

SECOND REGULAR SESSION

SENATE BILL NO. 854

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 3, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5587S.011

AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen 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190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.420, 190.455, 190.460, 190.465, 190.470, 190.475, 650.330, and 650.335, 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;**

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

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

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

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

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 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, 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 all powers and duties to**
48 **the board and no longer exercise the duties prescribed in this chapter**
49 **with regard to the provision of central dispatching service and such**
50 **duties shall be 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 **or**

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 this subdivision; 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 this subdivision.**

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 190.470, 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 190.470, 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.**

190.334. The state auditor shall have the authority to conduct
2 performance and fiscal audits of any board, dispatch center, joint emergency
3 communications entity, or trust fund established under section 190.327, 190.328,
4 190.329, 190.335, 190.420, 190.455, 190.460, **190.465, 190.470**, or 650.325.

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 under this**
79 **section consolidates with a board established under this section,**
80 **section 190.327, or section 190.328, under the provisions of section**
81 **190.470, the term of office for the existing board members shall end on**
82 **the thirtieth day following the appointment of the initial board of**
83 **directors for the consolidated district.** Notwithstanding any other provision
84 of law, if there is no candidate for an open position on the board, then no election
85 shall be held for that position and it shall be considered vacant, to be filled
86 pursuant to the provisions of section 190.339, and, if there is only one candidate
87 for each open position, no election shall be held and the candidate or candidates
88 shall assume 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] **190.460**, 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; and**

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**
37 **who provides retail communications services to the public that include**

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

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

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

50 [(5)] (6) "Subscriber", a person who contracts with and is billed
51 by a provider for a retail communications service. In the case of
52 wireless service and for purposes of section 190.455, the term
53 "subscriber" means a person who contracts with a provider if the
54 person's primary place of use is within the county or city imposing a
55 monthly fee under section 190.455, and does not include subscribers to
56 prepaid wireless service;

57 (7) "Wireless service provider", a provider of commercial mobile service
58 pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47
59 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] **190.460** 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.

17 **4. The moneys in the trust fund shall not be deemed to be state**
18 **funds and shall not be commingled with any funds of the state. The**
19 **director of revenue shall keep accurate records of the amount of**
20 **moneys in the trust fund which were collected in each county, city not**
21 **within a county, or home rule city with more than fifteen thousand but**
22 **fewer than seventeen thousand inhabitants and partially located in any**
23 **county of the third classification without a township form of**
24 **government and with more than thirty-seven thousand but fewer than**
25 **forty-one thousand inhabitants under sections 190.400 to 190.460, and**
26 **the records shall be open to the inspection of officers of a participating**
27 **county or city and the public.**

190.455. 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 of
27 this section to the contrary, 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 If a majority of the votes cast on the question by the qualified voters
47 voting thereon are in favor of the question, the fee shall become
48 effective on the first day of the second calendar quarter after the
49 director of revenue receives notification of adoption of the fee. If a
50 majority of the votes cast on the question by the qualified voters voting
51 thereon are opposed to the question, the fee shall not become effective
52 unless and until the question is resubmitted under this section to the
53 qualified voters and such question is approved by a majority of the
54 qualified voters voting on the question.

55 3. Except as modified in this section, all provisions of sections
56 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the
57 fee imposed under this section.

58 4. All revenue collected under this section by the director of the
59 department of revenue on behalf of the county or city, except for two
60 percent to be withheld by the provider for the cost of administering the
61 collection and remittance of the fee, and one percent for the cost of

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

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

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

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

91 (1) An act or omission in the development, design, installation,
92 operation, maintenance, performance, or provision of service to a
93 public safety answering point or to subscribers that use such service,
94 whether providing such service is required by law or is voluntary; or

95 (2) The release of subscriber information to any governmental
96 entity under this section unless such act, release of subscriber
97 information, or omission constitutes gross negligence, recklessness, or
98 intentional misconduct.

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

115 **8. The fee imposed under this section shall not be imposed on**
116 **customers who pay for service prospectively, including customers of**
117 **prepaid wireless telecommunications service.**

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

130 **(1) Estimated costs of services to be provided;**

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

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

135 **(4) Efforts to secure revenue to support the proposed 911 service**

136 other than the proposed fee under this section;

137 (5) Current level of 911 service provided and the proposed level
138 of 911 service to be provided;

139 (6) Any previous efforts regarding the consolidation of 911
140 services and any currently proposed efforts regarding the consolidation
141 of 911 services; and

142 (7) Expected level of training of personnel and expected number
143 of telecommunications per shift.

144 10. The fee imposed under this section shall not be imposed in
145 conjunction with any tax imposed under section 190.292, 190.305,
146 190.325, or 190.335. No county or city shall simultaneously impose more
147 than one tax authorized in this section or section 190.292, 190.305,
148 190.325, or 190.335. No fee imposed under this section shall be imposed
149 on more than one hundred exchange access facilities or their
150 equivalent per person per location.

151 11. No county shall submit a proposal to the voters of the county
152 under this section or section 190.335 until either:

153 (1) All providers of emergency telephone service as defined in
154 section 190.300 and public safety answering point operations within the
155 county are consolidated into one public agency as defined in section
156 190.300 that provides emergency telephone service for the county;

157 (2) The county develops a plan for consolidation of emergency
158 telephone service, as defined in section 190.300, and public safety
159 answering point operations within the county are consolidated into one
160 public agency, as defined in section 190.300, that provides emergency
161 telephone service for the county; or

162 (3) The county develops a plan for consolidation of emergency
163 telephone service, as defined in section 190.300, and public safety
164 answering point operations within the county that includes either
165 consolidation or entering into a shared services agreement for such
166 services, which shall be implemented on approval of the fee by the
167 voters.

168 12. Any plan developed under subdivision (2) or (3) of subsection
169 11 of this section shall be filed with the Missouri 911 service board
170 under subsection 4 of section 650.330. Any plan that is filed under this
171 subsection shall provide for the establishment of a joint emergency
172 communications board as described in section 70.260. The director of

173 the department of revenue shall not remit any funds as provided under
174 this section until the department receives notification from the
175 Missouri 911 service board that the county has filed a plan that is ready
176 for implementation. If, after one year following the enactment of the
177 fee described in subsection 1 of this section, the county has not
178 complied with the plan that the county submitted under subdivision (2)
179 or (3) of subsection 11 of this section, but the county has substantially
180 complied with the plan, the Missouri 911 service board may grant the
181 county an extension of up to six months to comply with its plan. Not
182 more than one extension may be granted to a county. The authority to
183 impose the fee granted to the county in subsection 1 of this section
184 shall be null and void if after one year following the enactment of the
185 fee described in subsection 1 of this section the county has not
186 complied with the plan and has not been granted an extension by the
187 Missouri 911 service board, or if the six-month extension expires and
188 the county has not complied with the plan.

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

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

195 (2) Form with one or more counties an emergency telephone
196 services district in conjunction with any county with a public agency
197 that provides emergency telephone service within the county. If such
198 a district is formed under this subdivision, the governing body of such
199 district shall be the county commissioners of each county within the
200 district, and each county within such district shall submit to the voters
201 of the county a proposal to impose the fee under this section.

202 14. A county operating joint or shared emergency telephone
203 service, as defined in section 190.300, may submit to the voters of the
204 county a proposal to impose the fee to support joint operations and
205 further consolidation under this section.

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

209 16. Nothing in subsections 11, 12, 13, and 14 of this section shall

210 apply to a county with a charter form of government where all public
211 safety answering points within the county utilize a common 911
212 communication service as implemented by the appropriate local and
213 county agencies prior to August 28, 2018.

214 17. No county which contains any portion of a home rule city
215 with more than four hundred thousand inhabitants and located in more
216 than one county shall submit a proposal to the voters under this section
217 until the county and the home rule city with more than four hundred
218 thousand inhabitants and located in more than one county enter into
219 an agreement for equitable sharing of revenue under this section and
220 section 190.460.

190.460. 1. As used in this section, the following terms

2 mean:

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

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

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

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

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

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

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

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

24 2. (1) Beginning January 1, 2019, there is hereby imposed a
25 prepaid wireless emergency telephone service charge on each retail
26 transaction. The amount of such charge shall be equal to three percent

27 of each retail transaction. However, if a minimal amount of prepaid
28 wireless telecommunications service is sold with a prepaid wireless
29 device for a single nonitemized price, the seller may elect not to apply
30 such service charge to such transaction. For purposes of this
31 subdivision, an amount of service denominated as ten or fewer minutes,
32 or five dollars or less, is minimal.

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

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

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

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

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

64 payment procedures that apply under state law.

65 (2) Beginning on January 1, 2019, and ending on January 31,
66 2019, when a consumer purchases prepaid wireless telecommunications
67 service in a retail transaction from a seller under this section, the
68 seller shall be allowed to retain one hundred percent of the prepaid
69 wireless emergency telephone service charges that are collected by the
70 seller from the consumer. Beginning on February 1, 2019, a seller shall
71 be permitted to deduct and retain three percent of prepaid wireless
72 emergency telephone service charges that are collected by the seller
73 from consumers.

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

79 (4) The department shall deposit all remitted prepaid wireless
80 emergency telephone service charges into the general revenue fund for
81 the department's use until eight hundred thousand one hundred fifty
82 dollars is collected to reimburse its direct costs of administering the
83 collection and remittance of prepaid wireless emergency telephone
84 service charges. From then onward, the department shall deposit all
85 remitted prepaid wireless emergency telephone service charges into the
86 Missouri 911 service trust fund created under section 190.420 within
87 thirty days of receipt for use by the board. After the initial eight
88 hundred thousand one hundred fifty dollars is collected, the
89 department may deduct an amount not to exceed one percent of
90 collected charges to be retained by the department to reimburse its
91 direct costs of administering the collection and remittance of prepaid
92 wireless emergency telephone service charges.

93 (5) The board shall set a rate between twenty-five and seventy-
94 five percent of the prepaid wireless emergency telephone service
95 charges deposited in the Missouri 911 service trust fund collected in
96 counties without a charter form of government, less the deductions
97 authorized in subdivision (4) of this subsection, that shall be remitted
98 to such counties in direct proportion to the amount of charges collected
99 in each county. The board shall set a rate between sixty-five and
100 seventy-five percent of the prepaid wireless emergency telephone

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

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

117 4. (1) A seller that is not a provider shall be entitled to the
118 immunity and liability protections under section 190.455,
119 notwithstanding any requirement in state law regarding compliance
120 with Federal Communications Commission Order 05-116.

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

123 (3) In addition to the protection from liability provided in
124 subdivisions (1) and (2) of this subsection, each provider and seller and
125 its officers, employees, assigns, agents, vendors, or anyone acting on
126 behalf of such persons shall be entitled to the further protection from
127 liability, if any, that is provided to providers and sellers of wireless
128 telecommunications service that is not prepaid wireless
129 telecommunications service under section 190.455.

130 5. The prepaid wireless emergency telephone service charge
131 imposed by this section shall be in addition to any other tax, fee,
132 surcharge, or other charge imposed by this state, any political
133 subdivision of this state, or any intergovernmental agency for 911
134 funding purposes.

190.465. 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 section 321.243 may contract and
7 cooperate with any other county, city, or 911 or emergency services
8 board established under chapter 190 or section 321.243 as provided in
9 sections 70.210 to 70.320. Any contracting counties or boards may seek
10 assistance and advice from the Missouri 911 service board established
11 in section 650.325 regarding the terms of the joint contract and the
12 administration and operation of the contracting counties, cities, and
13 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 under section 70.260; provided that, the representation on the joint
24 board of each of the entities forming the agreement shall be equal. If
25 the entities entering into an agreement under this subsection decide
26 that any 911 service center responsible for the answering of 911 calls
27 and the dispatch of assistance shall be physically located in a county
28 other than a county with the lowest average county wage from the set
29 of counties where the entities entering into an agreement under this
30 subsection are located in whole or part, such entities shall provide a
31 written reason for this decision to the Missouri 911 service board and
32 such document shall be considered a public record under chapter
33 610. The county average wage comparison shall be conducted using the
34 information from the Missouri department of economic development,
35 which calculates such county average wages under section 135.950.

36 4. After August 28, 2018, 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 section shall be construed to prohibit or

41 discourage in any manner the formation of multiagency or
42 multijurisdictional public safety answering point operations.

190.470. 1. As an alternative to the procedure provided in
2 section 190.465, 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 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 order the submission of the question to voters within the affected
30 911 central dispatch center service areas. The filing of a petition shall
31 be no later than twelve months after any original voter's signature
32 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 8. If the question of consolidation of the 911 central dispatch
41 centers receives a majority of the votes cast in each service area, the
42 county commissions having joint jurisdiction shall each enter an order
43 declaring the proposition passed.

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

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

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

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

73 **13. In any county that has a single board established under**
74 **chapter 190 or under section 321.243, if a consolidation under this**
75 **section only affects existing 911 central dispatch centers located wholly**
76 **within such county, the existing board shall vote as to whether the**
77 **existing board shall continue to exist. Upon a majority vote for**
78 **approval of the existing board continuing to exist, subsections 9 to 12**
79 **of this section shall not apply, and the existing board shall continue to**
80 **exist and have the powers set forth under the applicable section or**
81 **sections within chapter 190 or under section 321.243. Upon a majority**
82 **vote in disapproval of the existing board continuing to exist, all**
83 **applicable subsections of this section shall apply to the consolidation.**
84 **A tied vote shall be considered a disapproval of the existing board**
85 **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 190.455. 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.**

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

- 4 (1) One member chosen to represent an association domiciled in this state
5 whose primary interest relates to municipalities;
- 6 (2) One member chosen to represent the Missouri 911 Directors
7 Association;
- 8 (3) One member chosen to represent emergency medical services and
9 physicians;
- 10 (4) One member chosen to represent an association with a chapter
11 domiciled in this state whose primary interest relates to a national emergency
12 number;
- 13 (5) One member chosen to represent an association whose primary
14 interest relates to issues pertaining to fire chiefs;
- 15 (6) One member chosen to represent an association with a chapter

16 domiciled in this state whose primary interest relates to issues pertaining to
17 public safety communications officers;

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

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

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

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

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

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

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

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

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

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

46 4. The board shall:

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

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

51 (3) Provide recommendations to public agencies concerning model systems

52 to be considered in preparing a 911 service plan;

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

57 (5) Provide assistance to the governor and the general assembly regarding
58 911 services;

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

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

63 (8) Perform other duties as necessary to promote successful development,
64 implementation and operation of 911 systems across the state, including
65 monitoring federal and industry standards being developed for next-generation
66 911 systems;

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

70 (10) Elect the chair from its membership;

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

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

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

78 (14) Make and execute contracts or any other instruments and agreements
79 necessary or convenient for the exercise of its powers and functions; and

80 (15) Develop a plan and timeline of target dates for the testing,
81 implementation, and operation of a next-generation 911 system throughout
82 Missouri. The next-generation 911 system shall allow for the processing of
83 electronic messages including, but not limited to, electronic messages containing
84 text, images, video, or data.

85 **(16) Administer and authorize grants and loans under section**
86 **650.335 to those counties and any home rule city with more than fifteen**
87 **thousand but fewer than seventeen thousand inhabitants and partially**

88 located in any county of the third classification without a township
89 form of government and with more than thirty-seven thousand but
90 fewer than forty-one thousand inhabitants that can demonstrate a
91 financial commitment to improving 911 services by providing at least
92 a fifty percent match and demonstrate the ability to operate and
93 maintain ongoing 911 services. The purpose of grants and loans from
94 the 911 service trust fund shall include:

- 95 **(a) Implementation of 911 services in counties of the state where**
96 **services do not exist or to improve existing 911 systems;**
97 **(b) Promotion of consolidation where appropriate;**
98 **(c) Mapping and addressing all county locations;**
99 **(d) Ensuring primary access and texting abilities to 911 services**
100 **for disabled residents; and**
101 **(e) Implementation of initial emergency medical dispatch**
102 **services, including prearrival medical instructions in counties where**
103 **those services are not offered as of July 1, 2019;**
104 **(17) Develop an application process including reporting and**
105 **accountability requirements, withholding a portion of the grant until**
106 **completion of a project, and other measures to ensure funds are used**
107 **in accordance with the law and purpose of the grant, and conduct**
108 **audits as deemed necessary;**
109 **(18) Set the percentage rate of the prepaid wireless emergency**
110 **telephone service charges to be remitted to a county or city as provided**
111 **under subdivision (5) of subsection 3 of section 190.460;**
112 **(19) Approve a proposal of a county or city to impose a fee of**
113 **more than one dollar under section 190.455;**
114 **(20) Retain in its records proposed county plans developed under**
115 **subsection 11 of section 190.455 and notify the department of revenue**
116 **that the county has filed a plan that is ready for implementation; and**
117 **(21) Notify any communications service provider, as defined in**
118 **section 190.400, that has voluntarily submitted its contact information**
119 **when any update is made to the centralized database established under**
120 **section 190.475 as a result of a county or city establishing or modifying**
121 **a tax or monthly fee no less than ninety days prior to the effective date**
122 **of the establishment or modification of the tax or monthly fee.**

123 5. The department of public safety shall provide staff assistance to the
124 board as necessary in order for the board to perform its duties pursuant to

125 sections 650.320 to 650.340. The board shall have the authority to hire
126 consultants to administer the provisions of sections 650.320 to 650.340.

127 6. The board shall promulgate rules and regulations that are reasonable
128 and necessary to implement and administer the provisions of sections 650.320 to
129 650.340. Any rule or portion of a rule, as that term is defined in section 536.010,
130 shall become effective only if it has been promulgated pursuant to the provisions
131 of chapter 536. This section and chapter 536 are nonseverable and if any of the
132 powers vested with the general assembly pursuant to chapter 536 to review, to
133 delay the effective date or to disapprove and annul a rule are subsequently held
134 unconstitutional, then the grant of rulemaking authority and any rule proposed
135 or adopted after August 28, 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 190.460; 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.

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

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

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

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

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

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

14 (4) Three representatives from public safety answering

15 point organizations, elected by the members of the state chapter of
16 the associated public safety communications officials and the state
17 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.]

2 [190.430. 1. The commissioner of the office of
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?

19 YES

NO

20 If you are in favor of the question, place an "X" in the box opposite
21 "Yes". If you are opposed to the question, place an "X" in the box
22 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.]

✓

Bill

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