

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 334**  
99TH GENERAL ASSEMBLY

---

---

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 4, 2017, with recommendation that the Senate Committee Substitute do pass.

0160S.05C

ADRIANE D. CROUSE, Secretary.

---

---

**AN ACT**

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty-two new sections relating to emergency communication services, with penalty provisions.

---

---

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

Section A. Sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450, 190.451, 190.455, 190.460, 190.475, 650.320, 650.325, 650.330, 650.335, 650.340, and 1, to read as follows:

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

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

(a) The name of the complainant;

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

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

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

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

26 (4) Upon the location of a missing person, or the determination by the law  
27 enforcement agency of jurisdiction that the person is no longer missing, the law  
28 enforcement agency which reported the missing person shall immediately remove  
29 the record of the missing person from the MULES and NCIC files.

30 2. No law enforcement agency shall prevent an immediate active  
31 investigation on the basis of an agency rule which specifies an automatic time  
32 limitation for a missing person investigation.

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

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

4 (2) "Municipality", municipal corporations, political corporations, and  
5 other public corporations and agencies authorized to exercise governmental  
6 functions;

7 (3) "Political subdivision", counties, townships, cities, towns, villages,  
8 school, county library, city library, city-county library, road, drainage, sewer,  
9 levee and fire districts, soil and water conservation districts, watershed  
10 subdistricts, county hospitals, any board of control of an art museum, **any 911**  
11 **or emergency services board authorized in chapter 190 or in section**  
12 **321.243**, the board created under sections 205.968 to 205.973, and any other  
13 public subdivision or public corporation having the power to tax.

190.300. As used in sections 190.300 to [190.320] **190.340**, the following

2 terms and phrases mean:

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

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

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

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

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

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

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

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

27 (9) "Tariff rate", the rate or rates billed by a service supplier to a service  
28 user as stated in the service supplier's tariffs, [approved by the Missouri public  
29 service commission] **contracts, service agreements, or similar documents**  
30 **governing the provision of the service**, which represent the service  
31 supplier's recurring charges for exchange access facilities or their equivalent, **or**  
32 **equivalent rates contained in contracts, service agreements, or similar**  
33 **documents**, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone  
2 service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful  
3 for any person to misuse the emergency telephone service. For the purposes of

4 this section, "emergency" means any incident involving danger to life or property  
5 that calls for an emergency response dispatch of police, fire, EMS or other public  
6 safety organization, "misuse the emergency telephone service" includes, but is not  
7 limited to, repeatedly calling the "911" for nonemergency situations causing  
8 operators or equipment to be in use when emergency situations may need such  
9 operators or equipment and "repeatedly" means three or more times within a one-  
10 month period.

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

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

190.325. 1. In any county of the first classification without a charter form  
2 of government with a population of at least one hundred fifty thousand  
3 inhabitants but less than two hundred **fifty** thousand inhabitants, the county  
4 commission may use all or a part of the moneys derived from the emergency  
5 telephone tax authorized pursuant to section 190.305 for central dispatching of  
6 fire protection, emergency ambulance service or any other emergency services,  
7 which may include the purchase and maintenance of communications and  
8 emergency equipment. In the event such commission chooses to use the tax  
9 provided in that section for such services, the provisions of sections 190.300 to  
10 190.320 shall apply except as provided in this section.

11 2. The tax shall not exceed a percentage of the base tariff rate and such  
12 percentage shall not exceed an amount equal to a maximum rate of one dollar  
13 thirty cents per line per month, the provisions of section 190.305 to the contrary  
14 notwithstanding. The tax imposed by this section and the amounts required to  
15 be collected are due monthly. The amount of tax collected in one calendar month  
16 by the service supplier shall be remitted to the governing body no later than one  
17 month after the close of a calendar month. On or before the last day of each  
18 calendar month, a return for the preceding month shall be filed with the  
19 governing body in such form as the governing body and service supplier shall  
20 agree. The service supplier shall include the list of any service user refusing to  
21 pay the tax imposed by this section with each return filing. The service supplier  
22 required to file the return shall deliver the return, together with a remittance of  
23 the amount of the tax collected. The records shall be maintained for a period of  
24 one year from the time the tax is collected. From every remittance to the

25 governing body made on or before the date when the same becomes due, the  
26 service supplier required to remit the same shall be entitled to deduct and retain,  
27 as a collection fee, an amount equal to two percent thereof.

28         3. Nothing in this section shall be construed to require any municipality  
29 or other political subdivision to join the central dispatching system established  
30 pursuant to this section. The governing body of any municipality or other  
31 political subdivision may contract with the board established pursuant to section  
32 190.327 for such services or portion of such services, or for the purchase and  
33 maintenance of communication and emergency equipment.

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

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

17         3. For the purpose of providing the services described in this section, the  
18 board shall have the following powers, 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 and proceedings;

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

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

26         (5) To have the management, control and supervision of all the business  
27 affairs of the board and the construction, installation, operation and maintenance

28 of any improvements;

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

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

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

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

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

40 **4. (1) Notwithstanding the provisions of subsections 1 and 2 of**  
41 **this section to the contrary, the county commission may elect to**  
42 **appoint the members of the board to administer the funds and oversee**  
43 **the provision of central dispatching for emergency services in the**  
44 **counties and municipalities and other political subdivisions which have**  
45 **contracted for such service upon the request of the municipalities and**  
46 **other political subdivisions. Upon appointment of the initial members**  
47 **of the board, the commission shall relinquish to the board and no**  
48 **longer exercise the duties prescribed in this chapter with regard to the**  
49 **provision of central dispatching service and such duties shall be**  
50 **exercised by the board.**

51 **(2) The board shall consist of seven members appointed without**  
52 **regard to political affiliation. The members shall include:**

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

55 **a. The county sheriff, or his or her designee;**

56 **b. The heads of the municipal police department who have**  
57 **contracted for central dispatching service in the two largest**  
58 **municipalities wholly contained within the county, or their designees;**  
59 **and**

60 **c. The heads of the municipal fire departments or fire divisions**  
61 **who have contracted for central dispatching service in the two largest**  
62 **municipalities wholly contained within the county, or their designees;**

63 **(b) Two members who shall serve two-year terms appointed from**  
64 **among the following:**

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

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

69           **c. The head of any of the municipal police departments located**  
70 **in the county who have contracted for central dispatching service, or**  
71 **his or her designee, excluding those mentioned in subparagraph b of**  
72 **paragraph (a) of subdivision (2) of this subsection; and**

73           **d. The head of any of the municipal fire departments in the**  
74 **county who have contracted for central dispatching service, or his or**  
75 **her designee, excluding those mentioned in subparagraph c of**  
76 **paragraph (a) of subdivision (2) of this subsection.**

77           **(3) Upon the appointment of the board under this subsection, the**  
78 **board shall have the powers provided in subsection 3 of this section**  
79 **and the commission shall relinquish all powers and duties relating to**  
80 **the provision of central dispatching service under this chapter to the**  
81 **board.**

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

9           2. Within the area from which voters and the commission have approved  
10 the provision of central dispatching for emergency services by a public agency for  
11 an area containing third or fourth class cities in counties of the third  
12 classification with a population of at least thirty-two thousand but no greater  
13 than forty thousand that border a county of the first classification, voters shall  
14 elect a board to administer funds and oversee the provision of central dispatching  
15 for emergency services. Such board shall consist of two members elected from  
16 each of the townships within such area and one member elected at large who  
17 shall serve as the chairperson of the board.

18           3. Of those initially elected to the board as provided in this section, four  
19 from the townships shall be elected to a term of two years, and four from the

20 townships and the at-large member shall be elected to a term of four years. Upon  
21 the expiration of these initial terms, all members shall thereafter be elected to  
22 terms of four years; **provided that, if a board established in this section**  
23 **consolidates with a board established under section 190.327 or 190.335,**  
24 **under the provisions of section 190.460, the term of office for the**  
25 **existing board members shall end on the thirtieth day following the**  
26 **appointment of the initial board of directors for the consolidated**  
27 **district.**

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

14 2. Beginning in 1992, three members shall be elected from each  
15 commission district and one member shall be elected at large, with such at-large  
16 member to be a voting member and chairman of the board. Of those first elected,  
17 four members from commission districts shall be elected for terms of two years  
18 and two members from commission districts and the member at large shall be  
19 elected for terms of four years. In 1994, and thereafter, all terms of office shall  
20 be for four years, except as **otherwise provided in this subsection or as**  
21 **provided in subsection 3 of this section.** Any vacancy on the board shall be filled  
22 in the same manner as the initial appointment was made. Four members shall  
23 constitute a quorum. **If a board established in section 190.327**  
24 **consolidates with a board established under section 190.327, 190.328, or**  
25 **190.335, under the provisions of section 190.460, the term of office for**  
26 **the existing board members shall end on the thirtieth day following the**  
27 **appointment of the initial board of directors for the consolidated**  
28 **district.**



29           3. Upon approval by the county commission for the election of board  
30 members to be held on general municipal election day, pursuant to subsection 2  
31 of section 190.327, the terms of those board members then holding office shall be  
32 reduced by seven months. After a board member's term has been reduced, all  
33 following terms for that position shall be for four years, **except as otherwise**  
34 **provided under subsection 2 of this section.**

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

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

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

18           Shall the county of ..... (insert name of county) impose a county sales  
19 tax of ..... (insert rate of percent) percent for the purpose of providing central  
20 dispatching of fire protection, emergency ambulance service, including emergency  
21 telephone services, and other emergency services?

22                            YES    NO

23 If a majority of the votes cast on the proposal by the qualified voters voting  
24 thereon are in favor of the proposal, then the ordinance shall be in effect as  
25 provided herein. If a majority of the votes cast by the qualified voters voting are  
26 opposed to the proposal, then the county commission shall have no power to  
27 impose the tax authorized by this section unless and until the county commission  
28 shall again have submitted another proposal to authorize the county commission  
29 to impose the tax under the provisions of this section, and such proposal is  
30 approved by a majority of the qualified voters voting thereon.

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

37           5. Except as modified in this section, all provisions of sections 32.085 and  
38 32.087 shall apply to the tax imposed under this section.

39           6. Any tax imposed pursuant to section 190.305 shall terminate at the end  
40 of the tax year in which the tax imposed pursuant to this section for emergency  
41 services is certified by the board to be fully operational. Any revenues collected  
42 from the tax authorized under section 190.305 shall be credited for the purposes  
43 for which they were intended.

44           7. At least once each calendar year, the board shall establish a tax rate,  
45 not to exceed the amount authorized, that together with any surplus revenues  
46 carried forward will produce sufficient revenues to fund the expenditures  
47 authorized by this act. Amounts collected in excess of that necessary within a  
48 given year shall be carried forward to subsequent years. The board shall make  
49 its determination of such tax rate each year no later than September first and  
50 shall fix the new rate which shall be collected as provided in this  
51 act. Immediately upon making its determination and fixing the rate, the board  
52 shall publish in its minutes the new rate, and it shall notify every retailer by  
53 mail of the new rate.

54           8. Immediately upon the affirmative vote of voters of such a county on the  
55 ballot proposal to establish a county sales tax pursuant to the provisions of this  
56 section, the county commission shall appoint the initial members of a board to  
57 administer the funds and oversee the provision of emergency services in the  
58 county. Beginning with the general election in 1994, all board members shall be  
59 elected according to this section and other applicable laws of this state. At the  
60 time of the appointment of the initial members of the board, the commission shall  
61 relinquish and no longer exercise the duties prescribed in this chapter with  
62 regard to the provision of emergency services and such duties shall be exercised  
63 by the board.

64           9. The initial board shall consist of seven members appointed without  
65 regard to political affiliation, who shall be selected from, and who shall represent,  
66 the fire protection districts, ambulance districts, sheriff's department,

67 municipalities, any other emergency services and the general public. This initial  
68 board shall serve until its successor board is duly elected and installed in  
69 office. The commission shall ensure geographic representation of the county by  
70 appointing no more than four members from each district of the county  
71 commission.

72         10. Beginning in 1994, three members shall be elected from each district  
73 of the county commission and one member shall be elected at large, such member  
74 to be the chairman of the board. Of those first elected, four members from  
75 districts of the county commission shall be elected for terms of two years and two  
76 members from districts of the county commission and the member at large shall  
77 be elected for terms of four years. In 1996, and thereafter, all terms of office  
78 shall be four years; **provided that, if a board established in this section**  
79 **consolidates with a board established under this section, section**  
80 **190.327, or section 190.328, under the provisions of section 190.460, the**  
81 **term of office for the existing board members shall end on the thirtieth**  
82 **day following the appointment of the initial board of directors for the**  
83 **consolidated district.** Notwithstanding any other provision of law, if there is  
84 no candidate for an open position on the board, then no election shall be held for  
85 that position and it shall be considered vacant, to be filled pursuant to the  
86 provisions of section 190.339, and, if there is only one candidate for each open  
87 position, no election shall be held and the candidate or candidates shall assume  
88 office at the same time and in the same manner as if elected.

89         11. Notwithstanding the provisions of subsections 8 to 10 of this section  
90 to the contrary, in any county of the first classification with more than two  
91 hundred forty thousand three hundred but fewer than two hundred forty  
92 thousand four hundred inhabitants or in any county of the third classification  
93 with a township form of government and with more than twenty-eight thousand  
94 but fewer than thirty-one thousand inhabitants, any emergency telephone service  
95 911 board appointed by the county under section 190.309 which is in existence on  
96 the date the voters approve a sales tax under this section shall continue to exist  
97 and shall have the powers set forth under section 190.339. Such boards which  
98 existed prior to August 25, 2010, shall not be considered a body corporate and a  
99 political subdivision of the state for any purpose, unless and until an order is  
100 entered upon an unanimous vote of the commissioners of the county in which  
101 such board is established reclassifying such board as a corporate body and  
102 political subdivision of the state. The order shall approve the transfer of the

103 assets and liabilities related to the operation of the emergency **telephone** service  
104 911 system to the new entity created by the reclassification of the board.

105       12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
106 section to the contrary, in any county of the second classification with more than  
107 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
108 inhabitants or any county of the first classification with more than fifty thousand  
109 but fewer than seventy thousand inhabitants that has approved a sales tax under  
110 this section, the county commission shall appoint the members of the board to  
111 administer the funds and oversee the provision of emergency services in the  
112 county.

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

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

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

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

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

120 and

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

123       (3) Upon the appointment of the board under this subsection, the board  
124 shall have the power provided in section 190.339 and shall exercise all powers  
125 and duties exercised by the county commission under this chapter, and the  
126 commission shall relinquish all powers and duties relating to the provision of  
127 emergency services under this chapter to the board.

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

132       **(5) In any county with more than fifty thousand but fewer than**  
133 **seventy thousand inhabitants and with a county seat with more than**  
134 **two thousand one hundred but fewer than two thousand four hundred**  
135 **inhabitants, the entities listed in subdivision (2) of this subsection shall**  
136 **be represented by one member, and two members shall be residents of**  
137 **the county not affiliated with any of the entities listed in subdivision**  
138 **(2) of this subsection and shall be known as public members.**

190.400. As used in sections 190.400 to [190.440] **190.451**, the following  
2 words and terms shall mean:

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

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

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

10 (2) **"Communications service":**

11 (a) **Any service that:**

12 a. **Uses telephone numbers or their functional equivalents or**  
13 **successors;**

14 b. **Provides access to, and a connection or interface with, a 911**  
15 **system through the activation or enabling of a device, transmission**  
16 **medium, or technology that is used by a customer to dial, initialize, or**  
17 **otherwise activate the 911 system, regardless of the particular device,**  
18 **transmission medium, or technology employed;**

19 c. **Provides and enables real-time or interactive communications**  
20 **other than machine-to-machine communications; and**

21 d. **Is available to a prepaid user or a standard user;**

22 (b) **The term includes, but is not limited to, the following:**

23 a. **Internet protocol enabled services and applications that are**  
24 **provided through wireline, cable, wireless, or satellite facilities, or any**  
25 **other facility or platform that is capable of connecting and enabling a**  
26 **911 communication to a public safety answering point;**

27 b. **Commercial mobile radio service; and**

28 c. **Interconnected voice over internet protocol service and voice**  
29 **over power lines;**

30 (c) **The term does not include broadband internet access service;**

31 (d) **For purposes of this section, if a device that is capable of**  
32 **contacting 911 is permanently installed in a vehicle, it shall not be**  
33 **subject to this section unless the owner of such vehicle purchases or**  
34 **otherwise subscribes to a commercial mobile service as defined under**  
35 **47 U.S.C. Section 332(d) of the Telecommunications Act of 1996;**

36 (3) **"Provider or communications service provider", a person who**  
37 **provides retail communications services to the public that include 911**

38 **communications service including, but not limited to, a local exchange**  
39 **carrier, a wireless provider, and a voice over internet protocol**  
40 **provider, but only if such entity provides access to, and connection and**  
41 **interface with, a 911 communications service or its successor service;**

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

47 [(4)] (5) "Public safety answering point", the location at which 911 calls  
48 are [initially] answered;

49 [(5)] (6) "Subscriber", a person who contracts with and is billed  
50 by a provider for a retail communications service. In the case of  
51 wireless service and for purposes of section 190.450, the term  
52 "subscriber" means a person who contracts with a provider if the  
53 person's primary place of use is within the county or city imposing a  
54 monthly fee under section 190.450, and does not include subscribers to  
55 prepaid wireless service;

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

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

5 2. The director of the department of revenue shall deposit such payments  
6 into the [wireless service provider enhanced] **Missouri 911 service trust**  
7 fund. Moneys in the fund shall be used for the purpose of reimbursing  
8 expenditures actually incurred in the implementation and operation of the  
9 [wireless service provider enhanced] **Missouri 911 [system] systems and for**  
10 **the answering and dispatching of emergency calls as determined to be**  
11 **appropriate by the governing body of the county or city imposing the**  
12 **fee.**

13 3. Any unexpended balance in the fund shall be exempt from the  
14 provisions of section 33.080, relating to the transfer of unexpended balances to  
15 the general revenue fund, and shall remain in the fund. Any interest earned on

16 the moneys in the fund shall be deposited into the fund, and may be used to  
17 fund the study required under subsection 18 of section 190.450.

18 4. The moneys in the trust fund shall not be deemed to be state  
19 funds and shall not be commingled with any funds of the state. The  
20 director of revenue shall keep accurate records of the amount of  
21 moneys in the trust fund which were collected in each county, city not  
22 within a county, or home rule city with more than fifteen thousand but  
23 fewer than seventeen thousand inhabitants and partially located in any  
24 county of the third classification without a township form of  
25 government and with more than thirty-seven thousand but fewer than  
26 forty-one thousand inhabitants under sections 190.400 to 190.451, and  
27 the records shall be open to the inspection of officers of a participating  
28 county or city and the public.

190.450. 1. Except as provided under subsections 9 and 10 of this  
2 section, in lieu of the tax levy authorized under section 190.305 or  
3 190.325 or the sales tax imposed under section 190.292 or 190.335, the  
4 governing body of any county, city not within a county, or home rule  
5 city with more than fifteen thousand but fewer than seventeen  
6 thousand inhabitants and partially located in any county of the third  
7 classification without a township form of government and with more  
8 than thirty-seven thousand but fewer than forty-one thousand  
9 inhabitants may impose, by order or ordinance, a monthly fee on  
10 subscribers of any communications service that has been enabled to  
11 contact 911. The monthly fee authorized in this section shall not  
12 exceed one dollar and fifty cents and shall be assessed to the subscriber  
13 of the communications service, regardless of technology, based upon  
14 the number of active telephone numbers, or their functional  
15 equivalents or successors, assigned by the provider and capable of  
16 simultaneously contacting the public safety answering point; provided  
17 that, for multiline telephone systems and for facilities provisioned with  
18 capacity greater than a voice capable grade channel or its equivalent,  
19 regardless of technology, the charge shall be assessed on the number  
20 of voice-capable grade channels as provisioned by the provider that  
21 allow simultaneous contact with the public safety answering  
22 point. Only one fee may be assessed per active telephone number, or  
23 its functional equivalent or successor, used to provide a  
24 communications service. No fee imposed under this section shall be

25 imposed on more than one hundred voice-grade channels or their  
26 equivalent per person per location. Notwithstanding any provision to  
27 the contrary in this section, the monthly fee shall not be assessed on  
28 the provision of broadband internet access service. The fee shall be  
29 imposed solely for the purpose of funding 911 service in such county or  
30 city. The monthly fee authorized in this section shall be limited to one  
31 fee per device. The fee authorized in this section shall be in addition  
32 to all other taxes and fees imposed by law and may be stated separately  
33 from all other charges and taxes. The fee shall be the liability of the  
34 subscriber, not the provider, except that the provider shall be liable to  
35 remit all fees that the provider collects under this section.

36       2. No such order or ordinance adopted under this section shall  
37 become effective unless the governing body of the county or city  
38 submits to the voters residing within the county or city at a state  
39 general, primary, or special election a proposal to authorize the  
40 governing body to impose a fee under this section. The question  
41 submitted shall be in substantially the following form:

42       "Shall ..... (insert name of county or city) impose a monthly fee of  
43 ..... (insert amount) on a subscriber of any communications service that  
44 has been enabled to contact 911 for the purpose of funding 911 service  
45 in the ..... (county or city)?"

46                            YES                            NO

47 If a majority of the votes cast on the question by the qualified voters  
48 voting thereon are in favor of the question, then the fee shall become  
49 effective on the first day of the second calendar quarter after the  
50 director of revenue receives notification of adoption of the fee. If a  
51 majority of the votes cast on the question by the qualified voters voting  
52 thereon are opposed to the question, then the fee shall not become  
53 effective unless and until the question is resubmitted under this section  
54 to the qualified voters and such question is approved by a majority of  
55 the qualified voters voting on the question. The question shall not be  
56 resubmitted within three hundred fifty-nine days of the previous  
57 election at which a majority of the votes cast were opposed to the  
58 question.

59       3. Except as modified in this section, all provisions of sections  
60 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the



61 fee imposed under this section.

62 4. All revenue collected under this section by the director of the  
63 department of revenue on behalf of the county or city, except for two  
64 percent to be withheld by the provider for the cost of administering the  
65 collection and remittance of the fee and one percent for the cost of  
66 collection which shall be deposited in the state's general revenue fund,  
67 shall be deposited in the Missouri 911 service trust fund created in  
68 section 190.420. The director of the department of revenue shall remit  
69 such funds to the county or city on a monthly basis. The governing  
70 body of any such county or city shall control such funds remitted to the  
71 county or city unless the county or city has established an elected  
72 board for the purpose of administering such funds. In the event that  
73 any county or city has established a board under any other provision  
74 of state law for the purpose of administering funds for 911 service, such  
75 existing board may continue to perform such functions after the county  
76 or city has adopted the monthly fee under this section.

77 5. Nothing in this section imposes any obligation upon a provider  
78 of a communications service to take any legal action to enforce the  
79 collection of the tax imposed in this section. The tax shall be collected  
80 in compliance, as applicable, with the federal Mobile  
81 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as  
82 amended.

83 6. Notwithstanding any other provision of law to the contrary,  
84 proprietary information submitted under this section shall only be  
85 subject to subpoena or lawful court order. Information collected under  
86 this section shall only be released or published in aggregate amounts  
87 that do not identify or allow identification of numbers of subscribers  
88 or revenues attributable to an individual communications service  
89 provider.

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

95 (1) An act or omission in the development, design, installation,  
96 operation, maintenance, performance, or provision of service to a  
97 public safety answering point or to subscribers that use such service,

98 whether providing such service is required by law or is voluntary; or  
99 (2) The release of subscriber information to any governmental  
100 entity under this section unless such act, release of subscriber  
101 information, or omission constitutes gross negligence, recklessness, or  
102 intentional misconduct.

103 Nothing in this section is intended to void or otherwise override any  
104 contractual obligation pertaining to equipment or services sold to a  
105 public safety answering point by a communications service provider.  
106 No cause of action shall lie in any court of law against any provider of  
107 communications service, commercial mobile service, or other  
108 communications-related service, or its officers, employees, assignees,  
109 agents, vendors, or anyone acting on behalf of such persons, for  
110 providing call location information concerning the user of any such  
111 service in an emergency situation to a law enforcement official or  
112 agency in order to respond to a call for emergency service by a  
113 subscriber, customer, or user of such service or for providing caller  
114 location information or doing a ping locate in an emergency situation  
115 that involves danger of death or serious physical injury to any person  
116 where disclosure of communications relating to the emergency is  
117 required without delay, whether such provision of information is  
118 required by law or voluntary.

119 8. The fee imposed under this section shall not be imposed on  
120 customers who pay for service prospectively, known as purchasers of  
121 prepaid wireless telecommunications service customers.

122 9. No county or city shall submit a proposal to the voters under  
123 this section for a fee of more than one dollar until the county or city  
124 receives approval for the fee amount from the Missouri 911 service  
125 board established under section 650.325. Once a fee of more than one  
126 dollar has been approved by the Missouri 911 service board and the  
127 voters, the county or city shall not subsequently increase the fee until  
128 the increased fee amount has been approved by the Missouri 911  
129 service board and the voters under this section. Any county or city  
130 seeking to impose or increase a fee of more than one dollar shall submit  
131 to the Missouri 911 service board information to justify the fee  
132 amount. The information to be provided shall include, but not be  
133 limited to, the following:

134 (1) Estimated costs of services to be provided;

135           **(2) Estimated revenue from all sources intended to financially**  
136 **support the proposed 911 service;**

137           **(3) Prior revenue amounts and sources of financial support for**  
138 **the previously funded 911 or emergency dispatch service;**

139           **(4) Efforts to secure revenue to support the proposed 911 service**  
140 **other than the proposed fee under this section;**

141           **(5) Current level of 911 service provided and the proposed level**  
142 **of 911 service to be provided;**

143           **(6) Any previous efforts regarding the consolidation of 911**  
144 **services and any currently proposed efforts regarding the consolidation**  
145 **of 911 services; and**

146           **(7) Expected level of training of personnel and expected number**  
147 **of telecommunications per shift.**

148           **10. The fee imposed under this section shall not be imposed in**  
149 **conjunction with any tax imposed under section 190.292, 190.305,**  
150 **190.325, or 190.335. No county or city shall simultaneously impose more**  
151 **than one tax authorized in this section or section 190.292, 190.305,**  
152 **190.325, or 190.335. No fee imposed under this section shall be imposed**  
153 **on more than one hundred exchange access facilities or their**  
154 **equivalent per person per location.**

155           **11. No county shall submit a proposal to the voters of the county**  
156 **under this section or section 190.335 until the department of public**  
157 **safety has issued a state consolidation plan to the Missouri 911 service**  
158 **board and either:**

159           **(1) All providers of emergency telephone service as defined in**  
160 **section 190.300 and public safety answering point operations within the**  
161 **county are consolidated into one public agency as defined in section**  
162 **190.300 that provides emergency telephone service for the county; and**

163           **(2) The county develops a plan for consolidation of emergency**  
164 **telephone service as defined in section 190.300, and public safety**  
165 **answering point operations within the county are consolidated into one**  
166 **public agency as defined in section 190.300 that provides emergency**  
167 **telephone service for the county; or**

168           **(3) The county develops a plan for consolidation of emergency**  
169 **telephone service as defined in section 190.300 and public safety**  
170 **answering point operations within the county that includes either**  
171 **consolidation or entering into a shared services agreement for such**

172 services, which shall be implemented on approval of the fee by the  
173 voters.

174       12. Any plan developed under subdivision (2) or (3) of subsection  
175 11 of this section shall be filed with the Missouri 911 service board  
176 under subsection 4 of section 650.330, and the board shall review the  
177 plan to ensure it is not inconsistent with the state consolidation plan  
178 issued under subsection 18 of this section. Any plan that is filed under  
179 this subsection shall provide for the establishment of a joint emergency  
180 communications board as described in section 70.260. The director of  
181 the department of revenue shall not remit any funds as provided under  
182 this section until the department receives notification from the  
183 Missouri 911 service board that the county has filed a plan that is ready  
184 for implementation and that the board has received the state  
185 consolidation plan issued under subsection 18 of this section. If after  
186 one year following the enactment of the fee described in subsection 1  
187 of this section the county has not complied with the plan that the  
188 county submitted under subdivision (2) or (3) of subsection 11 of this  
189 section, but the county has substantially complied with the plan, then  
190 the Missouri 911 service board may grant the county an extension of up  
191 to six months to comply with its plan. Not more than one extension  
192 may be granted to a county. The authority to impose the fee granted  
193 to the county in subsection 1 of this section shall be null and void if  
194 after one year following the enactment of the fee described in  
195 subsection 1 of this section the county has not complied with the plan  
196 and has not been granted an extension by the Missouri 911 service  
197 board, or if the six-month extension expires and the county has not  
198 complied with the plan.

199       13. Each county that does not have a public agency as defined in  
200 section 190.300 that provides emergency telephone service as defined  
201 in section 190.300 for the county shall either:

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

205       (2) Form with one or more counties an emergency telephone  
206 services district in conjunction with any county with a public agency  
207 that provides emergency telephone service within the county. If such  
208 a district is formed under this subdivision, the governing body of such

209 district shall be the county commissioners of each county within the  
210 district, and each county within such district shall submit to the voters  
211 of the county a proposal to impose the fee under this section.

212 14. A county operating joint or shared emergency telephone  
213 service as defined in section 190.300 may submit to the voters of the  
214 county a proposal to impose the fee to support joint operations and  
215 further consolidation under this section.

216 15. All 911 fees shall be imposed as provided in the Mobile  
217 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as  
218 amended.

219 16. Nothing in subsections 11, 12, 13, and 14 of this section shall  
220 apply to a county with a charter form of government where all public  
221 safety answering points within the county utilize a common 911  
222 communication service as implemented by the appropriate local and  
223 county agencies prior to August 28, 2017.

224 17. No county which contains any portion of a home rule city  
225 with more than four hundred thousand inhabitants and located in more  
226 than one county shall submit a proposal to the voters under this section  
227 until the county and the home rule city with more than four hundred  
228 thousand inhabitants and located in more than one county enter into  
229 an agreement for equitable sharing of revenue under this section and  
230 section 190.451.

231 18. By December 31, 2017, the department of public safety shall  
232 complete a study of the number of public safety answering points  
233 necessary to provide the best possible 911 technology and service to all  
234 areas of the state in the most efficient and economical manner possible,  
235 issue a state public safety answering point consolidation plan based on  
236 the study, and provide such plan to the Missouri 911 service board.

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

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

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

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

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

9 (5) "Prepaid wireless telecommunications service", a wireless

10 telecommunications service that allows a caller to dial 911 to access the  
11 911 system and which service shall be paid for in advance and is sold  
12 in predetermined units or dollars of which the number declines with  
13 use in a known amount;

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

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

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

23 2. (1) Beginning January 1, 2018, there is hereby imposed a  
24 prepaid wireless emergency telephone service charge on each retail  
25 transaction. The amount of such charge shall be equal to three percent  
26 of each retail transaction. However, if a minimal amount of prepaid  
27 wireless telecommunications service is sold with a prepaid wireless  
28 device for a single nonitemized price, then the seller may elect not to  
29 apply such service charge to such transaction. For purposes of this  
30 subdivision, an amount of service denominated as ten or fewer minutes,  
31 or five dollars or less is minimal.

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

39 (3) For purposes of this subsection, a retail transaction that is  
40 effected in person by a consumer at a business location of the seller  
41 shall be treated as occurring in this state if that business location is in  
42 this state; and any other retail transaction shall be treated as occurring  
43 in this state if the retail transaction is treated as occurring in this state  
44 under state law.

45 (4) The prepaid wireless emergency telephone service charge is  
46 the liability of the consumer and not of the seller or of any provider;

47 except that, the seller shall be liable to remit all charges that the seller  
48 is deemed to collect if the amount of the charge has not been separately  
49 stated on an invoice, receipt, or other similar document provided to the  
50 consumer by the seller.

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

58 3. (1) Prepaid wireless emergency telephone service charges  
59 collected by sellers shall be remitted to the department at the times  
60 and in the manner provided by state law with respect to sales and use  
61 taxes. The department shall establish registration and payment  
62 procedures that substantially coincide with the registration and  
63 payment procedures that apply under state law.

64 (2) Beginning on January 1, 2018, and ending on January 31,  
65 2018, when a consumer purchases prepaid wireless telecommunications  
66 service in a retail transaction from a seller under this section, the  
67 seller shall be allowed to retain one hundred percent of the prepaid  
68 wireless emergency telephone service charges that are collected by the  
69 seller from the consumer. Beginning on February 1, 2018, a seller shall  
70 be permitted to deduct and retain three percent of prepaid wireless  
71 emergency telephone service charges that are collected by the seller  
72 from consumers.

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

78 (4) The department shall deposit all remitted prepaid wireless  
79 emergency telephone service charges into the general revenue fund for  
80 the department's use until eight hundred thousand one hundred fifty  
81 dollars is collected to reimburse its direct costs of administering the  
82 collection and remittance of prepaid wireless emergency telephone  
83 service charges. From then onward, the department shall deposit all

84 remitted prepaid wireless emergency telephone service charges into the  
85 Missouri 911 service trust fund created in section 190.420 within thirty  
86 days of receipt for use by the board. After the initial eight hundred  
87 thousand one hundred fifty dollars is collected, the department may  
88 deduct an amount not to exceed one percent of collected charges to be  
89 retained by the department to reimburse its direct costs of  
90 administering the collection and remittance of prepaid wireless  
91 emergency telephone service charges.

92 (5) The board shall set a rate between twenty-five and seventy-  
93 five percent of the prepaid wireless emergency telephone service  
94 charges deposited in the Missouri 911 service trust fund collected in  
95 counties without a charter form of government, less the deductions  
96 authorized in subdivision (4) of this subsection, that shall be remitted  
97 to such counties in direct proportion to the amount of charges collected  
98 in each county. The board shall set a rate between sixty-five and  
99 seventy-five percent of the prepaid wireless emergency telephone  
100 service charges deposited in the Missouri 911 service trust fund  
101 collected in counties with a charter form of government and any city  
102 not within a county, less the deductions authorized in subdivision (4)  
103 of this subsection, that shall be remitted to each such county or city not  
104 within a county in direct proportion to the amount of charges collected  
105 in each such county or city not within a county. The initial percentage  
106 rate set by the board for counties with and without a charter form of  
107 government and any city not within a county may be adjusted after  
108 three years, and thereafter the rate may be adjusted every two years;  
109 however, at no point shall the board set rates that fall below  
110 twenty-five percent for counties without a charter form of government  
111 and sixty-five percent for counties with a charter form of government  
112 and any city not within a county.

113 (6) Any amounts received by a county or city under subdivision  
114 (5) of this subsection shall be used only for purposes authorized in  
115 sections 190.305 and 190.335.

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

120 (2) A provider shall be entitled to the immunity and liability



121 **protections under section 190.450.**

122 **(3) In addition to the protection from liability provided in**  
123 **subdivisions (1) and (2) of this subsection, each provider and seller and**  
124 **its officers, employees, assigns, agents, vendors, or anyone acting on**  
125 **behalf of such persons shall be entitled to the further protection from**  
126 **liability, if any, that is provided to providers and sellers of wireless**  
127 **telecommunications service that is not prepaid wireless**  
128 **telecommunications service under section 190.450.**

129 **5. The prepaid wireless emergency telephone service charge**  
130 **imposed by this section shall be in addition to any other tax, fee,**  
131 **surcharge, or other charge imposed by this state, any political**  
132 **subdivision of this state, or any intergovernmental agency for 911**  
133 **funding purposes, except that such prepaid wireless emergency**  
134 **telephone service charge shall be charged in lieu of, and not imposed**  
135 **in addition to, any tax imposed under sections 190.292 or 190.335.**

136 **6. The provisions of this section shall expire on December 31,**  
137 **2024.**

**190.455. 1. In order to provide the best possible 911 technology**  
2 **and service to all areas of the state in the most efficient and economical**  
3 **manner possible, it is the public policy of this state to encourage the**  
4 **consolidation of emergency communications operations.**

5 **2. Any county, city, or 911 or emergency services board**  
6 **established under chapter 190 or under section 321.243 may contract**  
7 **and cooperate with any other county, city, or 911 or emergency services**  
8 **board established under chapter 190 or under section 321.243 as**  
9 **provided in sections 70.210 to 70.320. Any contracting counties or**  
10 **boards may seek assistance and advice from the Missouri 911 service**  
11 **board established in section 650.325 regarding the terms of the joint**  
12 **contract and the administration and operation of the contracting**  
13 **counties, cities, and boards.**

14 **3. If two or more counties, cities, 911 districts, or existing**  
15 **emergency communications entities desire to consolidate their**  
16 **emergency communications operations, a joint emergency**  
17 **communications entity may be established by the parties through an**  
18 **agreement identifying the conditions and provisions of the**  
19 **consolidation and the operation of the joint entity. This agreement may**  
20 **include the establishment of a joint governing body that may be**

21 comprised of the boards of the entities forming the agreement currently  
22 authorized by statute or an elected or appointed joint board authorized  
23 in section 70.260; provided that, the representation on the joint board  
24 of each of the entities forming the agreement shall be equal. If the  
25 entities entering into an agreement under this subsection decide that  
26 any 911 service center responsible for the answering of 911 calls and  
27 the dispatch of assistance shall be physically located in a county other  
28 than a county with the lowest average county wage from the set of  
29 counties where the entities entering into an agreement under this  
30 subsection are located in whole or part, then such entities shall provide  
31 a written reason for this decision to the Missouri 911 service board and  
32 such document shall be a public record under chapter 610. The county  
33 average wage comparison shall be conducted using the information  
34 from the Missouri department of economic development, which  
35 calculates such county average wages under section 135.950.

36 4. After August 28, 2017, no public safety answering point  
37 operation may be established as a result of its separation from an  
38 existing public safety answering point operation without a study by  
39 and the approval of the Missouri 911 service board.

40 5. No provision of this law shall be construed to prohibit or  
41 discourage in any manner the formation of multiagency or  
42 multijurisdictional public safety answering point operations.

190.460. 1. As an alternative to the procedure provided in  
2 section 190.455, two or more 911 central dispatch centers that are  
3 organized under sections 190.327 to 190.329 or section 190.335 and  
4 funded by public taxes may consolidate into one 911 central dispatch  
5 center by following the procedures set forth in this section.

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

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

15 "We, the undersigned voters residing in the service areas for the

16 following 911 central dispatch centers, do hereby petition that the  
17 following existing 911 central dispatch centers be consolidated into one  
18 911 central dispatch center."

19 4. An alternative procedure of consolidation may be followed if  
20 each of the boards of directors of the existing 911 central dispatch  
21 centers passes a resolution in the following form:

22 "The board of directors of the ..... 911 central dispatch center  
23 resolves that the ..... and ..... 911 central dispatch centers be  
24 consolidated into one consolidated 911 central dispatch center."

25 5. Upon the filing of a petition or resolution with the county  
26 clerk from each of the service areas of the 911 central dispatch centers  
27 to be consolidated, the clerk shall present the petition or resolution to  
28 the commissioners of the county commission having jurisdiction, who  
29 shall thereupon order the submission of the question to voters within  
30 the affected 911 central dispatch center service areas. The filing of a  
31 petition shall be no later than twelve months after any original voter's  
32 signature contained therein.

33 6. The notice of election shall contain the names of the existing  
34 911 central dispatch centers to be included in the consolidated 911  
35 central dispatch center.

36 7. The question shall be submitted in substantially the following  
37 form:

38 "Shall the existing ..... 911 central dispatch centers be  
39 consolidated into one 911 central dispatch center?"

40  YES  NO

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

45 9. Within thirty days after the 911 central dispatch center has  
46 been declared consolidated, the respective county commissions having  
47 jurisdiction shall jointly meet to appoint a new seven-person board  
48 consisting of the agencies and professions listed in subsection 9 of  
49 section 190.335, and shall ensure geographic representation by  
50 appointing no more than four members from any one county having  
51 jurisdiction within the consolidated area for the newly consolidated 911

52 central dispatch center.

53           10. Within thirty days after the appointment of the initial board  
54 of directors of the newly consolidated 911 central dispatch center, the  
55 board of directors shall meet at a time and place designated by the  
56 county commissions. At the first meeting, the newly appointed board  
57 of directors shall choose a name for the consolidated 911 central  
58 dispatch center and shall notify the clerks of the county commission of  
59 each county within which the newly consolidated 911 central dispatch  
60 center's service area now subsumes.

61           11. Starting with the April election in the year after the  
62 appointment of the initial board of directors, one member shall be  
63 subject to running at large as chair for a four-year term. Four members  
64 shall be selected by lot to run for two-year terms, and two members  
65 shall be selected by lot to run for four-year terms. Thereafter, all terms  
66 shall be four-year terms.

67           12. On the thirtieth day following the appointment of the initial  
68 board of directors, the existing 911 central dispatch centers shall cease  
69 to exist and the consolidated 911 central dispatch center shall assume  
70 all of the powers and duties exercised by the 911 central dispatch  
71 centers. All assets and obligations of the existing 911 central dispatch  
72 centers shall become the assets and obligations of the newly  
73 consolidated 911 central dispatch center.

74           13. In any county that has a single board established under  
75 chapter 190 or under section 321.243, if a consolidation under this  
76 section only affects existing 911 central dispatch centers located wholly  
77 within said county, then the existing board shall vote as to whether the  
78 existing board shall continue to exist. Upon a majority vote for  
79 approval of the existing board continuing to exist, subsections 9 to 12  
80 of this section shall not apply, and the existing board shall continue to  
81 exist and have the powers set forth under the applicable section or  
82 sections within chapter 190 or under section 321.243. Upon a majority  
83 vote in disapproval of the existing board continuing to exist, all  
84 applicable subsections of this section shall apply to the consolidation.  
85 A tied vote shall be considered a disapproval of the existing board  
86 continuing to exist.

          190.475. The director of the department of revenue shall  
2 maintain a centralized database, which shall be made available to the

3 **Missouri 911 service board established under section 650.325, specifying**  
4 **the current monthly fee or tax imposed by each county or city under**  
5 **section 190.292, 190.305, 190.325, 190.335, or 190.450. The database shall**  
6 **be updated no less than sixty days prior to the effective date of the**  
7 **establishment or modification of any monthly fee or tax listed in the**  
8 **database.**

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

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

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

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

650.325. There is hereby established within the department of public  
2 safety the ["Advisory Committee for 911 Service Oversight"] **"Missouri 911**  
3 **Service Board"** which is charged with assisting and advising the state in  
4 ensuring the availability, implementation and enhancement of a statewide  
5 emergency telephone number common to all jurisdictions through research,  
6 planning, training, and education, **but shall have no authority over**  
7 **communications service providers as defined in section 190.400.** The  
8 [committee for 911 service oversight] **board** shall represent all entities and  
9 jurisdictions before appropriate policy-making authorities and the general  
10 assembly and shall strive toward the immediate access to emergency services for  
11 all citizens of this state, **including text to 911.**

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

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

8 (2) One member chosen to represent the Missouri [public service  
9 commission] **911 Directors Association;**

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

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

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

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

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

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

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

26 [(10)] (9) One member chosen to represent [911 service providers in]  
27 counties of the second, third, and fourth classification;

28 [(11)] (10) One member chosen to represent [911 service providers in]  
29 counties of the first classification, **counties** with [and without] a charter [forms]  
30 **form** of government, and cities not within a county;

31 [(12)] (11) One member chosen to represent telecommunications service  
32 providers [with at least one hundred thousand access lines located within  
33 Missouri];

34 [(13)] (12) One member chosen to represent **wireless**  
35 telecommunications service providers [with less than one hundred thousand  
36 access lines located within Missouri];

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

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

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

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

46           2. Each of the members of the [committee for 911 service oversight]  
47 **board** shall be appointed by the governor with the advice and consent of the  
48 senate for a term of four years[; except that, of those members first appointed,  
49 four members shall be appointed to serve for one year, four members shall be  
50 appointed to serve for two years, four members shall be appointed to serve for  
51 three years and four members shall be appointed to serve for four  
52 years]. Members of the committee may serve multiple terms. **No corporation**  
53 **or its affiliate shall have more than one officer, employee, assign, agent,**  
54 **or other representative serving as a member of the**  
55 **board. Notwithstanding subsection 1 of this section to the contrary, all**  
56 **members appointed as of August 28, 2017, shall continue to serve the**  
57 **remainder of their terms.**

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

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

65           (1) Organize and adopt standards governing the [committee's] **board's**  
66 formal and informal procedures;

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

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

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

76           (5) Provide assistance to the governor and the general assembly regarding  
77 911 services;

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

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

82           (8) Perform other duties as necessary to promote successful development,  
83 implementation and operation of 911 systems across the state, **including**  
84 **monitoring federal and industry standards being developed for next**  
85 **generation 911 systems; [and]**

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

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

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

92           **(12) Administer and authorize grants and loans under section**  
93 **650.335 to those counties and any home rule city with more than fifteen**  
94 **thousand but fewer than seventeen thousand inhabitants and partially**  
95 **located in any county of the third classification without a township**  
96 **form of government and with more than thirty-seven thousand but**  
97 **fewer than forty-one thousand inhabitants that can demonstrate a**  
98 **financial commitment to improving 911 services by providing at least**  
99 **a fifty percent match and demonstrate the ability to operate and**  
100 **maintain ongoing 911 services. The purpose of grants and loans from**  
101 **the 911 service trust fund shall include:**

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

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

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

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

108           **(e) Implementation of initial emergency medical dispatch**  
109 **services including prearrival medical instructions in counties where**  
110 **those services are not offered as of July 1, 2017;**

111           **(13) Develop an application process including reporting and**  
112 **accountability requirements, withholding a portion of the grant until**  
113 **completion of a project, and other measures to ensure funds are used**  
114 **in accordance with the law and purpose of the grant, then conduct**  
115 **audits as deemed necessary;**

116           **(14) Report to the governor and the general assembly at least**  
117 **every three years on the status of 911 services statewide, as well as**  
118 **specific efforts to improve efficiency, cost-effectiveness, and levels of**



119 service;

120 (15) Conduct and review an annual survey of public safety  
121 answering points in Missouri to evaluate potential for improved  
122 services, coordination, and feasibility of consolidation;

123 (16) Set the percentage rate of the prepaid wireless emergency  
124 telephone service charges to be remitted to a county or city as provided  
125 under subdivision (5) of subsection 3 of section 190.451;

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

129 (18) Approve a proposal of a county or city to impose a fee of  
130 more than one dollar under section 190.450;

131 (19) Retain in its records proposed county plans developed under  
132 subsection 11 of section 190.450 and notify the department of revenue  
133 that the county has filed a plan that is ready for implementation;

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

140 (21) Develop a plan and timeline of target dates for the testing,  
141 implementation, and operation of a next generation 911 system  
142 throughout Missouri. The next generation 911 system shall allow for  
143 the processing of electronic messages including, but not limited to,  
144 electronic messages containing text, images, video, or data.

145 5. The department of public safety shall provide staff assistance to the  
146 [committee for 911 service oversight] **board** as necessary in order for the  
147 [committee] **board** to perform its duties pursuant to sections 650.320 to 650.340.  
148 **The board shall have the authority to hire consultants to administer**  
149 **the provisions of sections 650.320 to 650.340.**

150 6. The [department of public safety is authorized to adopt those] **board**  
151 **shall promulgate rules and regulations** that are reasonable and necessary [to  
152 accomplish the limited duties specifically delegated within section] **to**  
153 **implement and administer the provisions of sections 650.320 to**  
154 **650.340.** Any rule or portion of a rule, as that term is defined in section 536.010,  
155 shall become effective only if it has been promulgated pursuant to the provisions

156 of chapter 536. This section and chapter 536 are nonseverable, and if any of the  
157 powers vested with the general assembly pursuant to chapter 536 to review, to  
158 delay the effective date or to disapprove and annul a rule are subsequently held  
159 unconstitutional, then the grant of rulemaking authority and any rule proposed  
160 or adopted after August 28, [1999] 2017, shall be invalid and void.

**650.335. 1. Any county or any home rule city with more than  
2 fifteen thousand but fewer than seventeen thousand inhabitants and  
3 partially located in any county of the third classification without a  
4 township form of government and with more than thirty-seven  
5 thousand but fewer than forty-one thousand inhabitants, when the  
6 prepaid wireless emergency telephone service charge is collected in the  
7 county or city, may submit an application for loan funds or other  
8 financial assistance to the board for the purpose of financing all or a  
9 portion of the costs incurred in implementing a 911 communications  
10 service project. The application shall be accompanied by a technical  
11 assistance report. The application and the technical assistance report  
12 shall be in such form and contain such information, financial or  
13 otherwise, as prescribed by the board. This section shall not preclude  
14 any applicant or borrower from joining in a cooperative project with  
15 any other political subdivision or with any state or federal agency or  
16 entity in a 911 communications service project, provided that all other  
17 requirements of this section have been met.**

**18 2. Applications may be approved for loans only in those instances  
19 where the applicant has furnished the board information satisfactory  
20 to assure that the project cost will be recovered during the repayment  
21 period of the loan. In no case shall a loan be made to an applicant  
22 unless the approval of the governing body of the applicant to the loan  
23 agreement is obtained and a written certification of such approval is  
24 provided, where applicable. Repayment periods are to be determined  
25 by the board.**

**26 3. The board shall approve or disapprove all applications for  
27 loans which are sent by certified or registered mail or hand delivered  
28 and received by the board upon a schedule as determined by the board.**

**29 4. Each applicant to whom a loan has been made under this  
30 section shall repay such loan, with interest. The rate of interest shall  
31 be the rate required by the board. The number, amounts, and timing  
32 of the payments shall be as determined by the board.**

33           **5. Any applicant who receives a loan under this section shall**  
34 **annually budget an amount which is at least sufficient to make the**  
35 **payments required under this section.**

36           **6. Repayment of principal and interest on loans shall be credited**  
37 **to the Missouri 911 service trust fund established under section 190.420.**

38           **7. If a loan recipient fails to remit a payment to the board in**  
39 **accordance with this section within sixty days of the due date of such**  
40 **payment, the board shall notify the director of the department of**  
41 **revenue to deduct such payment amount from first, the prepaid**  
42 **wireless emergency telephone service charge remitted to the county or**  
43 **city under section 190.451; and if insufficient to affect repayment of the**  
44 **loan, next, the regular apportionment of local sales tax distributions to**  
45 **that county or city. Such amount shall then immediately be deposited**  
46 **in the Missouri 911 service trust fund and credited to the loan**  
47 **recipient.**

48           **8. All applicants having received loans under this section shall**  
49 **remit the payments required by subsection 4 of this section to the**  
50 **board or such other entity as may be directed by the board. The board**  
51 **or such other entity shall immediately deposit such payments in the**  
52 **Missouri 911 service trust fund.**

53           **9. Loans made under this section shall be used only for the**  
54 **purposes specified in an approved application or loan agreement. In**  
55 **the event the board determines that loan funds have been expended for**  
56 **purposes other than those specified in an approved application or loan**  
57 **agreement or any event of default of the loan agreement occurs without**  
58 **resolution, the board shall take appropriate actions to obtain the**  
59 **return of the full amount of the loan and all moneys duly owed or other**  
60 **available remedies.**

61           **10. Upon failure of a borrower to remit repayment to the board**  
62 **within sixty days of the date a payment is due, the board may initiate**  
63 **collection or other appropriate action through the provisions outlined**  
64 **in subsection 7 of this section, if applicable.**

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

69           **12. The board may, at its discretion, audit the expenditure of any**

70 **loan, grant, or expenditure made or the computation of any payments**  
71 **made.**

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

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

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

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

18 4. Any person employed as a telecommunicator on August 28, 1999, shall  
19 not be required to complete the training requirement as provided in subsection  
20 2 of this section. Any person hired as a telecommunicator after August 28, 1999,  
21 shall complete the training requirements as provided in subsection 2 of this  
22 section within twelve months of the date such person is employed as a  
23 telecommunicator.

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

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

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

**Section 1. The state auditor shall have the authority to conduct performance and fiscal audits of any board, dispatch center, joint emergency communications entity, or trust fund established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, or 650.325.**

[190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.]

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

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

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

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

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

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

31                   3. The board shall do the following:

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

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

38                   (3) Advise the office of administration regarding  
39                   implementation of Federal Communications Commission order  
40                   94-102; and

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

46                   4. The director of the department of public safety shall  
47                   provide and coordinate staff and equipment services to the board  
48                   to facilitate the board's duties.]

                  [190.430. 1. The commissioner of the office of  
2                   administration is authorized to establish a fee, if approved by the  
3                   voters pursuant to section 190.440, not to exceed fifty cents per  
4                   wireless telephone number per month to be collected by wireless  
5                   service providers from wireless service customers.

6           2. The office of administration shall promulgate rules and  
7 regulations to administer the provisions of sections 190.400 to  
8 190.440. Any rule or portion of a rule, as that term is defined in  
9 section 536.010, that is promulgated pursuant to the authority  
10 delegated in sections 190.400 to 190.440 shall become effective only  
11 if it has been promulgated pursuant to the provisions of chapter  
12 536. All rulemaking authority delegated prior to July 2, 1998, is  
13 of no force and effect and repealed; however, nothing in this section  
14 shall be interpreted to repeal or affect the validity of any rule filed  
15 or adopted prior to July 2, 1998, if it fully complied with the  
16 provisions of chapter 536. This section and chapter 536 are  
17 nonseverable and if any of the powers vested with the general  
18 assembly pursuant to chapter 536 to review, to delay the effective  
19 date or to disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any  
21 rule proposed or adopted after July 2, 1998, shall be invalid and  
22 void.

23           3. The office of administration is authorized to administer  
24 the fund and to distribute the moneys in the wireless service  
25 provider enhanced 911 service fund for approved expenditures as  
26 follows:

27           (1) For the reimbursement of actual expenditures for  
28 implementation of wireless enhanced 911 service by wireless  
29 service providers in implementing Federal Communications  
30 Commission order 94-102; and

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

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

37           (b) The population of the public safety answering point  
38 jurisdiction;

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

41           (d) Any other criteria found to be valid by the office of

42 administration provided that of the total amount of the funds used  
43 to subsidize and assist the public safety answering points, at least  
44 ten percent of said funds shall be distributed equally among all  
45 said public safety answering points providing said services under  
46 said section;

47 (3) For the reimbursement of actual expenditures for  
48 equipment for implementation of wireless enhanced 911 service by  
49 public safety answering points to the extent that funds are  
50 available, provided that ten percent of funds distributed to public  
51 safety answering points shall be distributed in equal amounts to  
52 each public safety answering point participating in enhanced 911  
53 service;

54 (4) Notwithstanding any other provision of the law, no  
55 proprietary information submitted pursuant to this section shall be  
56 subject to subpoena or otherwise released to any person other than  
57 to the submitting wireless service provider, without the express  
58 permission of said wireless service provider. General information  
59 collected pursuant to this section shall only be released or  
60 published in aggregate amounts which do not identify or allow  
61 identification of numbers of subscribers or revenues attributable to  
62 an individual wireless service provider.

63 4. Wireless service providers are entitled to retain one  
64 percent of the surcharge money they collect for administrative costs  
65 associated with billing and collection of the surcharge.

66 5. No more than five percent of the moneys in the fund,  
67 subject to appropriation by the general assembly, shall be retained  
68 by the office of administration for reimbursement of the costs of  
69 overseeing the fund and for the actual and necessary expenses of  
70 the board.

71 6. The office of administration shall review the distribution  
72 formula once every year and may adjust the amount of the fee  
73 within the limits of this section, as determined necessary.

74 7. The provisions of sections 190.307 and 190.308 shall be  
75 applicable to programs and services authorized by sections 190.400  
76 to 190.440.

77 8. Notwithstanding any other provision of the law, in no



78 event shall any wireless service provider, its officers, employees,  
79 assigns or agents, be liable for any form of civil damages or  
80 criminal liability which directly or indirectly result from, or is  
81 caused by, an act or omission in the development, design,  
82 installation, operation, maintenance, performance or provision of  
83 911 service or other emergency wireless two- and three-digit  
84 wireless numbers, unless said acts or omissions constitute gross  
85 negligence, recklessness or intentional misconduct. Nor shall any  
86 wireless service provider, its officers, employees, assigns, or agents  
87 be liable for any form of civil damages or criminal liability which  
88 directly or indirectly result from, or is caused by, the release of  
89 subscriber information to any governmental entity as required  
90 under the provisions of this act unless the release constitutes gross  
91 negligence, recklessness or intentional misconduct.]

2 [190.440. 1. The office of administration shall not be  
3 authorized to establish a fee pursuant to the authority granted in  
4 section 190.430 unless a ballot measure is submitted and approved  
5 by the voters of this state. The ballot measure shall be submitted  
6 by the secretary of state for approval or rejection at the general  
7 election held and conducted on the Tuesday immediately following  
8 the first Monday in November, 1998, or at a special election to be  
9 called by the governor on the ballot measure. If the measure is  
10 rejected at such general or special election, the measure may be  
11 resubmitted at each subsequent general election, or may be  
12 resubmitted at any subsequent special election called by the  
13 governor on the ballot measure, until such measure is approved.

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

16 Shall the Missouri Office of Administration be authorized to  
17 establish a fee of up to fifty cents per month to be charged every  
18 wireless telephone number for the purpose of funding wireless  
19 enhanced 911 service?

20  YES  NO

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

23                   3. If a majority of the votes cast on the ballot measure by  
24                   the qualified voters voting thereon are in favor of such measure,  
25                   then the office of administration shall be authorized to establish a  
26                   fee pursuant to section 190.430, and the fee shall be effective on  
27                   January 1, 1999, or the first day of the month occurring at least  
28                   thirty days after the approval of the ballot measure. If a majority  
29                   of the votes cast on the ballot measure by the qualified voters  
30                   voting thereon are opposed to the measure, then the office of  
31                   administration shall have no power to establish the fee unless and  
32                   until the measure is approved.]

✓