

SECOND REGULAR SESSION

HOUSE BILL NO. 2729

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOVIS.

5746H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.462 and 650.330, RSMo, and to enact in lieu thereof one new section relating to emergency services.

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

Section A. Sections 190.462 and 650.330, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 650.330, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 4. The board shall:

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

38 (2) Provide recommendations for primary answering points and secondary answering
39 points on technical and operational standards for 911 services;

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

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

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

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

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

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

- 53 (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide
54 911 operations and ensuring compliance with federal grants for 911 funding;
- 55 (10) Elect the chair from its membership;
- 56 (11) Apply for and receive grants from federal, private, and other sources;
- 57 (12) Report to the governor and the general assembly at least every three years on the
58 status of 911 services statewide, as well as specific efforts to improve efficiency,
59 cost-effectiveness, and levels of service;
- 60 (13) Conduct and review an annual survey of public safety answering points in Missouri
61 to evaluate potential for improved services, coordination, and feasibility of consolidation;
- 62 (14) Make and execute contracts or any other instruments and agreements necessary or
63 convenient for the exercise of its powers and functions, including for the development and
64 implementation of an emergency services internet protocol network that can be shared by all
65 public safety agencies;
- 66 (15) Develop a plan and timeline of target dates for the testing, implementation, and
67 operation of a next-generation 911 system throughout Missouri. The next-generation 911 system
68 shall allow for the processing of electronic messages including, but not limited to, electronic
69 messages containing text, images, video, or data;
- 70 (16) Administer and authorize grants and loans under section 650.335 to those counties
71 and any home rule city with more than fifteen thousand but fewer than seventeen thousand
72 inhabitants and partially located in any county of the third classification without a township form
73 of government and with more than thirty-seven thousand but fewer than forty-one thousand
74 inhabitants that can demonstrate a financial commitment to improving 911 services by providing
75 at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911
76 services. The purpose of grants and loans from the 911 service trust fund shall include:
- 77 (a) Implementation of 911 services in counties of the state where services do not exist
78 or to improve existing 911 systems;
- 79 (b) Promotion of consolidation where appropriate;
- 80 (c) Mapping and addressing all county locations;
- 81 (d) Ensuring primary access and texting abilities to 911 services for disabled residents;
- 82 (e) Implementation of initial emergency medical dispatch services, including prearrival
83 medical instructions in counties where those services are not offered as of July 1, 2019; and
- 84 (f) Development and implementation of an emergency services internet protocol network
85 that can be shared by all public safety agencies;
- 86 (17) Develop an application process including reporting and accountability requirements,
87 withholding a portion of the grant until completion of a project, and other measures to ensure

88 funds are used in accordance with the law and purpose of the grant, and conduct audits as
89 deemed necessary;

90 (18) Set the percentage rate of the prepaid wireless emergency telephone service charges
91 to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section
92 190.460;

93 (19) Retain in its records proposed county plans developed under subsection 11 of
94 section 190.455 and notify the department of revenue that the county has filed a plan that is ready
95 for implementation;

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

101 (21) Establish criteria for consolidation prioritization of public safety answering points;

102 (22) In coordination with existing public safety answering points, by December 31, 2018,
103 designate no more than eleven regional 911 coordination centers which shall coordinate
104 statewide interoperability among public safety answering points within their region through the
105 use of a statewide 911 emergency services network; ~~and~~

106 (23) Establish an annual budget, retain records of all revenue and expenditures made,
107 retain minutes of all meetings and subcommittees, post records, minutes, and reports on the
108 board's webpage on the department of public safety website; **and**

109 **(24) Work with the department of revenue and counties that have implemented an**
110 **emergency services tax under section 190.335 or a subscriber fee under section 190.455 to**
111 **ensure the appropriate collection of such taxes and fees.**

112 5. The department of public safety shall provide staff assistance to the board as necessary
113 in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board
114 shall have the authority to hire consultants to administer the provisions of sections 650.320 to
115 650.340.

116 6. The board shall promulgate rules and regulations that are reasonable and necessary
117 to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470,
118 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined
119 in section 536.010, shall become effective only if it has been promulgated pursuant to the
120 provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the
121 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
122 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

123 rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid
124 and void.

~~[190.462. 1. As used in this section, the following terms mean:~~

2 ~~————— (1) "All retail sales subject to sales tax", tangible personal property and
3 services subject to the tax imposed by section 190.292 or 190.335;~~

4 ~~————— (2) "General retailer", a person making a sale at retail as defined in
5 section 144.010;~~

6 ~~————— (3) "Taxpayer", a person who pays the tax imposed under section
7 190.292 or 190.335.~~

8 ~~————— 2. (1) If a court of competent jurisdiction issues a declaratory ruling prior
9 to July 9, 2019, that the taxes imposed under section 190.292 or 190.335 are
10 pre-empted by the provisions of subsection 5 of section 190.460 on all retail sales
11 subject to sales tax in a taxing jurisdiction that did not opt out of the collection
12 of the prepaid wireless emergency telephone service charge:~~

13 ~~————— (a) A seller or general retailer who collected and remitted the tax imposed
14 under section 190.292 or 190.335 on all retail sales subject to sales tax in a taxing
15 jurisdiction that did not opt out of such tax under the provisions of subsection 6
16 of section 190.460, shall not be required to refund such taxes to taxpayers;~~

17 ~~————— (b) All requests for refunds by taxpayers shall be made directly to the
18 taxing jurisdiction. The department of revenue shall develop procedures and
19 forms for taxpayers requesting refunds from taxing jurisdictions;~~

20 ~~————— (c) This subsection applies to taxes collected between January 1, 2019,
21 and the first day of the calendar month following a declaratory ruling by a court
22 of competent jurisdiction that the taxes imposed under section 190.292 or
23 190.335 are pre-empted by the provisions of subsection 5 of section 190.460 on
24 all retail sales subject to sales tax in taxing jurisdictions that did not opt out of the
25 collection of the prepaid wireless emergency telephone service charge.~~

26 ~~————— (2) If this section goes into effect prior to a court of competent
27 jurisdiction issuing a declaratory ruling, then the provisions of paragraphs (a) and
28 (b) of subdivision (1) of this subsection shall apply from January 1, 2019, until
29 July 9, 2019.~~

30 ~~————— 3. (1) If a court of competent jurisdiction issues a declaratory ruling prior
31 to July 9, 2019, that the taxes imposed under section 190.292 or 190.335 are
32 pre-empted by the provisions of subsection 5 of section 190.460 only on sales of
33 prepaid wireless telecommunications services in a taxing jurisdiction that did not
34 opt out of the collection of the prepaid wireless emergency telephone service
35 charge:~~

36 ~~————— (a) A seller or other retailer who did not collect the tax imposed under
37 section 190.292 or 190.335 on the retail sale of wireless telecommunications
38 service and wireless devices associated therewith shall not be liable for any
39 assessment or incur any other liability on such uncollected taxes;~~

40 ~~————— (b) This subsection applies to assessments for the period beginning
41 January 1, 2019, and ending on the first day of the calendar month following a~~

42 declaratory ruling by a court of competent jurisdiction that the taxes imposed by
43 under section 190.292 or 190.335 are pre-empted by the provisions of subsection
44 ~~5 of section 190.460 only on sales of prepaid wireless telecommunications~~
45 ~~services in a taxing jurisdiction that did not opt out of the collection of the~~
46 ~~prepaid wireless emergency telephone service charge.~~

47 ~~————— (2) If this section takes effect prior to a court of competent jurisdiction~~
48 ~~issuing a declaratory ruling, then the provisions of paragraphs (a) and (b) of~~
49 ~~subdivision (1) of this subsection shall apply from January 1, 2019, until July 9,~~
50 ~~2019.~~

51 ~~————— 4. This section shall expire on January 1, 2023.]~~

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