2 the amount of moneys in the trust fund which were collected in  
3 each county, city not within a county, or home rule city with  
4 more than fifteen thousand but fewer than seventeen thousand  
5 inhabitants and partially located in any county of the third  
6 classification without a township form of government and with  
7 more than thirty-seven thousand but fewer than forty-one thousand  
8 inhabitants under sections 190.400 to 190.460, and the records  
9 shall be open to the inspection of officers of a participating  
10 county or city and the public.

11 190.455. 1. Except as provided under subsection 9 of this  
12 section, in lieu of the tax levy authorized under section 190.305  
13 or 190.325, or the sales tax imposed under section 190.292 or  
14 190.335, the governing body of any county, city not within a  
15 county, or home rule city with more than fifteen thousand but  
16 fewer than seventeen thousand inhabitants and partially located  
17 in any county of the third classification without a township form  
18 of government and with more than thirty-seven thousand but fewer  
19 than forty-one thousand inhabitants may impose, by order or  
20 ordinance, a monthly fee on subscribers of any communications  
21 service that has been enabled to contact 911. The monthly fee  
22 authorized in this section shall not exceed one dollar and shall  
23 be assessed to the subscriber of the communications service,  
24 regardless of technology, based upon the number of active  
25 telephone numbers, or their functional equivalents or successors,  
26 assigned by the provider and capable of simultaneously contacting  
27 the public safety answering point; provided that, for multiline  
28 telephone systems and for facilities provisioned with capacity

1 greater than a voice-capable grade channel or its equivalent,  
2 regardless of technology, the charge shall be assessed on the  
3 number of voice-capable grade channels as provisioned by the  
4 provider that allow simultaneous contact with the public safety  
5 answering point. Only one fee may be assessed per active  
6 telephone number, or its functional equivalent or successor, used  
7 to provide a communications service. No fee imposed under this  
8 section shall be imposed on more than one hundred voice-grade  
9 channels or their equivalent per person per location.

10 Notwithstanding any provision of this section to the contrary,  
11 the monthly fee shall not be assessed on the provision of  
12 broadband internet access service. The fee shall be imposed  
13 solely for the purpose of funding 911 service in such county or  
14 city. The monthly fee authorized in this section shall be  
15 limited to one fee per device. The fee authorized in this  
16 section shall be in addition to all other taxes and fees imposed  
17 by law and may be stated separately from all other charges and  
18 taxes. The fee shall be the liability of the subscriber, not the  
19 provider, except that the provider shall be liable to remit all  
20 fees that the provider collects under this section.

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

28 "Shall ..... (insert name of county or city) impose a

1 monthly fee of ..... (insert amount) on a subscriber of any  
2 communications service that has been enabled to contact 911 for  
3 the purpose of funding 911 service in the ..... (county or  
4 city)?"

5  
6 If a majority of the votes cast on the question by the qualified  
7 voters voting thereon are in favor of the question, the fee shall  
8 become effective on the first day of the second calendar quarter  
9 after the director of revenue receives notification of adoption  
10 of the fee. If a majority of the votes cast on the question by  
11 the qualified voters voting thereon are opposed to the question,  
12 the fee shall not become effective unless and until the question  
13 is resubmitted under this section to the qualified voters and  
14 such question is approved by a majority of the qualified voters  
15 voting on the question.

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

19 4. All revenue collected under this section by the director  
20 of the department of revenue on behalf of the county or city,  
21 except for two percent to be withheld by the provider for the  
22 cost of administering the collection and remittance of the fee,  
23 and one percent for the cost of collection which shall be  
24 deposited in the state's general revenue fund, shall be deposited  
25 in the Missouri 911 service trust fund created under section  
26 190.420. The director of the department of revenue shall remit  
27 such funds to the county or city on a monthly basis. The  
28 governing body of any such county or city shall control such

1 funds remitted to the county or city unless the county or city  
2 has established an elected board for the purpose of administering  
3 such funds. In the event that any county or city has established  
4 a board under any other provision of state law for the purpose of  
5 administering funds for 911 service, such existing board may  
6 continue to perform such functions after the county or city has  
7 adopted the monthly fee under this section.

8 5. Nothing in this section imposes any obligation upon a  
9 provider of a communications service to take any legal action to  
10 enforce the collection of the tax imposed in this section. The  
11 tax shall be collected in compliance, as applicable, with the  
12 federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections  
13 116 to 124, as amended.

14 6. Notwithstanding any other provision of law to the  
15 contrary, proprietary information submitted under this section  
16 shall only be subject to subpoena or lawful court order.  
17 Information collected under this section shall only be released  
18 or published in aggregate amounts that do not identify or allow  
19 identification of numbers of subscribers or revenues attributable  
20 to an individual communications service provider.

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

27 (1) An act or omission in the development, design,  
28 installation, operation, maintenance, performance, or provision

1 of service to a public safety answering point or to subscribers  
2 that use such service, whether providing such service is required  
3 by law or is voluntary; or

4 (2) The release of subscriber information to any  
5 governmental entity under this section unless such act, release  
6 of subscriber information, or omission constitutes gross  
7 negligence, recklessness, or intentional misconduct.

8  
9 Nothing in this section is intended to void or otherwise override  
10 any contractual obligation pertaining to equipment or services  
11 sold to a public safety answering point by a communications  
12 service provider. No cause of action shall lie in any court of  
13 law against any provider of communications service, commercial  
14 mobile service, or other communications-related service, or its  
15 officers, employees, assignees, agents, vendors, or anyone acting  
16 on behalf of such persons, for providing call location  
17 information concerning the user of any such service in an  
18 emergency situation to a law enforcement official or agency in  
19 order to respond to a call for emergency service by a subscriber,  
20 customer, or user of such service or for providing caller  
21 location information or doing a ping locate in an emergency  
22 situation that involves danger of death or serious physical  
23 injury to any person where disclosure of communications relating  
24 to the emergency is required without delay, whether such  
25 provision of information is required by law or voluntary.

26 8. The fee imposed under this section shall not be imposed  
27 on customers who pay for service prospectively, including  
28 customers of prepaid wireless telecommunications service.

1       9. The fee imposed under this section shall not be imposed  
2 in conjunction with any tax imposed under section 190.292,  
3 190.305, 190.325, or 190.335. No county or city shall  
4 simultaneously impose more than one tax authorized in this  
5 section or section 190.292, 190.305, 190.325, or 190.335. No fee  
6 imposed under this section shall be imposed on more than one  
7 hundred exchange access facilities or their equivalent per person  
8 per location. The fee imposed under this section shall not be  
9 imposed in conjunction with any tax imposed for central  
10 dispatching of emergency services in any home rule city with more  
11 than four hundred thousand inhabitants and located in more than  
12 one county or any county containing a portion of such city, and  
13 such city or counties shall not simultaneously impose more than  
14 one tax or fee for central dispatching of emergency services;  
15 provided however, if any such county approves the fee authorized  
16 under this section, collection of such fee shall be in lieu of  
17 any tax authorized for central dispatching of emergency services  
18 in the county and any portion of the city within the county.

19       10. No county or legally authorized entity shall submit a  
20 proposal to the voters of the county under this section or  
21 section 190.335 until either:

22       (1) All providers of emergency telephone service as defined  
23 in section 190.300 and public safety answering point operations  
24 within the county are consolidated into one public agency as  
25 defined in section 190.300 that provides emergency telephone  
26 service for the county, or such providers and the public safety  
27 answering point have entered into a shared services agreement for  
28 such services;

1       (2) The county develops a plan for consolidation of  
2 emergency telephone service, as defined in section 190.300, and  
3 public safety answering point operations within the county are  
4 consolidated into one public agency, as defined in section  
5 190.300, that provides emergency telephone service for the  
6 county; or

7       (3) The county emergency services board, as defined in  
8 section 190.290, develops a plan for consolidation of emergency  
9 telephone service, as defined in section 190.300, and public  
10 safety answering point operations within the county that includes  
11 either consolidation or entering into a shared services agreement  
12 for such services, which shall be implemented on approval of the  
13 fee by the voters.

14       11. Any plan developed under subdivision (2) or (3) of  
15 subsection 10 of this section shall be filed with the Missouri  
16 911 service board under subsection 4 of section 650.330. Any  
17 plan that is filed under this subsection shall provide for the  
18 establishment of a joint emergency communications board as  
19 described in section 70.260 unless a joint emergency  
20 communication board or emergency services board for the area in  
21 question has been previously established. The director of the  
22 department of revenue shall not remit any funds as provided under  
23 this section until the department receives notification from the  
24 Missouri 911 service board that the county has filed a plan that  
25 is ready for implementation. If, after one year following the  
26 enactment of the fee described in subsection 1 of this section,  
27 the county has not complied with the plan that the county  
28 submitted under subdivision (2) or (3) of subsection 10 of this

1 section, but the county has substantially complied with the plan,  
2 the Missouri 911 service board may grant the county an extension  
3 of up to six months to comply with its plan. Not more than one  
4 extension may be granted to a county. The authority to impose  
5 the fee granted to the county in subsection 1 of this section  
6 shall be null and void if after one year following the enactment  
7 of the fee described in subsection 1 of this section the county  
8 has not complied with the plan and has not been granted an  
9 extension by the Missouri 911 service board, or if the six-month  
10 extension expires and the county has not complied with the plan.

11 12. Each county that does not have a public agency, as  
12 defined in section 190.300, that provides emergency telephone  
13 service as defined in section 190.300 for the county shall  
14 either:

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

18 (2) Form with one or more counties an emergency telephone  
19 services district in conjunction with any county with a public  
20 agency that provides emergency telephone service within the  
21 county. If such a district is formed under this subdivision, the  
22 governing body of such district shall be the county commissioners  
23 of each county within the district, and each county within such  
24 district shall submit to the voters of the county a proposal to  
25 impose the fee under this section.

26 13. A county operating joint or shared emergency telephone  
27 service, as defined in section 190.300, may submit to the voters  
28 of the county a proposal to impose the fee to support joint

1 operations and further consolidation under this section.

2 14. All 911 fees shall be imposed as provided in the Mobile  
3 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as  
4 amended.

5 15. Nothing in subsections 10, 11, 12, and 13 of this  
6 section shall apply to a county with a charter form of government  
7 where all public safety answering points within the county  
8 utilize a common 911 communication service as implemented by the  
9 appropriate local and county agencies prior to August 28, 2018.

10 16. Any home rule city with more than four hundred thousand  
11 inhabitants and located in more than one county shall establish  
12 an agreement with the counties in which it is located regarding  
13 the allocation of anticipated revenue created upon passage of a  
14 ballot proposition submitted to the voters as provided for in  
15 sections 190.292, 190.305, 190.325, 190.335, and 190.455, as well  
16 as revenue provided based upon section 190.460 and the divided  
17 costs related to regional 911 services. The allocation and  
18 actual expenses of the regional 911 service shall be determined  
19 based upon the percentage of residents of each county who also  
20 reside in the home rule city. The agreement between the counties  
21 and the home rule city may either be between the individual  
22 counties and the home rule city or jointly between all entities.  
23 The agreement to divide costs and revenue as required in this  
24 section shall not take effect until the passage of a ballot  
25 proposition as provided for in sections 190.292, 190.305,  
26 190.325, 190.335, or 190.455. The population shall be determined  
27 based upon the most recent decennial census. This subsection  
28 shall not apply to a county of the first classification without a

1 charter form of government and with less than five percent of its  
2 population living in any home rule city with more than four  
3 hundred thousand inhabitants and located in more than one county.

4 190.460. 1. As used in this section, the following terms  
5 mean:

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

8 (2) "Consumer", a person who purchases prepaid wireless  
9 telecommunications service in a retail transaction;

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

11 (4) "Prepaid wireless service provider", a provider that  
12 provides prepaid wireless service to an end user;

13 (5) "Prepaid wireless telecommunications service", a  
14 wireless telecommunications service that allows a caller to dial  
15 911 to access the 911 system and which service shall be paid for  
16 in advance and is sold in predetermined units or dollars of which  
17 the number declines with use in a known amount;

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

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

25 (8) "Wireless telecommunications service", commercial  
26 mobile radio service as defined by 47 CFR 20.3, as amended.

27 2. (1) Beginning January 1, 2019, there is hereby imposed  
28 a prepaid wireless emergency telephone service charge on each

1 retail transaction. The amount of such charge shall be equal to  
2 three percent of the amount of each retail transaction over the  
3 minimal amount. However, if a minimal amount of prepaid wireless  
4 telecommunications service is sold with a prepaid wireless device  
5 for a single nonitemized price, the seller may elect not to apply  
6 such service charge to such transaction. For purposes of this  
7 subdivision, an amount of service denominated as less than  
8 fifteen dollars is minimal.

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

16 (3) For purposes of this subsection, a retail transaction  
17 that is effected in person by a consumer at a business location  
18 of the seller shall be treated as occurring in this state if that  
19 business location is in this state, and any other retail  
20 transaction shall be treated as occurring in this state if the  
21 retail transaction is treated as occurring in this state under  
22 state law.

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

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

9       3. (1) Prepaid wireless emergency telephone service  
10 charges collected by sellers shall be remitted to the department  
11 at the times and in the manner provided by state law with respect  
12 to sales and use taxes. The department shall establish  
13 registration and payment procedures that substantially coincide  
14 with the registration and payment procedures that apply under  
15 state law.

16       (2) Beginning on January 1, 2019, and ending on January 31,  
17 2019, when a consumer purchases prepaid wireless  
18 telecommunications service in a retail transaction from a seller  
19 under this section, the seller shall be allowed to retain one  
20 hundred percent of the prepaid wireless emergency telephone  
21 service charges that are collected by the seller from the  
22 consumer. Beginning on February 1, 2019, a seller shall be  
23 permitted to deduct and retain three percent of prepaid wireless  
24 emergency telephone service charges that are collected by the  
25 seller from consumers.

26       (3) The department shall establish procedures by which a  
27 seller of prepaid wireless telecommunications service may  
28 document that a sale is not a retail transaction, which

1 procedures shall substantially coincide with the procedures for  
2 documenting sale for resale transactions for sales and use  
3 purposes under state law.

4 (4) The department shall deposit all remitted prepaid  
5 wireless emergency telephone service charges into the general  
6 revenue fund for the department's use until eight hundred  
7 thousand one hundred fifty dollars is collected to reimburse its  
8 direct costs of administering the collection and remittance of  
9 prepaid wireless emergency telephone service charges. From then  
10 onward, the department shall deposit all remitted prepaid  
11 wireless emergency telephone service charges into the Missouri  
12 911 service trust fund created under section 190.420 within  
13 thirty days of receipt for use by the board. After the initial  
14 eight hundred thousand one hundred fifty dollars is collected,  
15 the department may deduct an amount not to exceed one percent of  
16 collected charges to be retained by the department to reimburse  
17 its direct costs of administering the collection and remittance  
18 of prepaid wireless emergency telephone service charges.

19 (5) The board shall set a rate between twenty-five and one  
20 hundred percent of the prepaid wireless emergency telephone  
21 service charges deposited in the Missouri 911 service trust fund  
22 collected in counties without a charter form of government, less  
23 the deductions authorized in subdivision (4) of this subsection,  
24 that shall be remitted to such counties in direct proportion to  
25 the amount of charges collected in each county. The board shall  
26 set a rate between sixty-five and one hundred percent of the  
27 prepaid wireless emergency telephone service charges deposited in  
28 the Missouri 911 service trust fund collected in counties with a

1 charter form of government and any city not within a county, less  
2 the deductions authorized in subdivision (4) of this subsection,  
3 that shall be remitted to each such county or city not within a  
4 county in direct proportion to the amount of charges collected in  
5 each such county or city not within a county. The initial  
6 percentage rate set by the board for counties with and without a  
7 charter form of government and any city not within a county may  
8 be adjusted after three years, and thereafter the rate may be  
9 adjusted every two years; however, at no point shall the board  
10 set rates that fall below twenty-five percent for counties  
11 without a charter form of government and sixty-five percent for  
12 counties with a charter form of government and any city not  
13 within a county.

14 (6) Any amounts received by a county or city under  
15 subdivision (5) of this subsection shall be used only for  
16 purposes authorized in sections 190.305, 190.325, and 190.335.  
17 Any amounts received by any county with a charter form of  
18 government and with more than six hundred thousand but fewer than  
19 seven hundred thousand inhabitants under this section may be used  
20 for emergency service notification systems.

21 4. (1) A seller that is not a provider shall be entitled  
22 to the immunity and liability protections under section 190.455,  
23 notwithstanding any requirement in state law regarding compliance  
24 with Federal Communications Commission Order 05-116.

25 (2) A provider shall be entitled to the immunity and  
26 liability protections under section 190.455.

27 (3) In addition to the protection from liability provided  
28 in subdivisions (1) and (2) of this subsection, each provider and

1 seller and its officers, employees, assigns, agents, vendors, or  
2 anyone acting on behalf of such persons shall be entitled to the  
3 further protection from liability, if any, that is provided to  
4 providers and sellers of wireless telecommunications service that  
5 is not prepaid wireless telecommunications service under section  
6 190.455.

7 5. The prepaid wireless emergency telephone service charge  
8 imposed by this section shall be in addition to any other tax,  
9 fee, surcharge, or other charge imposed by this state, any  
10 political subdivision of this state, or any intergovernmental  
11 agency for 911 funding purposes, except that such prepaid  
12 wireless emergency telephone service charge shall be charged in  
13 lieu of, and not imposed in addition to, any tax imposed under  
14 section 190.292 or 190.335.

15 6. This section shall expire on January 1, 2023.

16 190.465. 1. In order to provide the best possible 911  
17 technology and service to all areas of the state in the most  
18 efficient and economical manner possible, it is the public policy  
19 of this state to encourage the consolidation of emergency  
20 communications operations.

21 2. Any county, city, or 911 or emergency services board  
22 established under chapter 190 or section 321.243 may contract and  
23 cooperate with any other county, city, or 911 or emergency  
24 services board established under chapter 190 or section 321.243  
25 as provided in sections 70.210 to 70.320. Any contracting  
26 counties or boards may seek assistance and advice from the  
27 Missouri 911 service board established in section 650.325  
28 regarding the terms of the joint contract and the administration

1 and operation of the contracting counties, cities, and boards.

2 3. If two or more counties, cities, 911 districts, or  
3 existing emergency communications entities desire to consolidate  
4 their emergency communications operations, a joint emergency  
5 communications entity may be established by the parties through  
6 an agreement identifying the conditions and provisions of the  
7 consolidation and the operation of the joint entity. This  
8 agreement may include the establishment of a joint governing body  
9 that may be comprised of the boards of the entities forming the  
10 agreement currently authorized by statute or an elected or  
11 appointed joint board authorized under section 70.260; provided  
12 that, the representation on the joint board of each of the  
13 entities forming the agreement shall be equal. If the entities  
14 entering into an agreement under this subsection decide that any  
15 911 service center responsible for the answering of 911 calls and  
16 the dispatch of assistance shall be physically located in a  
17 county other than a county with the lowest average county wage  
18 from the set of counties where the entities entering into an  
19 agreement under this subsection are located in whole or part,  
20 such entities shall provide a written reason for this decision to  
21 the Missouri 911 service board and such document shall be  
22 considered a public record under chapter 610. The county average  
23 wage comparison shall be conducted using the information from the  
24 Missouri department of economic development, which calculates  
25 such county average wages under section 135.950.

26 4. After August 28, 2018, no public safety answering point  
27 operation may be established as a result of its separation from  
28 an existing public safety answering point operation without a

1 study by, and the approval of, the Missouri 911 service board.

2 5. No provision of this section shall be construed to  
3 prohibit or discourage in any manner the formation of multiagency  
4 or multijurisdictional public safety answering point operations.

5 190.470. 1. As an alternative to the procedure provided in  
6 section 190.465, two or more 911 central dispatch centers that  
7 are organized under sections 190.327 to 190.329 or section  
8 190.335 and funded by public taxes may consolidate into one 911  
9 central dispatch center by following the procedures set forth in  
10 this section.

11 2. If the consolidation of existing 911 central dispatch  
12 centers is desired, a number of voters residing in the existing  
13 911 central dispatch centers' service areas equal to ten percent  
14 of the votes cast for governor in those service areas in the  
15 preceding gubernatorial election may file with the county clerk  
16 in which the territory or greater part of the proposed  
17 consolidated 911 central dispatch center service area will be  
18 situated a petition requesting consolidation of two or more 911  
19 central dispatch centers.

20 3. The petition shall be in the following form:

21 "We, the undersigned voters residing in the service areas  
22 for the following 911 central dispatch centers, do hereby  
23 petition that the following existing 911 central dispatch centers  
24 be consolidated into one 911 central dispatch center."

25 4. An alternative procedure of consolidation may be  
26 followed if each of the boards of directors of the existing 911  
27 central dispatch centers passes a resolution in the following  
28 form:

1 "The board of directors of the ..... 911 central  
2 dispatch center resolves that the ..... and ..... 911  
3 central dispatch centers be consolidated into one 911 central  
4 dispatch center."

5 5. Upon the filing of a petition or resolution with the  
6 county clerk from each of the service areas of the 911 central  
7 dispatch centers to be consolidated, the clerk shall present the  
8 petition or resolution to the commissioners of the county  
9 commission having jurisdiction, who shall order the submission of  
10 the question to voters within the affected 911 central dispatch  
11 center service areas. The filing of a petition shall be no later  
12 than twelve months after any original voter's signature contained  
13 therein.

14 6. The notice of election shall contain the names of the  
15 existing 911 central dispatch centers to be included in the  
16 consolidated 911 central dispatch center.

17 7. The question shall be submitted in substantially the  
18 following form:

19 "Shall the existing ..... 911 central dispatch centers  
20 be consolidated into one 911 central dispatch center?"

21 8. If the question of consolidation of the 911 central  
22 dispatch centers receives a majority of the votes cast in each  
23 service area, the county commissions having joint jurisdiction  
24 shall each enter an order declaring the proposition passed.

25 9. Within thirty days after the 911 central dispatch center  
26 has been declared consolidated, the respective county commissions  
27 having jurisdiction shall jointly meet to appoint a new seven-  
28 person board consisting of the agencies and professions listed in

1 subsection 9 of section 190.335, and shall ensure geographic  
2 representation by appointing no more than four members from any  
3 one county having jurisdiction within the consolidated area for  
4 the newly consolidated 911 central dispatch center.

5 10. Within thirty days after the appointment of the initial  
6 board of directors of the newly consolidated 911 central dispatch  
7 center, the board of directors shall meet at a time and place  
8 designated by the county commissions. At the first meeting, the  
9 newly appointed board of directors shall choose a name for the  
10 consolidated 911 central dispatch center and shall notify the  
11 clerks of the county commission of each county within which the  
12 newly consolidated 911 central dispatch center's service area now  
13 subsumes.

14 11. Starting with the April election in the year after the  
15 appointment of the initial board of directors, one member shall  
16 be subject to running at large as chair for a four-year term.  
17 Four members shall be selected by lot to run for two-year terms,  
18 and two members shall be selected by lot to run for four-year  
19 terms. Thereafter, all terms shall be four-year terms.

20 12. On the thirtieth day following the appointment of the  
21 initial board of directors, the existing 911 central dispatch  
22 centers shall cease to exist and the consolidated 911 central  
23 dispatch center shall assume all of the powers and duties  
24 exercised by the 911 central dispatch centers. All assets and  
25 obligations of the existing 911 central dispatch centers shall  
26 become the assets and obligations of the newly consolidated 911  
27 central dispatch center.

28 13. In any county that has a single board established under

1 chapter 190 or under section 321.243, if a consolidation under  
2 this section only affects existing 911 central dispatch centers  
3 located wholly within such county, the existing board shall vote  
4 as to whether the existing board shall continue to exist. Upon a  
5 majority vote for approval of the existing board continuing to  
6 exist, subsections 9 to 12 of this section shall not apply, and  
7 the existing board shall continue to exist and have the powers  
8 set forth under the applicable section or sections within chapter  
9 190 or under section 321.243. Upon a majority vote in  
10 disapproval of the existing board continuing to exist, all  
11 applicable subsections of this section shall apply to the  
12 consolidation. A tied vote shall be considered a disapproval of  
13 the existing board continuing to exist.

14 190.475. The director of the department of revenue shall  
15 maintain a centralized database, which shall be made available to  
16 the Missouri 911 service board established under section 650.325,  
17 specifying the current monthly fee or tax imposed by each county  
18 or city under section 190.292, 190.305, 190.325, 190.335, or  
19 190.455. The database shall be updated no less than sixty days  
20 prior to the effective date of the establishment or modification  
21 of any monthly fee or tax listed in the database.

22 650.330. 1. The board shall consist of fifteen members,  
23 one of which shall be chosen from the department of public  
24 safety, and the other members shall be selected as follows:

25 (1) One member chosen to represent an association domiciled  
26 in this state whose primary interest relates to municipalities;

27 (2) One member chosen to represent the Missouri 911  
28 Directors Association;

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

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

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

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

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

13           (8) One member chosen to represent an association domiciled  
14 in this state whose primary interest relates to issues pertaining  
15 to sheriffs;

16           (9) One member chosen to represent counties of the second,  
17 third, and fourth classification;

18           (10) One member chosen to represent counties of the first  
19 classification, counties with a charter form of government, and  
20 cities not within a county;

21           (11) One member chosen to represent telecommunications  
22 service providers;

23           (12) One member chosen to represent wireless  
24 telecommunications service providers;

25           (13) One member chosen to represent voice over internet  
26 protocol service providers; and

27           (14) One member chosen to represent the governor's council  
28 on disability established under section 37.735.

1           2. Each of the members of the board shall be appointed by  
2 the governor with the advice and consent of the senate for a term  
3 of four years. Members of the committee may serve multiple  
4 terms. No corporation or its affiliate shall have more than one  
5 officer, employee, assign, agent, or other representative serving  
6 as a member of the board. Notwithstanding subsection 1 of this  
7 section to the contrary, all members appointed as of August 28,  
8 2017, shall continue to serve the remainder of their terms.

9           3. The board shall meet at least quarterly at a place and  
10 time specified by the chairperson of the board and it shall keep  
11 and maintain records of such meetings, as well as the other  
12 activities of the board. Members shall not be compensated but  
13 shall receive actual and necessary expenses for attending  
14 meetings of the board.

15           4. The board shall:

16           (1) Organize and adopt standards governing the board's  
17 formal and informal procedures;

18           (2) Provide recommendations for primary answering points  
19 and secondary answering points on technical and operational  
20 standards for 911 services;

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

23           (4) Provide requested mediation services to political  
24 subdivisions involved in jurisdictional disputes regarding the  
25 provision of 911 services, except that the board shall not  
26 supersede decision-making authority of local political  
27 subdivisions in regard to 911 services;

28           (5) Provide assistance to the governor and the general

1 assembly regarding 911 services;

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

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

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

12 (9) Designate a state 911 coordinator who shall be  
13 responsible for overseeing statewide 911 operations and ensuring  
14 compliance with federal grants for 911 funding;

15 (10) Elect the chair from its membership;

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

18 (12) Report to the governor and the general assembly at  
19 least every three years on the status of 911 services statewide,  
20 as well as specific efforts to improve efficiency,  
21 cost-effectiveness, and levels of service;

22 (13) Conduct and review an annual survey of public safety  
23 answering points in Missouri to evaluate potential for improved  
24 services, coordination, and feasibility of consolidation;

25 (14) Make and execute contracts or any other instruments  
26 and agreements necessary or convenient for the exercise of its  
27 powers and functions, including for the development and  
28 implementation of an emergency services internet protocol network

1 that can be shared by all public safety agencies; [and]

2 (15) Develop a plan and timeline of target dates for the  
3 testing, implementation, and operation of a next-generation 911  
4 system throughout Missouri. The next-generation 911 system shall  
5 allow for the processing of electronic messages including, but  
6 not limited to, electronic messages containing text, images,  
7 video, or data;

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

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

21 (b) Promotion of consolidation where appropriate;

22 (c) Mapping and addressing all county locations;

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

25 (e) Implementation of initial emergency medical dispatch  
26 services, including prearrival medical instructions in counties  
27 where those services are not offered as of July 1, 2019; and

28 (f) Development and implementation of an emergency services

1 internet protocol network that can be shared by all public safety  
2 agencies;

3 (17) Develop an application process including reporting and  
4 accountability requirements, withholding a portion of the grant  
5 until completion of a project, and other measures to ensure funds  
6 are used in accordance with the law and purpose of the grant, and  
7 conduct audits as deemed necessary;

8 (18) Set the percentage rate of the prepaid wireless  
9 emergency telephone service charges to be remitted to a county or  
10 city as provided under subdivision (5) of subsection 3 of section  
11 190.460;

12 (19) Retain in its records proposed county plans developed  
13 under subsection 10 of section 190.455 and notify the department  
14 of revenue that the county has filed a plan that is ready for  
15 implementation;

16 (20) Notify any communications service provider, as defined  
17 in section 190.400, that has voluntarily submitted its contact  
18 information when any update is made to the centralized database  
19 established under section 190.475 as a result of a county or city  
20 establishing or modifying a tax or monthly fee no less than  
21 ninety days prior to the effective date of the establishment or  
22 modification of the tax or monthly fee;

23 (21) Establish criteria for consolidation prioritization of  
24 public safety answering points; and

25 (22) In coordination with existing public safety answering  
26 points, by December 31, 2018, designate no more than eleven  
27 regional 911 coordination centers which shall coordinate  
28 statewide interoperability among public safety answering points

1 within their region through the use of a statewide 911 emergency  
2 services network.

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

8 6. The board shall promulgate rules and regulations that  
9 are reasonable and necessary to implement and administer the  
10 provisions of sections 650.320 to 650.340. Any rule or portion  
11 of a rule, as that term is defined in section 536.010, shall  
12 become effective only if it has been promulgated pursuant to the  
13 provisions of chapter 536. This section and chapter 536 are  
14 nonseverable and if any of the powers vested with the general  
15 assembly pursuant to chapter 536 to review, to delay the  
16 effective date or to disapprove and annul a rule are subsequently  
17 held unconstitutional, then the grant of rulemaking authority and  
18 any rule proposed or adopted after August 28, 2017, shall be  
19 invalid and void.

20 650.335. 1. Any county or any home rule city with more  
21 than fifteen thousand but fewer than seventeen thousand  
22 inhabitants and partially located in any county of the third  
23 classification without a township form of government and with  
24 more than thirty-seven thousand but fewer than forty-one thousand  
25 inhabitants, when the prepaid wireless emergency telephone  
26 service charge is collected in the county or city, may submit an  
27 application for loan funds or other financial assistance to the  
28 board for the purpose of financing all or a portion of the costs

1 incurred in implementing a 911 communications service project.  
2 The application shall be accompanied by a technical assistance  
3 report. The application and the technical assistance report  
4 shall be in such form and contain such information, financial or  
5 otherwise, as prescribed by the board. This section shall not  
6 preclude any applicant or borrower from joining in a cooperative  
7 project with any other political subdivision or with any state or  
8 federal agency or entity in a 911 communications service project,  
9 provided that all other requirements of this section have been  
10 met.

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

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

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

28 5. Any applicant who receives a loan under this section

1 shall annually budget an amount which is at least sufficient to  
2 make the payments required under this section.

3 6. Repayment of principal and interest on loans shall be  
4 credited to the Missouri 911 service trust fund established under  
5 section 190.420.

6 7. If a loan recipient fails to remit a payment to the  
7 board in accordance with this section within sixty days of the  
8 due date of such payment, the board shall notify the director of  
9 the department of revenue to deduct such payment amount from  
10 first, the prepaid wireless emergency telephone service charge  
11 remitted to the county or city under section 190.460; and if  
12 insufficient to affect repayment of the loan, next, the regular  
13 apportionment of local sales tax distributions to that county or  
14 city. Such amount shall then immediately be deposited in the  
15 Missouri 911 service trust fund and credited to the loan  
16 recipient.

17 8. All applicants having received loans under this section  
18 shall remit the payments required by subsection 4 of this section  
19 to the board or such other entity as may be directed by the  
20 board. The board or such other entity shall immediately deposit  
21 such payments in the Missouri 911 service trust fund.

22 9. Loans made under this section shall be used only for the  
23 purposes specified in an approved application or loan agreement.  
24 In the event the board determines that loan funds have been  
25 expended for purposes other than those specified in an approved  
26 application or loan agreement or any event of default of the loan  
27 agreement occurs without resolution, the board shall take  
28 appropriate actions to obtain the return of the full amount of

1 the loan and all moneys duly owed or other available remedies.

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

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

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

15 13. The board shall not approve any application made under  
16 this section if the applicant has failed to return the board's  
17 annual survey of public safety answering points as required by  
18 the board under section 650.330.

19 650.340. 1. The provisions of this section may be cited  
20 and shall be known as the "911 Training and Standards Act".

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

24 (1) Police telecommunicator, 16 hours;

25 (2) Fire telecommunicator, 16 hours;

26 (3) Emergency medical services telecommunicator, 16 hours;

27 (4) Joint communication center telecommunicator, 40 hours.

28 3. All persons employed as a telecommunicator in this state

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

9 4. Any person employed as a telecommunicator on August 28,  
10 1999, shall not be required to complete the training requirement  
11 as provided in subsection 2 of this section. Any person hired as  
12 a telecommunicator after August 28, 1999, shall complete the  
13 training requirements as provided in subsection 2 of this section  
14 within twelve months of the date such person is employed as a  
15 telecommunicator.

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

21 6. The board shall determine by administrative rule the  
22 persons or organizations authorized to conduct the training as  
23 required by subsection 2 of this section.

24 7. This section shall not apply to an emergency medical  
25 dispatcher or agency as defined in section 190.100, or a person  
26 trained by an entity accredited or certified under section  
27 190.131, or a person who provides prearrival medical instructions  
28 who works for an agency which meets the requirements set forth in

1 section 190.134.

2 [190.410. 1. There is hereby created in the  
3 department of public safety the "Wireless Service  
4 Provider Enhanced 911 Advisory Board", consisting of  
5 eight members as follows:

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

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

15 (3) Three representatives and one alternate from  
16 the wireless service providers, elected by a majority  
17 vote of wireless service providers licensed to provide  
18 service in this state; and

19 (4) Three representatives from public safety  
20 answering point organizations, elected by the members  
21 of the state chapter of the associated public safety  
22 communications officials and the state chapter of the  
23 National Emergency Numbering Association.

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

39 3. The board shall do the following:

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

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

46 (3) Advise the office of administration regarding  
47 implementation of Federal Communications Commission  
48 order 94-102; and

49 (4) Provide any requested mediation service to a  
50 political subdivision which is involved in a

1 jurisdictional dispute regarding the providing of  
2 wireless 911 services. The board shall not supersede  
3 decision-making authority of any political subdivision  
4 in regard to 911 services.

5 4. The director of the department of public  
6 safety shall provide and coordinate staff and equipment  
7 services to the board to facilitate the board's  
8 duties.]  
9

10 [190.430. 1. The commissioner of the office of  
11 administration is authorized to establish a fee, if  
12 approved by the voters pursuant to section 190.440, not  
13 to exceed fifty cents per wireless telephone number per  
14 month to be collected by wireless service providers  
15 from wireless service customers.

16 2. The office of administration shall promulgate  
17 rules and regulations to administer the provisions of  
18 sections 190.400 to 190.440. Any rule or portion of a  
19 rule, as that term is defined in section 536.010, that  
20 is promulgated pursuant to the authority delegated in  
21 sections 190.400 to 190.440 shall become effective only  
22 if it has been promulgated pursuant to the provisions  
23 of chapter 536. All rulemaking authority delegated  
24 prior to July 2, 1998, is of no force and effect and  
25 repealed; however, nothing in this section shall be  
26 interpreted to repeal or affect the validity of any  
27 rule filed or adopted prior to July 2, 1998, if it  
28 fully complied with the provisions of chapter 536.  
29 This section and chapter 536 are nonseverable and if  
30 any of the powers vested with the general assembly  
31 pursuant to chapter 536 to review, to delay the  
32 effective date or to disapprove and annul a rule are  
33 subsequently held unconstitutional, then the grant of  
34 rulemaking authority and any rule proposed or adopted  
35 after July 2, 1998, shall be invalid and void.

36 3. The office of administration is authorized to  
37 administer the fund and to distribute the moneys in the  
38 wireless service provider enhanced 911 service fund for  
39 approved expenditures as follows:

40 (1) For the reimbursement of actual expenditures  
41 for implementation of wireless enhanced 911 service by  
42 wireless service providers in implementing Federal  
43 Communications Commission order 94-102; and

44 (2) To subsidize and assist the public safety  
45 answering points based on a formula established by the  
46 office of administration, which may include, but is not  
47 limited to the following:

48 (a) The volume of wireless 911 calls received by  
49 each public safety answering point;

50 (b) The population of the public safety answering  
51 point jurisdiction;

1 (c) The number of wireless telephones in a public  
2 safety answering point jurisdiction by zip code; and

3 (d) Any other criteria found to be valid by the  
4 office of administration provided that of the total  
5 amount of the funds used to subsidize and assist the  
6 public safety answering points, at least ten percent of  
7 said funds shall be distributed equally among all said  
8 public safety answering points providing said services  
9 under said section;

10 (3) For the reimbursement of actual expenditures  
11 for equipment for implementation of wireless enhanced  
12 911 service by public safety answering points to the  
13 extent that funds are available, provided that ten  
14 percent of funds distributed to public safety answering  
15 points shall be distributed in equal amounts to each  
16 public safety answering point participating in enhanced  
17 911 service;

18 (4) Notwithstanding any other provision of the  
19 law, no proprietary information submitted pursuant to  
20 this section shall be subject to subpoena or otherwise  
21 released to any person other than to the submitting  
22 wireless service provider, without the express  
23 permission of said wireless service provider. General  
24 information collected pursuant to this section shall  
25 only be released or published in aggregate amounts  
26 which do not identify or allow identification of  
27 numbers of subscribers or revenues attributable to an  
28 individual wireless service provider.

29 4. Wireless service providers are entitled to  
30 retain one percent of the surcharge money they collect  
31 for administrative costs associated with billing and  
32 collection of the surcharge.

33 5. No more than five percent of the moneys in the  
34 fund, subject to appropriation by the general assembly,  
35 shall be retained by the office of administration for  
36 reimbursement of the costs of overseeing the fund and  
37 for the actual and necessary expenses of the board.

38 6. The office of administration shall review the  
39 distribution formula once every year and may adjust the  
40 amount of the fee within the limits of this section, as  
41 determined necessary.

42 7. The provisions of sections 190.307 and 190.308  
43 shall be applicable to programs and services authorized  
44 by sections 190.400 to 190.440.

45 8. Notwithstanding any other provision of the  
46 law, in no event shall any wireless service provider,  
47 its officers, employees, assigns or agents, be liable  
48 for any form of civil damages or criminal liability  
49 which directly or indirectly result from, or is caused  
50 by, an act or omission in the development, design,  
51 installation, operation, maintenance, performance or

1 provision of 911 service or other emergency wireless  
2 two- and three-digit wireless numbers, unless said acts  
3 or omissions constitute gross negligence, recklessness  
4 or intentional misconduct. Nor shall any wireless  
5 service provider, its officers, employees, assigns, or  
6 agents be liable for any form of civil damages or  
7 criminal liability which directly or indirectly result  
8 from, or is caused by, the release of subscriber  
9 information to any governmental entity as required  
10 under the provisions of this act unless the release  
11 constitutes gross negligence, recklessness or  
12 intentional misconduct.]

13  
14 [190.440. 1. The office of administration shall  
15 not be authorized to establish a fee pursuant to the  
16 authority granted in section 190.430 unless a ballot  
17 measure is submitted and approved by the voters of this  
18 state. The ballot measure shall be submitted by the  
19 secretary of state for approval or rejection at the  
20 general election held and conducted on the Tuesday  
21 immediately following the first Monday in November,  
22 1998, or at a special election to be called by the  
23 governor on the ballot measure. If the measure is  
24 rejected at such general or special election, the  
25 measure may be resubmitted at each subsequent general  
26 election, or may be resubmitted at any subsequent  
27 special election called by the governor on the ballot  
28 measure, until such measure is approved.

29 2. The ballot of the submission shall contain,  
30 but is not limited to, the following language:

31 Shall the Missouri Office of Administration be  
32 authorized to establish a fee of up to fifty cents per  
33 month to be charged every wireless telephone number for  
34 the purpose of funding wireless enhanced 911 service?

35  YES  NO

36 If you are in favor of the question, place an "X" in  
37 the box opposite "Yes". If you are opposed to the  
38 question, place an "X" in the box opposite "No".

39 3. If a majority of the votes cast on the ballot  
40 measure by the qualified voters voting thereon are in  
41 favor of such measure, then the office of  
42 administration shall be authorized to establish a fee  
43 pursuant to section 190.430, and the fee shall be  
44 effective on January 1, 1999, or the first day of the  
45 month occurring at least thirty days after the approval  
46 of the ballot measure. If a majority of the votes cast  
47 on the ballot measure by the qualified voters voting  
48 thereon are opposed to the measure, then the office of  
49 administration shall have no power to establish the fee  
50 unless and until the measure is approved.]