

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1458

96TH GENERAL ASSEMBLY

5451L.06P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.400, 190.410, 190.430, 190.440, 302.291, 320.106, 320.131, 320.136, 320.202, 321.015, 321.130, 321.162, 321.460, 321.711, 577.029, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof eighteen new sections relating to emergency services with a penalty provision and an emergency clause for certain sections.

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

Section A. Sections 190.400, 190.410, 190.430, 190.440, 302.291, 320.106, 320.131, 2 320.136, 320.202, 321.015, 321.130, 321.162, 321.460, 321.711, 577.029, 650.320, 650.325, 3 650.330, and 650.340, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to 4 be known as sections 190.411, 190.415, 190.445, 302.291, 302.800, 320.106, 320.131, 320.136, 5 320.202, 321.015, 321.130, 321.162, 321.228, 321.460, 321.711, 577.029, 1, and 2, to read as 6 follows:

[650.325.] **190.411.** There is hereby established within the department of public safety 2 the "[Advisory Committee for] 911 Service Oversight **Board**" which is charged with assisting 3 and advising the state in ensuring the availability, implementation and enhancement of a 4 statewide emergency telephone number common to all jurisdictions through research, planning, 5 training and education. The [committee for] 911 service oversight **board** shall represent all 6 entities and jurisdictions before appropriate policy-making authorities and the general assembly 7 and shall strive toward the immediate access to emergency services for all citizens of this state.

[650.330.] **190.415.** 1. The [committee for] 911 service oversight **board** shall consist 2 of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of the** 3 department of public safety **or the director's designee**, who shall serve as chair of the

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

4 [committee] **board** and only vote in the instance of a tie vote among the other members, and the
5 other members shall be selected as follows:

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

8 (2) One member chosen to represent the Missouri public service commission;

9 (3)] One member chosen to represent emergency medical services;

10 [(4)] (2) One member chosen to represent an association with a chapter domiciled in this
11 state whose primary interest relates to a national emergency number;

12 [(5)] (3) One member chosen to represent an association whose primary interest relates
13 to issues pertaining to fire chiefs;

14 [(6)] (4) One member chosen to represent an association with a chapter domiciled in this
15 state whose primary interest relates to issues pertaining to public safety communications officers;

16 [(7)] (5) One member chosen to represent an association whose primary interest relates
17 to issues pertaining to [police chiefs] **law enforcement officials; and**

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

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

22 (10) One member chosen to represent 911 service providers in counties of the second,
23 third and fourth classification;

24 (11) One member chosen to represent 911 service providers in counties of the first
25 classification, with and without charter forms of government, and cities not within a county;

26 (12)] (6) One member chosen to represent telecommunications service providers with
27 [at least one hundred thousand] access lines located within Missouri];

28 (13) One member chosen to represent telecommunications service providers with less
29 than one hundred thousand access lines located within Missouri;

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

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

35 2. Each of the members of the [committee for] 911 service oversight **board** shall be
36 appointed by the governor with the advice and consent of the senate for a term of four years];
37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed

39 to serve for three years and four members shall be appointed to serve for four years]. Members
40 of the [committee] **board** may serve multiple terms.

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

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

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

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

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

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

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

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

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

62 (8) Perform other duties as necessary to promote successful development,
63 implementation and operation of 911 systems across the state; and

64 (9) Advise the department of public safety on establishing rules and regulations
65 necessary to administer the provisions of sections [650.320 to 650.340] **190.400 to 190.445**.

66 5. The department of public safety shall provide staff assistance to the [committee for]
67 911 service oversight **board** as necessary in order for the [committee] **board** to perform its
68 duties pursuant to sections [650.320 to 650.340] **190.400 to 190.445**.

69 6. The department of public safety is authorized to adopt those rules that are reasonable
70 and necessary to accomplish the limited duties specifically delegated within section [650.340]
71 **190.445**. Any rule or portion of a rule, as that term is defined in section 536.010, shall become
72 effective only if it has been promulgated pursuant to the provisions of chapter 536. This section
73 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
74 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule

75 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
76 proposed or adopted after August 28, 1999, shall be invalid and void.

[650.340.] **190.445.** 1. The provisions of this section may be cited and shall be known
2 as the "911 Training and Standards Act".

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

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

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

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

20 5. The training requirements as provided in subsection 2 of this section shall be waived
21 for any person who furnishes proof to the [committee] **board** that such person has completed
22 training in another state which are at least as stringent as the training requirements of subsection
23 2 of this section.

24 6. The department of public safety shall determine by administrative rule the persons or
25 organizations authorized to conduct the training as required by subsection 2 of this section.

26 7. This section shall not apply to an emergency medical dispatcher or **dispatch** agency
27 as defined in section 190.100, or a person trained by an entity accredited or certified under
28 section 190.131, or a person who provides prearrival medical instructions who works for [an]
29 **a dispatch** agency which meets the requirements set forth in section 190.134.

302.291. 1. The director, having good cause to believe that an operator is incompetent
2 or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail
3 directed to such person's present known address, may require the person to submit to an
4 examination as prescribed by the director. Upon conclusion of the examination, the director may
5 allow the person to retain his or her license, may suspend, deny or revoke the person's license,

6 or may issue the person a license subject to restrictions as provided in section 302.301. If an
7 examination indicates a condition that potentially impairs safe driving, the director, in addition
8 to action with respect to the license, may require the person to submit to further periodic
9 examinations. The refusal or neglect of the person to submit to an examination within thirty days
10 after the date of such notice shall be grounds for suspension, denial or revocation of the person's
11 license by the director, an associate circuit or circuit court. Notice of any suspension, denial,
12 revocation or other restriction shall be provided by certified mail. As used in this section, the
13 term "denial" means the act of not licensing a person who is currently suspended, revoked or
14 otherwise not licensed to operate a motor vehicle. Denial may also include the act of
15 withdrawing a previously issued license.

16 2. The examination provided for in subsection 1 of this section may include, but is not
17 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if
18 appropriate, a physical and/or mental examination as provided in section 302.173.

19 3. The director shall have good cause to believe that an operator is incompetent or
20 unqualified to retain such person's license on the basis of, but not limited to, a report by:

21 (1) Any certified peace officer;

22 (2) Any physician, physical therapist or occupational therapist licensed pursuant to
23 chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse
24 licensed pursuant to chapter 335; any psychologist, social worker or professional counselor
25 licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any**
26 **emergency medical technician licensed under chapter 190; or**

27 (3) Any member of the operator's family within three degrees of consanguinity, or the
28 operator's spouse, who has reached the age of eighteen, except that no person may report the
29 same family member pursuant to this section more than one time during a twelve-month period.
30 The report must state that the person reasonably and in good faith believes the driver cannot
31 safely operate a motor vehicle and must be based upon personal observation or physical evidence
32 which shall be described in the report, or the report shall be based upon an investigation by a law
33 enforcement officer. The report shall be a written declaration in the form prescribed by the
34 department of revenue and shall contain the name, address, telephone number, and signature of
35 the person making the report.

36 4. Any physician, physical therapist or occupational therapist licensed pursuant to
37 chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed
38 pursuant to chapter 335, any psychologist, social worker or professional counselor licensed
39 pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, **or any emergency**
40 **medical technician licensed under chapter 190** may report to the department any patient
41 diagnosed or assessed as having a disorder or condition that may prevent such person from safely

42 operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the
43 condition is permanent or temporary. The existence of a physician-patient relationship shall not
44 prevent the making of a report by such medical professionals.

45 5. Any person who makes a report in good faith pursuant to this section shall be immune
46 from any civil liability that otherwise might result from making the report. Notwithstanding the
47 provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and
48 maintained by the department of revenue pursuant to this section shall be kept confidential
49 except upon order of a court of competent jurisdiction or in a review of the director's action
50 pursuant to section 302.311.

51 6. The department of revenue shall keep records and statistics of reports made and
52 actions taken against driver's licenses pursuant to this section.

53 7. The department of revenue shall, in consultation with the medical advisory board
54 established by section 302.292, develop a standardized form and provide guidelines for the
55 reporting of cases and for the examination of drivers pursuant to this section. The guidelines
56 shall be published and adopted as required for rules and regulations pursuant to chapter 536. The
57 department of revenue shall also adopt rules and regulations as necessary to carry out the other
58 provisions of this section. The director of revenue shall provide health care professionals and
59 law enforcement officers with information about the procedures authorized in this section. The
60 guidelines and regulations implementing this section shall be in compliance with the federal
61 Americans with Disabilities Act of 1990.

62 8. Any person who knowingly violates a confidentiality provision of this section or who
63 knowingly permits or encourages the unauthorized use of a report or reporting person's name in
64 violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages
65 which proximately result.

66 9. Any person who intentionally files a false report pursuant to this section shall be guilty
67 of a class A misdemeanor and shall be liable for damages which proximately result.

68 10. All appeals of license revocations, suspensions, denials and restrictions shall be made
69 as required pursuant to section 302.311 within thirty days after the receipt of the notice of
70 revocation, suspension, denial or restriction.

71 11. Any individual whose condition is temporary in nature as reported pursuant to the
72 provisions of subsection 4 of this section shall have the right to petition the director of the
73 department of revenue for total or partial reinstatement of his or her license. Such request shall
74 be made on a form prescribed by the department of revenue and accompanied by a statement
75 from a health care provider with the same or similar license as the health care provider who made
76 the initial report resulting in the limitation or loss of the driver's license. Such petition shall be

77 decided by the director of the department of revenue within thirty days of receipt of the petition.
78 Such decision by the director is appealable pursuant to subsection 10 of this section.

302.800. 1. For purposes of this section, the following terms mean:

- 2 (1) "Department", the department of revenue;
- 3 (2) "Director", the director of the department of revenue;
- 4 (3) "Emergency responder", a municipal, county, or state law enforcement officer
5 or firefighter, or other person who has been trained to provide emergency medical first
6 response services;
- 7 (4) "Program participant", an individual who has completed a health information
8 card that includes health and emergency contact information, and affixed the decal
9 provided by the department of revenue under this section to the individual's motor vehicle.

10 **2. There is hereby established a "Missouri Yellow Dot Program" in the department**
11 **of revenue. The purpose of the program is to provide emergency responders with critical**
12 **health and emergency contact information about program participants so emergency**
13 **responders may aid program participants when those individuals are involved in motor**
14 **vehicle emergencies or accidents and are unable to communicate.**

15 **3. The department of revenue shall design Missouri yellow dot program materials,**
16 **giving consideration to the program materials used by other states in similar programs.**
17 **Program materials shall include, but shall not be limited to:**

- 18 (1) A yellow decal of a size and design to be determined by the department which
19 shall be affixed to the rear driver's side window of the program participant's vehicle;
- 20 (2) A health information card which provides space for an individual to attach a
21 recent photograph and indicate the individual's name, emergency contact information,
22 physician's names and contact information, medical conditions, recent surgeries, allergies,
23 medications, and any other information the director deems relevant to emergency
24 responders in the case of emergency;
- 25 (3) A yellow envelope of a size and design to be determined by the director into
26 which the health information card established under this subsection is to be inserted and
27 placed into the program participant's glove compartment; and
- 28 (4) A program instruction sheet including an electronic mail address required
29 under subsection 4 of this section.

30 **4. The department shall establish an electronic mail mechanism through which**
31 **persons may ask questions about the program and receive assistance in completing the**
32 **health information card.**

33 **5. The department shall provide sufficient program materials to other state**
34 **departments or agencies seeking to distribute or make program materials available to**
35 **interested persons.**

36 **6. The director shall notify the state highway patrol regarding the implementation**
37 **of the Missouri yellow dot program so that all emergency responders are informed about**
38 **the program.**

39 **7. The department may charge an individual seeking to participate in the program**
40 **a nominal fee to cover the administrative cost of the program.**

41 **8. The department shall make Missouri yellow dot program materials available for**
42 **pick up by any interested person at any driver's license office and shall provide for an**
43 **online means through which individuals can request the materials required to participate**
44 **in the program. Any other state department or agency may make the program materials**
45 **available for distribution to, or pick up by, any interested person.**

46 **9. The department shall develop and undertake a public education campaign to**
47 **inform the public about the program established in this section.**

48 **10. The director may promulgate all necessary rules and regulations for the**
49 **administration of this section. Any rule or portion of a rule, as that term is defined in**
50 **section 536.010, that is created under the authority delegated in this section shall become**
51 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
52 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
53 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
54 **the effective date, or to disapprove and annul a rule are subsequently held**
55 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
56 **after August 28, 2012, shall be invalid and void.**

57 **11. Under section 23.253 of the Missouri sunset act:**

58 **(1) The provisions of the new program authorized under this section shall**
59 **automatically sunset six years after the effective date of this section unless reauthorized by**
60 **an act of the general assembly; and**

61 **(2) If such program is reauthorized, the program authorized under this section**
62 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
63 **section; and**

64 **(3) This section shall terminate on September first of the calendar year immediately**
65 **following the calendar year in which the program authorized under this section is sunset.**

 320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the
2 following terms mean:

- 3 (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard
4 which may amend or supersede this standard for manufacturers, importers and distributors of
5 fireworks;
- 6 (2) "Chemical composition", all pyrotechnic and explosive composition contained in
7 fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;
- 8 (3) "Consumer fireworks", explosive devices designed primarily to produce visible or
9 audible effects by combustion and includes aerial devices and ground devices, all of which are
10 classified as fireworks, UN0336, [1.4G by regulation of the United States Department of
11 Transportation, as amended from time to time, and which were formerly classified as class C
12 common fireworks by regulation of the United States Department of Transportation] **within 49**
13 **CFR Part 172**;
- 14 (4) "Discharge site", the area immediately surrounding the fireworks mortars used for
15 an outdoor fireworks display;
- 16 (5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;
- 17 (6) "Display fireworks", explosive devices designed primarily to produce visible or
18 audible effects by combustion, deflagration or detonation. This term includes devices containing
19 more than two grains (130 mg) of explosive composition intended for public display. These
20 devices are classified as fireworks, **UN0333 or UN0334 or UN0335**, [1.3G by regulation of the
21 United States Department of Transportation, as amended from time to time, and which were
22 formerly classified as class B display fireworks by regulation of the United States Department
23 of Transportation] **within 49 CFR Part 172**;
- 24 (7) "Display site", the immediate area where a fireworks display is conducted, including
25 the discharge site, the fallout area, and the required separation distance from mortars to spectator
26 viewing areas, but not spectator viewing areas or vehicle parking areas;
- 27 (8) "Distributor", any person engaged in the business of selling fireworks to wholesalers,
28 jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary
29 permits as specified in sections 320.106 to 320.161, including any person that imports any
30 fireworks of any kind in any manner into the state of Missouri;
- 31 (9) "Fireworks", any composition or device for producing a visible, audible, or both
32 visible and audible effect by combustion, deflagration, or detonation and that meets the definition
33 of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United
34 States Department of Transportation hazardous materials regulations[, and American
35 Pyrotechnics Association 87-1 standards];
- 36 (10) "Fireworks season", the period beginning on the twentieth day of June and
37 continuing through the tenth day of July of the same year and the period beginning on the
38 twentieth day of December and continuing through the second day of January of the next year,

39 which shall be the only periods of time that seasonal retailers may be permitted to sell consumer
40 fireworks;

41 (11) "Jobber", any person engaged in the business of making sales of consumer fireworks
42 at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution
43 outside the state of Missouri during a calendar year from the first day of January through the
44 thirty-first day of December;

45 (12) "Licensed operator", any person who supervises, manages, or directs the discharge
46 of outdoor display fireworks, either by manual or electrical means; who has met additional
47 requirements established by promulgated rule and has successfully completed a display fireworks
48 training course recognized and approved by the state fire marshal;

49 (13) "Manufacturer", any person engaged in the making, manufacture, assembly or
50 construction of fireworks of any kind within the state of Missouri;

51 (14) "NFPA", National Fire Protection Association, an international codes and standards
52 organization;

53 (15) "Permanent structure", buildings and structures with permanent foundations other
54 than tents, mobile homes, and trailers;

55 (16) "Permit", the written authority of the state fire marshal issued pursuant to sections
56 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

57 (17) "Person", any corporation, association, partnership or individual or group thereof;

58 (18) "Proximate fireworks", a chemical mixture used in the entertainment industry to
59 produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the
60 most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section
61 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as**
62 **UN0431 or UN0432;**

63 (19) "Pyrotechnic operator" or "special effects operator", an individual who has
64 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special
65 effects for proximate fireworks and who has met additional requirements established by
66 promulgated rules and has successfully completed a proximate fireworks training course
67 recognized and approved by the state fire marshal;

68 (20) "Sale", an exchange of articles of fireworks for money, including barter, exchange,
69 gift or offer thereof, and each such transaction made by any person, whether as a principal
70 proprietor, salesman, agent, association, copartnership or one or more individuals;

71 (21) "Seasonal retailer", any person within the state of Missouri engaged in the business
72 of making sales of consumer fireworks in Missouri only during a fireworks season as defined by
73 subdivision (10) of this section;

74 (22) "Wholesaler", any person engaged in the business of making sales of consumer
75 fireworks to any other person engaged in the business of making sales of consumer fireworks at
76 retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of
2 Missouri, or ship into the state of Missouri, except as provided in section 320.126, any
3 pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision
4 (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G
5 by the United States Department of Transportation that comply with the construction, chemical
6 composition, labeling and other regulations relative to consumer fireworks regulations
7 promulgated by the United States Consumer Product Safety Commission and permitted for use
8 by the general public pursuant to such commission's regulations.

9 2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for
10 sale, store, display, or have in their possession any consumer fireworks that have not been
11 approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

12 3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer
13 dealers, or any other person, in this state for the purpose of resale, or use, in this state, any
14 consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange,
15 diamond-shaped label printed on or attached to the fireworks shipping carton.

16 4. This section does not prohibit a manufacturer, distributor or any other person
17 **possessing the proper permits as specified by state and federal law** from storing, selling,
18 shipping or otherwise transporting display or proximate fireworks[, defined as fireworks
19 UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of
20 Transportation, provided they possess the proper permits as specified by state and federal law].

21 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which
22 paper caps containing twenty-five hundredths grains or less of explosive compound, provided
23 that they are so constructed that the hand cannot come into contact with the cap when in place
24 for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of
25 explosive mixture shall be permitted for sale and use at all times and shall not be regulated by
26 the provisions of sections 320.106 to 320.161.

320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's",
2 "M-1000's", and any other tubular salutes or any items described as prohibited chemical
3 components or forbidden devices as listed in the American Pyrotechnics Association Standard
4 87-1 or which exceed the [federal] limits set for **consumer** fireworks [UNO336, 1.4G formerly
5 known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks
6 UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation] , **display**
7 **fireworks, or proximate fireworks** for explosive composition are expressly prohibited from

8 shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer
9 use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished
10 as provided by the provisions of section 571.020.

320.202. 1. There is hereby established within the department of public safety a
2 "Division of Fire Safety", which shall have as its chief executive officer the fire marshal
3 appointed under section 320.205. The fire marshal and the division shall be responsible for:

4 (1) The voluntary training of firefighters, investigators, inspectors, and public or private
5 employees or volunteers in the field of emergency response, rescue, fire prevention or
6 preparedness;

7 (2) Establishing and maintaining a statewide reporting system, which shall, as a
8 minimum, include the records required by section 320.235 and a record of all fires occurring in
9 Missouri showing:

10 (a) The name of all owners of personal and real property affected by the fire;

11 (b) The name of each occupant of each building in which a fire occurred;

12 (c) The total amount of insurance carried by, the total amount of insurance collected by,
13 and the total amount of loss to each owner of property affected by the fire; and

14 (d) All the facts, statistics and circumstances, including, but not limited to, the origin of
15 the fire, which are or may be determined by any investigation conducted by the division or any
16 local firefighting agency under the laws of this state. All records maintained under this
17 subdivision shall be open to public inspections during all normal business hours of the division;

18 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

19 (4) Conducting all fire inspections required of any private premises in order for any
20 license relating to such private premises to be issued under any licensing law of this state, except
21 those organizations and institutions licensed pursuant to chapter 197;

22 (5) Establishing and maintaining a voluntary training and certification program based
23 upon nationally recognized standards. A certification testing fee and recertification fee shall be
24 established by promulgated rules and regulations by the state fire marshal under the provisions
25 of section 536.024.

26 Fees collected shall be deposited into the [general revenue] **fire education fund established in**
27 **section 320.094.**

28 2. The state fire marshal shall exercise and perform all powers and duties necessary to
29 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
30 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
31 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
32 section.

33 3. The state fire marshal shall have the authority to promulgate rules and regulations
34 under the provisions of section 536.024 to carry out the provisions of this section.

 321.015. 1. No person holding any lucrative office or employment under this state, or
2 any political subdivision thereof as defined in section 70.120, shall hold the office of fire
3 protection district director under this chapter. When any fire protection district director accepts
4 any office or employment under this state or any political subdivision thereof, his office shall
5 thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as
6 fire protection district director.

7 2. This section shall not apply to:

8 (1) Members of the organized militia, of the reserve corps, public school employees and
9 notaries public; [, or to]

10 (2) Fire protection districts located wholly within counties of the second, third or fourth
11 [class or] **classification;**

12 (3) **Fire protection districts in counties of the first classification with less than**
13 **eighty-five thousand inhabitants;**

14 (4) **Fire protection districts** located within [first class] counties **of the first**
15 **classification** not adjoining any other [first class] county **of the first classification;** [, nor shall
16 this section apply to]

17 (5) **Fire protection districts located within** any county of the first or second [class]
18 **classification** not having more than nine hundred thousand inhabitants which borders any three
19 [first class] counties **of the first classification;** [nor shall this section apply to]

20 (6) **Fire protection districts located within** any [first class] county **of the first**
21 **classification** [without a charter form of government] which adjoins both a [first class] **charter**
22 county [with a charter form of government] with at least nine hundred thousand inhabitants, and
23 adjoins at least four other counties;

24 (7) **Fire protection districts located within any county of the first classification with**
25 **more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.**

26

27

28 The term "lucrative office or employment" does not include receiving retirement benefits,
29 compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five
30 dollars for each day of service, for service rendered to a fire protection district, the state or any
31 political subdivision thereof.

 321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least one year before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of

4 such fire protection district. In the event the person is no longer a resident of the district, the
5 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.
6 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection
7 district by paying a ten dollar filing fee and filing a statement under oath that such person
8 possesses the required qualifications.

9 2. In any fire protection district located in more than one county one of which is a first
10 class county without a charter form of government having a population of more than one hundred
11 ninety-eight thousand and not adjoining any other first class county or located wholly within a
12 first class county as described herein, a resident shall have been a resident of the district for more
13 than one year to be qualified to serve as a director.

14 3. In any fire protection district located in a county of the third or fourth classification,
15 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
16 be a voter of the district for more than one year before the election or appointment, except that
17 for the first board of directors in such district, a person need only be a voter of the district for one
18 year before the election or appointment.

19 4. A person desiring to become a candidate for the first board of directors of the
20 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
21 shall file with the election authority a statement under oath that such person possesses all of the
22 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
23 candidate shall have the candidate's name placed on the ballot as a candidate for director.

24 **5. Any director who has been found guilty of or pled guilty to any felony offense**
25 **shall immediately forfeit his or her office.**

26 **6. No person shall be qualified to serve as a director, nor shall such person's name**
27 **appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid**
28 **or past due county taxes.**

321.162. 1. **In addition to the qualifications prescribed by law,** all members of the
2 board of directors of a fire protection district first elected **or appointed** on or after January 1,
3 2008, shall attend and complete an educational seminar or conference or other suitable training
4 on the role and duties of a board member of a fire protection district. The training required under
5 this section shall be conducted by an entity approved by the office of the state fire marshal. The
6 office of the state fire marshal shall determine the content of the training to fulfill the
7 requirements of this section. Such training shall include, at a minimum:

- 8 (1) Information relating to the roles and duties of a fire protection district director;
- 9 (2) A review of all state statutes and regulations relevant to fire protection districts;
- 10 (3) State ethics laws;
- 11 (4) State sunshine laws, chapter 610;

- 12 (5) Financial and fiduciary responsibility;
13 (6) State laws relating to the setting of tax rates; and
14 (7) State laws relating to revenue limitations.

15 2. If any fire protection district board member fails to attend a training session within
16 twelve months after taking office, the board member shall not be compensated for attendance at
17 meetings thereafter until the board member has completed such training session.

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

2 (1) "Residential construction", new construction and erection of detached single-
3 family or two-family dwellings or the development of land to be used for detached single-
4 family or two-family dwellings;

5 (2) "Residential construction regulatory system", any bylaw, ordinance, order,
6 rule, or regulation adopted, implemented, or enforced by any city, town, village, or county
7 that pertains to residential construction, to any permitting system, or program relating to
8 residential construction, including but not limited to the use or occupancy by the initial
9 occupant thereof, or to any system or program for the inspection of residential
10 construction. Residential construction regulatory system also includes the whole or any
11 part of a nationally recognized model code, with or without amendments specific to such
12 city, town, village, or county.

13 2. Notwithstanding the provisions of any other law to the contrary, if a city, town,
14 village, or county adopts or has adopted, implements, and enforces a residential
15 construction regulatory system applicable to residential construction within its jurisdiction,
16 any fire protection districts wholly or partly located within such city, town, village, or
17 county shall be without power, authority, or privilege to enforce or implement a residential
18 construction regulatory system purporting to be applicable to any residential construction
19 within such city, town, village, or county. Any such residential construction regulatory
20 system adopted by a fire protection district or its board shall be treated as advisory only
21 and shall not be enforced by such fire protection district or its board.

22 3. Notwithstanding the provisions of any other law to the contrary, fire protection
23 districts:

24 (1) Shall have final regulatory authority regarding the location and specifications
25 of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential
26 construction; and

27 (2) May inspect the alteration, enlargement, replacement or repair of a detached
28 single-family or two-family dwelling; and

29 (3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this
30 subsection.

321.460. 1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, **or are located within the same county, in whole or in part**, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

4. The circuit court sitting in and for any county to which the petition is presented is hereby vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order such districts consolidated, after holding an election, as hereinafter provided.

5. If the circuit court finds the plan for consolidation to have been duly approved by the respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit court shall enter its order of record, directing the submission of the question.

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section 321.130 and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

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

Shall the Fire Protection Districts and the Fire Protection District be consolidated into one fire protection district to be known as the Fire Protection District, with tax levies not in excess of the following amounts: maintenance fund cents per one hundred dollars assessed valuation; ambulance service cents per one hundred dollars assessed valuation; pension fund cents per one hundred dollars assessed valuation; and dispatching fund cents per one hundred dollars assessed valuation?

37 8. If, upon the canvass and declaration, it is found and determined that a majority of the
38 voters of the districts voting on the proposition or propositions have voted in favor of the
39 proposition to incorporate the consolidated district, then the court shall then further, in its order,
40 designate the first board of directors of the consolidated district, who have been elected by the
41 voters voting thereon, the one receiving the third highest number of votes to hold office until the
42 first Tuesday in April which is more than one year after the date of election, the one receiving
43 the second highest number of votes to hold office until two years after the first Tuesday
44 aforesaid, and the one receiving the highest number of votes until four years after the first
45 Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the
46 court, in its order, shall also declare the results of the votes thereon. If the court shall find and
47 determine, upon the canvass and declaration, that a majority of the voters of the consolidated
48 district have not voted in favor of the proposition to incorporate the consolidated district, then
49 the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss
50 the same at the cost of petitioners.

 321.711. 1. A recall petition shall be filed with the election authority not more than one
2 hundred eighty days after the filing of the notice of intention.

3 2. The number of qualified signatures required in order to recall an officer shall be equal
4 in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most
5 recent gubernatorial election in that district.

6 3. Within twenty days from the filing of the recall petition the election authority shall
7 determine whether or not the petition was signed by the required number of qualified signatures.
8 The election authority shall file with the petition a certificate showing the results of the
9 examination. The authority shall give the proponents a copy of the certificate upon their request.

10 4. If the election authority certifies the petition to be insufficient, it may be supplemented
11 within ten days of the date of certificate by filing additional petition sections containing all of
12 the information required by section 321.709 and this section. Within ten days after the
13 supplemental copies are filed, the election authority shall file with it a certificate stating whether
14 or not the petition as supplemented is sufficient.

15 5. If the certificate shows that the petition as supplemented is insufficient, no action shall
16 be taken on it; however, the petition shall remain on file.

 577.029. A licensed physician, registered nurse, or trained **in hospital** medical
2 technician, acting at the request and direction of the law enforcement officer, shall withdraw
3 blood for the purpose of determining the alcohol content of the blood, unless such medical
4 personnel, in his or her good faith medical judgment, believes such procedure would endanger
5 the life or health of the person in custody. Blood may be withdrawn only by such medical
6 personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen,

7 or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content
8 thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the
9 withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request
10 of the person who is tested, full information concerning the test taken at the direction of the law
11 enforcement officer shall be made available to him or her.

**Section 1. 1. For purposes of this act, the term "anemometer" means an instrument
2 for measuring and recording the speed of the wind, and the term "anemometer tower"
3 means a structure, including all guy wires and accessory facilities, on which an
4 anemometer is mounted for the purposes of documenting whether a site has wind resources
5 sufficient for the operation of a wind turbine generator.**

6 **2. Any anemometer tower that is fifty feet in height above the ground or higher,
7 that is located outside the exterior boundaries of any municipality, and whose appearance
8 is not otherwise mandated by state or federal law shall be marked, painted, flagged, or
9 otherwise constructed to be recognizable in clear air during daylight hours. Any
10 anemometer tower that was erected before the effective date of this act shall be marked as
11 required in this section within one year after the effective date of this act. Any
12 anemometer tower that is erected on or after the effective date of this act shall be marked
13 as required in this section at the time it is erected. Marking required under this section
14 includes marking the anemometer tower, guy wires, and accessory facilities as follows:**

15 **(1) The top one-third of the anemometer tower shall be painted in equal,
16 alternating bands of aviation orange and white, beginning with orange at the top of the
17 tower and ending with orange at the bottom of the marked portion of the tower;**

18 **(2) Two marker balls shall be attached to and evenly spaced on each of the outside
19 guy wires;**

20 **(3) The area surrounding each point where a guy wire is anchored to the ground
21 shall have a contrasting appearance with any surrounding vegetation. If the adjacent land
22 is grazed, the area surrounding the anchor point shall be fenced. For purposes of this
23 section, the term, area surrounding the anchor point, means an area not less than sixty-
24 four square feet whose outer boundary is at least four feet from the anchor point; and**

25 **(4) One or more seven-foot safety sleeves shall be placed at each anchor point and
26 shall extend from the anchor point along each guy wire attached to the anchor point. A
27 violation of this section is a class C misdemeanor.**

**Section 2. Any company that installs, inspects, or services fire extinguishing
2 equipment shall have filed with the division of fire safety within the department of public
3 safety a security bond of twenty-five thousand dollars issued by a responsible corporate
4 surety licensed to execute surety bonds in the state of Missouri.**

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

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

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

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

(4) "Public safety answering point", the location at which 911 calls are initially answered;

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

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

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

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

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

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

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any

27 vacancies on the board shall be filled in the manner provided for in this
28 subsection.

29 3. The board shall do the following:

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

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

34 (3) Advise the office of administration regarding implementation of
35 Federal Communications Commission order 94-102; and

36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]

43

2 [190.420. 1. There is hereby established in the state treasury a fund to be
3 known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees
4 collected pursuant to sections 190.400 to 190.440 by wireless service providers
5 shall be remitted to the director of the department of revenue. The director shall
6 remit such payments to the state treasurer.

7 2. The state treasurer shall deposit such payments into the wireless
8 service provider enhanced 911 service fund. Moneys in the fund shall be used
9 for the purpose of reimbursing expenditures actually incurred in the
10 implementation and operation of the wireless service provider enhanced 911
11 system.

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

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

6 2. The office of administration shall promulgate rules and regulations to
7 administer the provisions of sections 190.400 to 190.440. Any rule or portion of
8 a rule, as that term is defined in section 536.010, that is promulgated pursuant to
9 the authority delegated in sections 190.400 to 190.440 shall become effective
10 only if it has been promulgated pursuant to the provisions of chapter 536. All
11 rulemaking authority delegated prior to July 2, 1998, is of no force and effect and
repealed; however, nothing in this section shall be interpreted to repeal or affect

12 the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied
13 with the provisions of chapter 536. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general assembly pursuant
15 to chapter 536 to review, to delay the effective date or to disapprove and annul
16 a rule are subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after July 2, 1998, shall be invalid and
18 void.

19 3. The office of administration is authorized to administer the fund and
20 to distribute the moneys in the wireless service provider enhanced 911 service
21 fund for approved expenditures as follows:

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

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

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

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

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

33 (d) Any other criteria found to be valid by the office of administration
34 provided that of the total amount of the funds used to subsidize and assist the
35 public safety answering points, at least ten percent of said funds shall be
36 distributed equally among all said public safety answering points providing said
37 services under said section;

38 (3) For the reimbursement of actual expenditures for equipment for
39 implementation of wireless enhanced 911 service by public safety answering
40 points to the extent that funds are available, provided that ten percent of funds
41 distributed to public safety answering points shall be distributed in equal amounts
42 to each public safety answering point participating in enhanced 911 service;

43 (4) Notwithstanding any other provision of the law, no proprietary
44 information submitted pursuant to this section shall be subject to subpoena or
45 otherwise released to any person other than to the submitting wireless service
46 provider, without the express permission of said wireless service provider.
47 General information collected pursuant to this section shall only be released or
48 published in aggregate amounts which do not identify or allow identification of
49 numbers of subscribers or revenues attributable to an individual wireless service
50 provider.

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

54 5. No more than five percent of the moneys in the fund, subject to
55 appropriation by the general assembly, shall be retained by the office of
56 administration for reimbursement of the costs of overseeing the fund and for the
57 actual and necessary expenses of the board.

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

61 7. The provisions of sections 190.307 and 190.308 shall be applicable to
62 programs and services authorized by sections 190.400 to 190.440.

63 8. Notwithstanding any other provision of the law, in no event shall any
64 wireless service provider, its officers, employees, assigns or agents, be liable for
65 any form of civil damages or criminal liability which directly or indirectly result
66 from, or is caused by, an act or omission in the development, design, installation,
67 operation, maintenance, performance or provision of 911 service or other
68 emergency wireless two- and three-digit wireless numbers, unless said acts or
69 omissions constitute gross negligence, recklessness or intentional misconduct.
70 Nor shall any wireless service provider, its officers, employees, assigns, or agents
71 be liable for any form of civil damages or criminal liability which directly or
72 indirectly result from, or is caused by, the release of subscriber information to any
73 governmental entity as required under the provisions of this act unless the release
74 constitutes gross negligence, recklessness or intentional misconduct.]
75

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

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

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

16 YES NO

17
18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
19 are opposed to the question, place an "X" in the box opposite "No".

20 3. If a majority of the votes cast on the ballot measure by the qualified
21 voters voting thereon are in favor of such measure, then the office of

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

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

3 (1) "Committee", the advisory committee for 911 service oversight
4 established in section 650.325;

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

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

Section B. Because immediate action is necessary to ensure compliance with federal
2 regulations prior to the sale of fireworks for the Independence Day holiday, sections 320.106,
3 320.131, and 320.136 of section A of this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and sections 320.106, 320.131, and 320.136 of section
6 A this act shall be in full force and effect upon its passage and approval.

✓