

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1456
99TH GENERAL ASSEMBLY

4845S.12T

2018

AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty nine new sections relating to 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, 190.308, 190.325, 190.327, 190.328, 2 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, 3 RSMo, are repealed and twenty nine new sections enacted in lieu thereof, to be known as 4 sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 5 190.335, 190.400, 190.420, 190.455, 190.460, 190.465, 190.470, 190.475, 620.2450, 620.2451, 6 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, 620.2458, 650.330, 650.335, and 7 650.340, to read as follows:

43.401. 1. The reporting of missing persons by law enforcement agencies, private 2 citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons 3 are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency 4 having jurisdiction. The complaint shall include, but need not be limited to, the following 5 information: 6

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.

- 7 (a) The name of the complainant;
- 8 (b) **The name, address, and phone number of the guardian, if any, of the missing**
- 9 **person;**
- 10 (c) The relationship of the complainant to the missing person;
- 11 ~~[(e)]~~ (d) The name, age, address, and all identifying characteristics of the missing
- 12 person;
- 13 ~~[(d)]~~ (e) The length of time the person has been missing; **and**
- 14 ~~[(e)]~~ (f) All other information deemed relevant by either the complainant or the law
- 15 enforcement agency;
- 16 (2) A report of the complaint of a missing person shall be immediately entered into the
- 17 Missouri uniform law enforcement system (MULES) and the National Crime Information Center
- 18 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to
- 19 other law enforcement agencies who may come in contact with or be involved in the
- 20 investigation or location of a missing person;
- 21 (3) A law enforcement agency with which a complaint of a missing child has been filed
- 22 shall prepare, as soon as practicable, a standard missing child report. The missing child report
- 23 shall be maintained as a record by the reporting law enforcement agency during the course of an
- 24 active investigation;
- 25 (4) Upon the location of a missing person, or the determination by the law enforcement
- 26 agency of jurisdiction that the person is no longer missing, the law enforcement agency which
- 27 reported the missing person shall immediately remove the record of the missing person from the
- 28 MULES and NCIC files.
- 29 2. No law enforcement agency shall prevent an immediate active investigation on the
- 30 basis of an agency rule which specifies an automatic time limitation for a missing person
- 31 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 a municipality
- 3 or political subdivision are vested;
- 4 (2) "Municipality", municipal corporations, political corporations, and other public
- 5 corporations and agencies authorized to exercise governmental functions;
- 6 (3) "Political subdivision", counties, townships, cities, towns, villages, school, county
- 7 library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and
- 8 water conservation districts, watershed subdistricts, county hospitals, any board of control of an
- 9 art museum, **any 911 or emergency services board authorized in chapter 190 or section**
- 10 **321.243**, the board created under sections 205.968 to 205.973, and any other public subdivision
- 11 or public corporation having the power to tax.

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

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

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

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

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

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

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

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

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

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

190.308. 1. In any county that has established an emergency telephone service pursuant
2 to sections 190.300 to ~~[190.320]~~ **190.340**, it shall be unlawful for any person to misuse the
3 emergency telephone service. For the purposes of this section, "emergency" means any incident
4 involving danger to life or property that calls for an emergency response dispatch of police, fire,
5 EMS or other public safety organization, "misuse the emergency telephone service" includes, but
6 is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or

7 equipment to be in use when emergency situations may need such operators or equipment and
8 "repeatedly" means three or more times within a one-month period.

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

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

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

16 2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall
17 not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the
18 provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section
19 and the amounts required to be collected are due monthly. The amount of tax collected in one
20 calendar month by the service supplier shall be remitted to the governing body no later than one
21 month after the close of a calendar month. On or before the last day of each calendar month, a
22 return for the preceding month shall be filed with the governing body in such form as the
23 governing body and service supplier shall agree. The service supplier shall include the list of any
24 service user refusing to pay the tax imposed by this section with each return filing. The service
25 supplier required to file the return shall deliver the return, together with a remittance of the
26 amount of the tax collected. The records shall be maintained for a period of one year from the
27 time the tax is collected. From every remittance to the governing body made on or before the
28 date when the same becomes due, the service supplier required to remit the same shall be entitled
29 to deduct and retain, as a collection fee, an amount equal to two percent thereof.

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

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

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

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

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

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

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

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

23 (5) To have the management, control and supervision of all the business affairs of the
24 board and the construction, installation, operation and maintenance of any improvements;

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

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

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

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

31 and

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

36 **4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the**
37 **contrary, the county commission may elect to appoint the members of the board to**
38 **administer the funds and oversee the provision of central dispatching for emergency**
39 **services in the counties, municipalities, and other political subdivisions which have**
40 **contracted for such service upon the request of the municipalities and other political**
41 **subdivisions. Upon appointment of the initial members of the board, the commission shall**
42 **relinquish all powers and duties to the board and no longer exercise the duties prescribed**
43 **in this chapter with regard to the provision of central dispatching service and such duties**
44 **shall be exercised by the board.**

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

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

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

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

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

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

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

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

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

65 d. The head of any of the municipal fire departments in the county who have
66 contracted for central dispatching service, or his or her designee, excluding those
67 mentioned in subparagraph c of paragraph (a) of this subdivision.

68 **(3) Upon the appointment of the board under this subsection, the board shall have**
69 **the powers provided in subsection 3 of this section and the commission shall relinquish all**
70 **powers and duties relating to the provision of central dispatching service under this**
71 **chapter to the board.**

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

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

16 3. Of those initially elected to the board as provided in this section, four from the
17 townships shall be elected to a term of two years, and four from the townships and the at-large
18 member shall be elected to a term of four years. Upon the expiration of these initial terms, all
19 members shall thereafter be elected to terms of four years; **provided that, if a board**
20 **established in this section consolidates with a board established under section 190.327 or**
21 **190.335, under the provisions of section 190.470, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

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

10 representation of the county by appointing no more than four members from any one commission
11 district of the county.

12 2. Beginning in 1992, three members shall be elected from each commission district and
13 one member shall be elected at large, with such at-large member to be a voting member and
14 chairman of the board. Of those first elected, four members from commission districts shall be
15 elected for terms of two years and two members from commission districts and the member at
16 large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be
17 for four years, except as **otherwise provided in this subsection or as** provided in subsection
18 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial
19 appointment was made. Four members shall constitute a quorum. **If a board established in**
20 **section 190.327 consolidates with a board established under section 190.327, 190.328, or**
21 **190.335, under the provisions of section 190.470, the term of office for the existing board**
22 **members shall end on the thirtieth day following the appointment of the initial board of**
23 **directors for the consolidated district.**

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

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

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

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

13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

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

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

20 YES NO

21

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

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

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

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

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

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

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and
60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years; **provided that, if a board established under this section**
68 **consolidates with a board established under this section, section 190.327, or section**
69 **190.328, under the provisions of section 190.470, the term of office for the existing board**
70 **members shall end on the thirtieth day following the appointment of the initial board of**
71 **directors for the consolidated district.** Notwithstanding any other provision of law, if there
72 is no candidate for an open position on the board, then no election shall be held for that position
73 and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and,
74 if there is only one candidate for each open position, no election shall be held and the candidate
75 or candidates shall assume office at the same time and in the same manner as if elected.

76 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
77 in any county of the first classification with more than two hundred forty thousand three hundred
78 but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third
79 classification with a township form of government and with more than twenty-eight thousand
80 but fewer than thirty-one thousand inhabitants **or in any county of the third classification**
81 **without a township form of government and with more than thirty-seven thousand but**
82 **fewer than forty-one thousand inhabitants and with a city of the fourth classification with**
83 **more than four thousand five hundred but fewer than five thousand inhabitants as the**

84 **county seat**, any emergency telephone service 911 board appointed by the county under section
85 190.309 which is in existence on the date the voters approve a sales tax under this section shall
86 continue to exist and shall have the powers set forth under section 190.339. Such boards which
87 existed prior to August 25, 2010, shall not be considered a body corporate and a political
88 subdivision of the state for any purpose, unless and until an order is entered upon an unanimous
89 vote of the commissioners of the county in which such board is established reclassifying such
90 board as a corporate body and political subdivision of the state. The order shall approve the
91 transfer of the assets and liabilities related to the operation of the emergency **telephone** service
92 911 system to the new entity created by the reclassification of the board.

93 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
94 contrary, in any county of the second classification with more than fifty-four thousand two
95 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
96 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
97 approved a sales tax under this section, the county commission shall appoint the members of the
98 board to administer the funds and oversee the provision of emergency services in the county.

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

- 102 (a) The head of any of the county's fire protection districts, or a designee;
- 103 (b) The head of any of the county's ambulance districts, or a designee;
- 104 (c) The county sheriff, or a designee;
- 105 (d) The head of any of the police departments in the county, or a designee; and
- 106 (e) The head of any of the county's emergency management organizations, or a designee.

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

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

114 **(5) In any county with more than fifty thousand but fewer than seventy thousand**
115 **inhabitants and with a county seat with more than two thousand one hundred but fewer**
116 **than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this**
117 **subsection shall be represented by one member, and two members shall be residents of the**
118 **county not affiliated with any of the entities listed in subdivision (2) of this subsection and**
119 **shall be known as public members.**

120 **13. Any county that has authorized a tax levy under this section, and such levy is**
121 **reduced automatically in future years, shall not submit to the voters of the county for**
122 **approval any proposal authorized under this section that is greater than the amount at the**
123 **time of reduction.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (3) **"Provider" or "communications service provider", a person who provides retail**
31 **communications services to the public that include 911 communications service including,**
32 **but not limited to, a local exchange carrier, a wireless provider, and a voice over internet**

33 **protocol provider, but only if such entity provides access to, and connection and interface**
34 **with, a 911 communications service or its successor service;**

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

39 ~~[(4)]~~ (5) "Public safety answering point", the location at which 911 calls are ~~[initially]~~
40 answered;

41 ~~[(5)]~~ (6) "Subscriber", a person who contracts with and is billed by a provider for
42 a retail communications service. In the case of wireless service and for purposes of section
43 190.455, the term "subscriber" means a person who contracts with a provider if the
44 person's primary place of use is within the county or city imposing a monthly fee under
45 section 190.455, and does not include subscribers to prepaid wireless service;

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

48 **2. Upon the request of local emergency service agencies or local jurisdictions, the**
49 **following agencies and entities are authorized to enter into interoperability service**
50 **agreements for shared frequencies or shared talk groups for the purpose of enhancing**
51 **interoperability of radio systems or talk groups:**

52 (1) Missouri department of public safety;

53 (2) Missouri state highway patrol;

54 (3) Missouri department of natural resources;

55 (4) State emergency management agency;

56 (5) Missouri department of conservation; and

57 (6) State owned and operated radio and emergency communications systems.

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

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

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

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

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

24 section shall be in addition to all other taxes and fees imposed by law and may be stated
25 separately from all other charges and taxes. The fee shall be the liability of the subscriber,
26 not the provider, except that the provider shall be liable to remit all fees that the provider
27 collects under this section.

28 **2. No such order or ordinance adopted under this section shall become effective**
29 **unless the governing body of the county or city submits to the voters residing within the**
30 **county or city at a state general, primary, or special election a proposal to authorize the**
31 **governing body to impose a fee under this section. The question submitted shall be in**
32 **substantially the following form:**

33 **"Shall (insert name of county or city) impose a monthly fee of (insert**
34 **amount) on a subscriber of any communications service that has been enabled to contact**
35 **911 for the purpose of funding 911 service in the (county or city)?"**

36

37 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
38 **favor of the question, the fee shall become effective on the first day of the second calendar**
39 **quarter after the director of revenue receives notification of adoption of the fee. If a**
40 **majority of the votes cast on the question by the qualified voters voting thereon are**
41 **opposed to the question, the fee shall not become effective unless and until the question is**
42 **resubmitted under this section to the qualified voters and such question is approved by a**
43 **majority of the qualified voters voting on the question.**

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

46 **4. All revenue collected under this section by the director of the department of**
47 **revenue on behalf of the county or city, except for two percent to be withheld by the**
48 **provider for the cost of administering the collection and remittance of the fee, and one**
49 **percent for the cost of collection which shall be deposited in the state's general revenue**
50 **fund, shall be deposited in the Missouri 911 service trust fund created under section**
51 **190.420. The director of the department of revenue shall remit such funds to the county**
52 **or city on a monthly basis. The governing body of any such county or city shall control**
53 **such funds remitted to the county or city unless the county or city has established an**
54 **elected board for the purpose of administering such funds. In the event that any county**
55 **or city has established a board under any other provision of state law for the purpose of**
56 **administering funds for 911 service, such existing board may continue to perform such**
57 **functions after the county or city has adopted the monthly fee under this section.**

58 **5. Nothing in this section imposes any obligation upon a provider of a**
59 **communications service to take any legal action to enforce the collection of the tax imposed**

60 in this section. The tax shall be collected in compliance, as applicable, with the federal
61 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

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

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

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

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

78

79 Nothing in this section is intended to void or otherwise override any contractual obligation
80 pertaining to equipment or services sold to a public safety answering point by a
81 communications service provider. No cause of action shall lie in any court of law against
82 any provider of communications service, commercial mobile service, or other
83 communications-related service, or its officers, employees, assignees, agents, vendors, or
84 anyone acting on behalf of such persons, for providing call location information concerning
85 the user of any such service in an emergency situation to a law enforcement official or
86 agency in order to respond to a call for emergency service by a subscriber, customer, or
87 user of such service or for providing caller location information or doing a ping locate in
88 an emergency situation that involves danger of death or serious physical injury to any
89 person where disclosure of communications relating to the emergency is required without
90 delay, whether such provision of information is required by law or voluntary.

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

94 9. The fee imposed under this section shall not be imposed in conjunction with any
95 tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall

96 **simultaneously impose more than one tax authorized in this section or section 190.292,**
97 **190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more**
98 **than one hundred exchange access facilities or their equivalent per person per location.**
99 **The fee imposed under this section shall not be imposed in conjunction with any tax**
100 **imposed for central dispatching of emergency services in any home rule city with more**
101 **than four hundred thousand inhabitants and located in more than one county or any**
102 **county containing a portion of such city, and such city or counties shall not simultaneously**
103 **impose more than one tax or fee for central dispatching of emergency services; provided**
104 **however, if any such county approves the fee authorized under this section, collection of**
105 **such fee shall be in lieu of any tax authorized for central dispatching of emergency services**
106 **in the county and any portion of the city within the county.**

107 **10. No county or legally authorized entity shall submit a proposal to the voters of**
108 **the county under this section or section 190.335 until either:**

109 **(1) All providers of emergency telephone service as defined in section 190.300 and**
110 **public safety answering point operations within the county are consolidated into one public**
111 **agency as defined in section 190.300 that provides emergency telephone service for the**
112 **county, or such providers and the public safety answering point have entered into a shared**
113 **services agreement for such services;**

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

118 **(3) The county emergency services board, as defined in section 190.290, develops**
119 **a plan for consolidation of emergency telephone service, as defined in section 190.300, and**
120 **public safety answering point operations within the county that includes either**
121 **consolidation or entering into a shared services agreement for such services, which shall**
122 **be implemented on approval of the fee by the voters.**

123 **11. Any plan developed under subdivision (2) or (3) of subsection 10 of this section**
124 **shall be filed with the Missouri 911 service board under subsection 4 of section 650.330.**
125 **Any plan that is filed under this subsection shall provide for the establishment of a joint**
126 **emergency communications board as described in section 70.260 unless a joint emergency**
127 **communication board or emergency services board for the area in question has been**
128 **previously established. The director of the department of revenue shall not remit any**
129 **funds as provided under this section until the department receives notification from the**
130 **Missouri 911 service board that the county has filed a plan that is ready for**
131 **implementation. If, after one year following the enactment of the fee described in**

132 subsection 1 of this section, the county has not complied with the plan that the county
133 submitted under subdivision (2) or (3) of subsection 10 of this section, but the county has
134 substantially complied with the plan, the Missouri 911 service board may grant the county
135 an extension of up to six months to comply with its plan. Not more than one extension may
136 be granted to a county. The authority to impose the fee granted to the county in subsection
137 1 of this section shall be null and void if after one year following the enactment of the fee
138 described in subsection 1 of this section the county has not complied with the plan and has
139 not been granted an extension by the Missouri 911 service board, or if the six-month
140 extension expires and the county has not complied with the plan.

141 **12. Each county that does not have a public agency, as defined in section 190.300,**
142 **that provides emergency telephone service as defined in section 190.300 for the county shall**
143 **either:**

144 **(1) Enter into a shared services agreement for providing emergency telephone**
145 **services with a public agency that provides emergency telephone service, if such an**
146 **agreement is feasible; or**

147 **(2) Form with one or more counties an emergency telephone services district in**
148 **conjunction with any county with a public agency that provides emergency telephone**
149 **service within the county. If such a district is formed under this subdivision, the governing**
150 **body of such district shall be the county commissioners of each county within the district,**
151 **and each county within such district shall submit to the voters of the county a proposal to**
152 **impose the fee under this section.**

153 **13. A county operating joint or shared emergency telephone service, as defined in**
154 **section 190.300, may submit to the voters of the county a proposal to impose the fee to**
155 **support joint operations and further consolidation under this section.**

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

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

162 **16. Any home rule city with more than four hundred thousand inhabitants and**
163 **located in more than one county and any county in which it is located shall establish an**
164 **agreement regarding the allocation of anticipated revenue created upon passage of a ballot**
165 **proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325,**
166 **190.335, and 190.455, as well as revenue provided based upon section 190.460 and the**
167 **divided costs related to regional 911 services. The allocation and actual expenses of the**

168 regional 911 service shall be determined based upon the percentage of residents of each
169 county who also reside in the home rule city. The agreement between the counties and the
170 home rule city may either be between the individual counties and the home rule city or
171 jointly between all entities. The agreement to divide costs and revenue as required in this
172 section shall not take effect until the passage of a ballot proposition as provided for in
173 sections 190.292, 190.305, 190.325, 190.335, or 190.455. The population shall be determined
174 based upon the most recent decennial census. This subsection shall not apply to a county
175 of the first classification without a charter form of government and with less than five
176 percent of its population living in any home rule city with more than four hundred
177 thousand inhabitants and located in more than one county.

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

2 mean:

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

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

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

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

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

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

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

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

21 2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless
22 emergency telephone service charge on each retail transaction. The amount of such charge
23 shall be equal to three percent of the amount of each retail transaction over the minimal
24 amount. However, if a minimal amount of prepaid wireless telecommunications service is
25 sold with a prepaid wireless device for a single nonitemized price, the seller may elect not

26 to apply such service charge to such transaction. For purposes of this subdivision, an
27 amount of service denominated as less than fifteen dollars is minimal.

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

33 (3) For purposes of this subsection, a retail transaction that is effected in person by
34 a consumer at a business location of the seller shall be treated as occurring in this state if
35 that business location is in this state, and any other retail transaction shall be treated as
36 occurring in this state if the retail transaction is treated as occurring in this state under
37 state law.

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

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

48 3. (1) Prepaid wireless emergency telephone service charges collected by sellers
49 shall be remitted to the department at the times and in the manner provided by state law
50 with respect to sales and use taxes. The department shall establish registration and
51 payment procedures that substantially coincide with the registration and payment
52 procedures that apply under state law.

53 (2) Beginning on January 1, 2019, and ending on January 31, 2019, when a
54 consumer purchases prepaid wireless telecommunications service in a retail transaction
55 from a seller under this section, the seller shall be allowed to retain one hundred percent
56 of the prepaid wireless emergency telephone service charges that are collected by the seller
57 from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct
58 and retain three percent of prepaid wireless emergency telephone service charges that are
59 collected by the seller from consumers.

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

62 procedures shall substantially coincide with the procedures for documenting sale for resale
63 transactions for sales and use purposes under state law.

64 (4) The department shall deposit all remitted prepaid wireless emergency telephone
65 service charges into the general revenue fund for the department's use until eight hundred
66 thousand one hundred fifty dollars is collected to reimburse its direct costs of
67 administering the collection and remittance of prepaid wireless emergency telephone
68 service charges. From then onward, the department shall deposit all remitted prepaid
69 wireless emergency telephone service charges into the Missouri 911 service trust fund
70 created under section 190.420 within thirty days of receipt for use by the board. After the
71 initial eight hundred thousand one hundred fifty dollars is collected, the department may
72 deduct an amount not to exceed one percent of collected charges to be retained by the
73 department to reimburse its direct costs of administering the collection and remittance of
74 prepaid wireless emergency telephone service charges.

75 (5) The board shall set a rate between twenty-five and one hundred percent of the
76 prepaid wireless emergency telephone service charges deposited in the Missouri 911 service
77 trust fund collected in counties without a charter form of government, less the deductions
78 authorized in subdivision (4) of this subsection, that shall be remitted to such counties in
79 direct proportion to the amount of charges collected in each county. The board shall set
80 a rate between sixty-five and one hundred percent of the prepaid wireless emergency
81 telephone service charges deposited in the Missouri 911 service trust fund collected in
82 counties with a charter form of government and any city not within a county, less the
83 deductions authorized in subdivision (4) of this subsection, that shall be remitted to each
84 such county or city not within a county in direct proportion to the amount of charges
85 collected in each such county or city not within a county. The initial percentage rate set
86 by the board for counties with and without a charter form of government and any city not
87 within a county may be adjusted after three years, and thereafter the rate may be adjusted
88 every two years; however, at no point shall the board set rates that fall below twenty-five
89 percent for counties without a charter form of government and sixty-five percent for
90 counties with a charter form of government and any city not within a county.

91 (6) Any amounts received by a county or city under subdivision (5) of this
92 subsection shall be used only for purposes authorized in sections 190.305, 190.325, and
93 190.335. Any amounts received by any county with a charter form of government and with
94 more than six hundred thousand but fewer than seven hundred thousand inhabitants
95 under this section may be used for emergency service notification systems.

96 **4. (1) A seller that is not a provider shall be entitled to the immunity and liability**
97 **protections under section 190.455, notwithstanding any requirement in state law regarding**
98 **compliance with Federal Communications Commission Order 05-116.**

99 **(2) A provider shall be entitled to the immunity and liability protections under**
100 **section 190.455.**

101 **(3) In addition to the protection from liability provided in subdivisions (1) and (2)**
102 **of this subsection, each provider and seller and its officers, employees, assigns, agents,**
103 **vendors, or anyone acting on behalf of such persons shall be entitled to the further**
104 **protection from liability, if any, that is provided to providers and sellers of wireless**
105 **telecommunications service that is not prepaid wireless telecommunications service under**
106 **section 190.455.**

107 **5. The prepaid wireless emergency telephone service charge imposed by this section**
108 **shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state,**
109 **any political subdivision of this state, or any intergovernmental agency for 911 funding**
110 **purposes, except that such prepaid wireless emergency telephone service charge shall be**
111 **charged in lieu of, and not imposed in addition to, any tax imposed under section 190.292**
112 **or 190.335.**

113 **6. The provisions of this section shall become effective unless the governing body**
114 **of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a**
115 **two-thirds vote prohibiting the charge established under this section from becoming**
116 **effective in the county or city at least forty-five days prior to the effective date of this**
117 **section. If the governing body does adopt such ordinance, order, rule, resolution, or**
118 **regulation by at least a two-thirds vote, the charge shall not be collected and the county or**
119 **city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are**
120 **remitted to the fund under the charge established under this section. The Missouri 911**
121 **service board shall, by September 1, 2018, notify all counties and cities of the**
122 **implementation of the charge established under this section, and the procedures set forth**
123 **under this subsection for prohibiting the charge from becoming effective.**

124 **7. This section shall expire on January 1, 2023.**

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

5 **2. Any county, city, or 911 or emergency services board established under chapter**
6 **190 or section 321.243 may contract and cooperate with any other county, city, or 911 or**
7 **emergency services board established under chapter 190 or section 321.243 as provided in**

8 sections 70.210 to 70.320. Any contracting counties or boards may seek assistance and
9 advice from the Missouri 911 service board established in section 650.325 regarding the
10 terms of the joint contract and the administration and operation of the contracting
11 counties, cities, and boards.

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

29 4. After August 28, 2018, no public safety answering point operation may be
30 established as a result of its separation from an existing public safety answering point
31 operation without a study by, and the approval of, the Missouri 911 service board.

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

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

5 2. If the consolidation of existing 911 central dispatch centers is desired, a number
6 of voters residing in the existing 911 central dispatch centers' service areas equal to ten
7 percent of the votes cast for governor in those service areas in the preceding gubernatorial
8 election may file with the county clerk in which the territory or greater part of the

9 proposed consolidated 911 central dispatch center service area will be situated a petition
10 requesting consolidation of two or more 911 central dispatch centers.

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

12 "We, the undersigned voters residing in the service areas for the following 911
13 central dispatch centers, do hereby petition that the following existing 911 central dispatch
14 centers be consolidated into one 911 central dispatch center."

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

18 "The board of directors of the 911 central dispatch center resolves that the
19 and 911 central dispatch centers be consolidated into one 911 central dispatch
20 center."

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

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

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

30 "Shall the existing 911 central dispatch centers be consolidated into one 911
31 central dispatch center?"

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

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

41 10. Within thirty days after the appointment of the initial board of directors of the
42 newly consolidated 911 central dispatch center, the board of directors shall meet at a time
43 and place designated by the county commissions. At the first meeting, the newly appointed
44 board of directors shall choose a name for the consolidated 911 central dispatch center and

45 shall notify the clerks of the county commission of each county within which the newly
46 consolidated 911 central dispatch center's service area now subsumes.

47 **11. Starting with the April election in the year after the appointment of the initial**
48 **board of directors, one member shall be subject to running at large as chair for a four-year**
49 **term. Four members shall be selected by lot to run for two-year terms, and two members**
50 **shall be selected by lot to run for four-year terms. Thereafter, all terms shall be four-year**
51 **terms.**

52 **12. On the thirtieth day following the appointment of the initial board of directors,**
53 **the existing 911 central dispatch centers shall cease to exist and the consolidated 911**
54 **central dispatch center shall assume all of the powers and duties exercised by the 911**
55 **central dispatch centers. All assets and obligations of the existing 911 central dispatch**
56 **centers shall become the assets and obligations of the newly consolidated 911 central**
57 **dispatch center.**

58 **13. In any county that has a single board established under chapter 190 or under**
59 **section 321.243, if a consolidation under this section only affects existing 911 central**
60 **dispatch centers located wholly within such county, the existing board shall vote as to**
61 **whether the existing board shall continue to exist. Upon a majority vote for approval of**
62 **the existing board continuing to exist, subsections 9 to 12 of this section shall not apply, and**
63 **the existing board shall continue to exist and have the powers set forth under the**
64 **applicable section or sections within chapter 190 or under section 321.243. Upon a**
65 **majority vote in disapproval of the existing board continuing to exist, all applicable**
66 **subsections of this section shall apply to the consolidation. A tied vote shall be considered**
67 **a disapproval of the existing board continuing to exist.**

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

620.2450. 1. A grant program is hereby established under sections 620.2450 to
2 **620.2458 to award grants to applicants who seek to expand access to broadband internet**
3 **service in unserved and underserved areas of the state. The department of economic**
4 **development shall administer and act as the fiscal agent for the grant program and shall**
5 **be responsible for receiving and reviewing grant applications and awarding grants under**
6 **sections 620.2450 to 620.2458. Funding for the grant program established under this**
7 **section shall be subject to appropriation by the general assembly.**

8 **2. As used in sections 620.2450 to 620.2458, the following terms shall mean:**

9 **(1) "Underserved area", a project area without access to wireline or fixed wireless**
10 **broadband internet service of speeds of at least twenty-five megabits per second download**
11 **and three megabits per second upload;**

12 **(2) "Unserved area", a project area without access to wireline or fixed wireless**
13 **broadband internet service of speeds of at least ten megabits per second download and one**
14 **megabit per second upload.**

620.2451. Grants awarded under sections 620.2450 to 620.2458 shall fund the
2 **acquisition and installation of retail broadband internet service at speeds of at least twenty-**
3 **five megabits per second download and three megabits per second upload, but that is**
4 **scalable to higher speeds.**

620.2452. Applicants eligible for grants awarded shall include:

2 **(1) Corporations, or their affiliates, registered in this state;**

3 **(2) Incorporated businesses or partnerships;**

4 **(3) Limited liability companies registered in this state;**

5 **(4) Nonprofit organizations registered in this state;**

6 **(5) Political subdivisions; and**

7 **(6) Rural electric cooperatives organized under chapter 394 and their broadband**
8 **affiliates.**

620.2453. An eligible applicant shall submit an application to the department of
2 **economic development on a form prescribed by the department. An application for a grant**
3 **under sections 620.2450 to 620.2458 shall include the following information:**

4 **(1) A description of the project area;**

5 **(2) A description of the kind and amount of broadband internet infrastructure that**
6 **is proposed to be deployed;**

7 **(3) Evidence demonstrating the unserved or underserved nature of the project**
8 **area;**

9 **(4) The number of households that would have new access to broadband internet**
10 **service, or whose broadband internet service would be upgraded, as a result of the grant;**

11 **(5) A list of significant community institutions that would benefit from the**
12 **proposed grant;**

13 **(6) The total cost of the proposal and the timeframe in which it will be completed;**

14 **(7) A list identifying sources of funding or in-kind contributions, including**
15 **government funding, that would supplement any awarded grant; and**

16 **(8) Any other information required by the department of economic development.**

2 **620.2454. 1. At least thirty days prior to the first day applications may be**
3 **submitted each fiscal year, the department of economic development shall publish on its**
4 **website the specific criteria and any quantitative weighting scheme or scoring system the**
5 **department will use to evaluate or rank applications and award grants under section**
6 **620.2455. Such criteria and quantitative scoring system shall include the criteria set forth**

7 **2. Within three business days of the close of the grant application process, the**
8 **department of economic development shall publish on its website the proposed unserved**
9 **and underserved areas, and the proposed broadband internet speeds for each application**
10 **submitted. Upon request, the department shall provide a copy of any application to an**
11 **interested party.**

12 **3. A broadband internet service provider that provides existing service in or**
13 **adjacent to the proposed project area may submit to the department of economic**
14 **development, within forty-five days of publication of the information under subsection 2**
15 **of this section, a written challenge to an application. Such challenge shall contain**
16 **information demonstrating that:**

17 **(1) The provider currently provides broadband internet service to retail customers**
18 **within the proposed unserved or underserved area;**

19 **(2) The provider has begun construction to provide broadband internet service to**
20 **retail customers within the proposed unserved or underserved area; or**

21 **(3) The provider commits to providing broadband internet service to retail**
22 **customers within the proposed unserved or underserved areas within the timeframe**
23 **proposed by the applicant.**

24 **4. Within three business days of the submission of a written challenge, the**
25 **department of economic development shall notify the applicant of such challenge.**

26 **5. The department of economic development shall evaluate each challenge**
27 **submitted under this section. If the department determines that the provider currently**
28 **provides, has begun construction to provide, or commits to provide broadband internet**
29 **service at speeds of at least twenty-five megabits per second download and three megabits**
30 **per second upload, but scalable to higher speeds, in the proposed project area, the**
31 **department shall not fund the challenged project.**

32 **6. If the department of economic development denies funding to an applicant as a**
33 **result of a broadband internet service provider challenge under this section and such**
34 **broadband internet service provider does not fulfill its commitment to provide broadband**
35 **internet service in the unserved or underserved area, the department of economic**
36 **development shall not consider another challenge from such broadband internet service**

37 provider for the next two grant cycles, unless the department determines the failure to
38 fulfill the commitment was due to circumstances beyond the broadband internet service
39 provider's control.

2 **620.2455. 1. The department of economic development shall give first priority to
grant applications that serve unserved areas.**

3 **2. The department of economic development shall give secondary priority to grant
4 applications that demonstrate the ability to receive matching funds that serve unserved
5 areas, whether such matching funds are government funds or other funds.**

6 **3. The department shall give third priority to grant applications that serve
7 underserved areas.**

8 **4. The department of economic development shall use a quantitative weighing
9 scheme or scoring system including, at a minimum, the following elements to rank the
10 applications:**

11 **(1) Financial, technical, and legal capability of the applicant to deploy and operate
12 broadband internet service;**

13 **(2) The number of locations served in the most cost-efficient manner possible
14 considering the project area density;**

15 **(3) Available minimum broadband speeds;**

16 **(4) Ability of the infrastructure to be scalable to higher broadband internet speeds;**

17 **(5) Commitment of the applicant to fund at least fifty percent of the project from
18 private sources;**

19 **(6) Length of time the provider has been operating broadband internet services in
20 the state;**

21 **(7) The offering of new or substantially upgraded broadband internet service to
22 important community institutions including, but not limited to, libraries, educational
23 institutions, public safety facilities, and health care facilities;**

24 **(8) The offering of service to economically distressed areas of the state, as measured
25 by indices of unemployment, poverty, or population loss that are significantly greater than
26 the statewide average;**

27 **(9) The ability to provide technical support and training to residents, businesses,
28 and institutions in the community of the proposed project to utilize broadband internet
29 service;**

30 **(10) Plans to actively promote the adoption of the newly available broadband
31 internet service in the community; and**

32 **(11) Strong support for the proposed project from citizens, businesses, and
33 institutions in the community.**

620.2456. 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching fund component, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

(1) Require an open access network;

(2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;

(3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or

(4) Impose an unreasonable time constraint on the time to build the service.

620.2457. By June thirtieth of each year, the department of economic development shall publish on its website and provide to the general assembly:

(1) A list of all applications for grants under sections 620.2450 to 620.2458 received during the previous year and, for each application:

(a) The results of any quantitative weighting scheme or scoring system the department of economic development used to award grants or rank the applications;

(b) The grant amount requested;

(c) The grant amount awarded, if any;

(2) All written challenges.

620.2458. The department of economic development shall develop administrative rules governing the eligibility, application and grant award process, and to implement the provisions of sections 620.2450 to 620.2458. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and

7 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
8 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
9 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
10 **after August 28, 2018, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 4. The board shall:

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

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

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

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

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

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

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

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

53 (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide
54 911 operations and ensuring compliance with federal grants for 911 funding;

55 (10) Elect the chair from its membership;

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

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

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

62 (14) Make and execute contracts or any other instruments and agreements necessary or
63 convenient for the exercise of its powers and functions, **including for the development and**
64 **implementation of an emergency services internet protocol network that can be shared by**
65 **all public safety agencies; [and]**

66 (15) Develop a plan and timeline of target dates for the testing, implementation, and
67 operation of a next-generation 911 system throughout Missouri. The next-generation 911 system

68 shall allow for the processing of electronic messages including, but not limited to, electronic
69 messages containing text, images, video, or data;

70 **(16) Administer and authorize grants and loans under section 650.335 to those**
71 **counties and any home rule city with more than fifteen thousand but fewer than seventeen**
72 **thousand inhabitants and partially located in any county of the third classification without**
73 **a township form of government and with more than thirty-seven thousand but fewer than**
74 **forty-one thousand inhabitants that can demonstrate a financial commitment to improving**
75 **911 services by providing at least a fifty percent match and demonstrate the ability to**
76 **operate and maintain ongoing 911 services. The purpose of grants and loans from the 911**
77 **service trust fund shall include:**

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

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

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

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

84 **(e) Implementation of initial emergency medical dispatch services, including**
85 **prearrival medical instructions in counties where those services are not offered as of July**
86 **1, 2019; and**

87 **(f) Development and implementation of an emergency services internet protocol**
88 **network that can be shared by all public safety agencies;**

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

93 **(18) Set the percentage rate of the prepaid wireless emergency telephone service**
94 **charges to be remitted to a county or city as provided under subdivision (5) of subsection**
95 **3 of section 190.460;**

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

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

104 **(21) Establish criteria for consolidation prioritization of public safety answering**
105 **points; and**

106 **(22) In coordination with existing public safety answering points, by December 31,**
107 **2018, designate no more than eleven regional 911 coordination centers which shall**
108 **coordinate statewide interoperability among public safety answering points within their**
109 **region through the use of a statewide 911 emergency services network.**

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

114 6. The board shall promulgate rules and regulations that are reasonable and necessary
115 to implement and administer the provisions of sections 650.320 to 650.340. Any rule or portion
116 of a rule, as that term is defined in section 536.010, shall become effective only if it has been
117 promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are
118 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
119 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
120 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
121 August 28, 2017, shall be invalid and void.

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

14 2. Applications may be approved for loans only in those instances where the
15 applicant has furnished the board information satisfactory to assure that the project cost
16 will be recovered during the repayment period of the loan. In no case shall a loan be made
17 to an applicant unless the approval of the governing body of the applicant to the loan

18 agreement is obtained and a written certification of such approval is provided, where
19 applicable. Repayment periods are to be determined by the board.

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

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

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

28 **6. Repayment of principal and interest on loans shall be credited to the Missouri**
29 **911 service trust fund established under section 190.420.**

30 **7. If a loan recipient fails to remit a payment to the board in accordance with this**
31 **section within sixty days of the due date of such payment, the board shall notify the**
32 **director of the department of revenue to deduct such payment amount from first, the**
33 **prepaid wireless emergency telephone service charge remitted to the county or city under**
34 **section 190.460; and if insufficient to affect repayment of the loan, next, the regular**
35 **apportionment of local sales tax distributions to that county or city. Such amount shall**
36 **then immediately be deposited in the Missouri 911 service trust fund and credited to the**
37 **loan recipient.**

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

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

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

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

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

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

650.340. 1. The provisions of this section may be cited and shall be known as the "911
2 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~~
13 ~~the 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 that such person has completed training in
22 another state which is at least as stringent as the training requirements of subsection 2 of this
23 section.

24 6. The board shall determine by administrative rule the persons or organizations
25 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 agency as defined
27 in section 190.100, or a person trained by an entity accredited or certified under section 190.131,
28 or a person who provides prearrival medical instructions who works for an agency which meets
29 the requirements set forth in section 190.134.

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

- 4 ~~————— (1) The director of the department of public safety or the director's~~
 5 ~~designee who shall hold a position of authority in such department of at least a~~
 6 ~~division director;—~~
- 7 ~~————— (2) The chairperson of the public service commission or the chairperson's~~
 8 ~~designee; except that such designee shall be a commissioner of the public service~~
 9 ~~commission or hold a position of authority in the commission of at least a~~
 10 ~~division director;—~~
- 11 ~~————— (3) Three representatives and one alternate from the wireless service~~
 12 ~~providers, elected by a majority vote of wireless service providers licensed to~~
 13 ~~provide service in this state; and—~~
- 14 ~~————— (4) Three representatives from public safety answering point~~
 15 ~~organizations, elected by the members of the state chapter of the associated~~
 16 ~~public safety communications officials and the state chapter of the National~~
 17 ~~Emergency Numbering Association.—~~
- 18 ~~————— 2. Immediately after the board is established the initial term of~~
 19 ~~membership for a member elected pursuant to subdivision (3) of subsection 1 of~~
 20 ~~this section shall be one year and all subsequent terms for members so elected~~
 21 ~~shall be two years. The membership term for a member elected pursuant to~~
 22 ~~subdivision (4) of subsection 1 of this section shall initially and subsequently be~~
 23 ~~two years. Each member shall serve no more than two successive terms unless~~
 24 ~~the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of~~
 25 ~~this section. Members of the board shall serve without compensation, however,~~
 26 ~~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 ~~[190.430. 1. The commissioner of the office of administration is~~
 authorized to establish a fee, if approved by the voters pursuant to section

3 190.440, not to exceed fifty cents per wireless telephone number per month to be
4 collected by wireless service providers from wireless service customers.

5 ~~2. The office of administration shall promulgate rules and regulations to~~
6 ~~administer the provisions of sections 190.400 to 190.440. Any rule or portion of~~
7 ~~a rule, as that term is defined in section 536.010, that is promulgated pursuant to~~
8 ~~the authority delegated in sections 190.400 to 190.440 shall become effective~~
9 ~~only if it has been promulgated pursuant to the provisions of chapter 536. All~~
10 ~~rulemaking authority delegated prior to July 2, 1998, is of no force and effect and~~
11 ~~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

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

12 ~~2. The ballot of the submission shall contain, but is not limited to, the~~
~~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 ~~If you are in favor of the question, place an "X" in the box opposite "Yes". If you~~
18 ~~are opposed to the question, place an "X" in the box opposite "No".~~

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

Section B. Pursuant to section 23.253 of the Missouri sunset act:

2 (1) The provisions of the new program authorized under sections 620.2450, 620.2451,
3 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset
4 automatically three years after the effective date of sections 620.2450, 620.2451, 620.2452,
5 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 unless reauthorized by an act
6 of the general assembly; and

7 (2) If such program is reauthorized, the program authorized under sections 620.2450,
8 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall
9 sunset automatically six years after the effective date of the reauthorization of sections 620.2450,
10 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

11 (3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456,
12 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately
13 following the calendar year in which the program authorized under sections 620.2450, 620.2451,
14 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

