

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291
100TH GENERAL ASSEMBLY

1139H.10C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 57.280, 190.292, 190.327, 190.335, 190.455, 190.460, 488.5050, and 650.330, RSMo, and to enact in lieu thereof nine new sections relating to public safety, with an emergency clause.

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

Section A. Sections 57.280, 190.292, 190.327, 190.335, 190.455, 190.460, 488.5050, and 650.330, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 57.280, 190.292, 190.327, 190.335, 190.455, 190.460, 190.462, 488.5050, and 650.330, to read as follows:

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all

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.

13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until the
19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section. The
35 funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year,
36 shall be held in a fund established by the county treasurer, which may be expended at the
37 discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess
38 of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue
39 fund of the county. Moneys in the fund shall be used only for the procurement of services and
40 equipment to support the operation of the sheriff's office. Moneys in the fund established
41 pursuant to this subsection shall not lapse to the county general revenue fund at the end of any
42 county budget or fiscal year.

43 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
44 sheriff, **or any other person specially appointed to serve in a county that receives funds**
45 **under section 57.278**, shall receive ten dollars for service of any summons, writ, subpoena, or
46 other order of the court included under subsection 1 of this section, in addition to the charge for
47 such service that each sheriff receives under subsection 1 of this section. The money received
48 by the sheriff, **or any other person specially appointed to serve in a county that receives**

49 **funds under section 57.278**, under this subsection shall be paid into the county treasury and the
50 county treasurer shall make such money payable to the state treasurer. The state treasurer shall
51 deposit such moneys in the deputy sheriff salary supplementation fund created under section
52 57.278.

190.292. 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
17 tax of _____ (insert rate of percent) percent for the purpose of providing central
18 dispatching of fire protection, emergency ambulance service, including
19 emergency telephone services, and other emergency 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, as established by subsection 11 of this
41 section, shall establish a tax rate, not to exceed the amount authorized, that together with any
42 surplus revenues carried forward will produce sufficient revenues to fund the expenditures
43 authorized by sections 190.290 to 190.296. Amounts collected in excess of that necessary within
44 a given year shall be carried forward to subsequent years. The board shall make its
45 determination of such tax rate each year no later than September first and shall fix the new rate
46 which shall be collected as provided in sections 190.290 to 190.296. Immediately upon making
47 its determination and fixing the rate, the board shall publish in its minutes the new rate, and it
48 shall notify every retailer by mail of the new rate.

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

57 9. The initial board shall consist of seven members appointed without regard to political
58 affiliation, three of whom shall be selected from, and who shall represent, the fire protection
59 districts, ambulance districts, sheriff's department, municipalities, and any other emergency
60 services. Four of the members of the board shall not be selected from or represent the fire
61 protection districts, ambulance districts, sheriff's department, municipalities, or any other
62 emergency services. Any individual serving on the board on August 28, 2004, may continue to
63 serve and seek reelection or reappointment to the board, notwithstanding any provisions of this
64 subsection. This initial board shall serve until its successor board is duly elected and installed
65 in office. The commission shall ensure geographic representation of the county by appointing
66 no more than four members from each district of the county commission.

67 10. Beginning in 1994, three members shall be elected from each district of the county
68 commission and one member shall be elected at large. The members of the board shall annually
69 elect, from among their number, the chairman of the board. Of those first elected, four members
70 from districts of the county commission shall be elected for terms of two years and two members
71 from districts of the county commission and the member at large shall be elected for terms of
72 four years. In 1996, and thereafter, all terms of office shall be four years. The election of the
73 board members shall be conducted at the first municipal election held in a calendar year.

74 11. When the board is organized, it shall be a body corporate and a political subdivision
75 of the state and shall be known as the "_____ Emergency Services Board".

76 12. This section shall only apply to any county of the third classification without a
77 township form of government and with more than twenty-four thousand five hundred but less
78 than twenty-four thousand six hundred inhabitants.

79 **13. A purchase that provides prepaid wireless telecommunications service, as such**
80 **term is defined in section 190.460, is specifically exempted from the tax imposed under this**
81 **section or section 190.335 if such county did not prohibit the prepaid wireless emergency**
82 **telephone service charge as allowed in subsection 6 of section 190.460 or votes to impose**
83 **the prepaid wireless emergency telephone service charge as allowed under subsection 7 of**
84 **section 190.460.**

 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 administer
38 the funds and oversee the provision of central dispatching for emergency services in the counties,
39 municipalities, and other political subdivisions which have contracted for such service upon the
40 request of the municipalities and other political subdivisions. Upon appointment of the initial
41 members of the board, the commission shall relinquish all powers and duties to the board and
42 no longer exercise the duties prescribed in this chapter with regard to the provision of central
43 dispatching service and such duties shall be exercised by the board.

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

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

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

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

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

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

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

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

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

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

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

69 **5. An emergency services board originally organized under section 190.325**
70 **operating within a county with a charter form of government and with more than two**
71 **hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have**
72 **a sales tax for emergency services or for providing central dispatching for emergency**
73 **services greater than one-quarter of one percent. If on the effective date of this section**
74 **such tax is greater than one-quarter of one percent, the board shall lower the tax rate.**

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:

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 consolidates
68 with a board established under this section, section 190.327, or section 190.328, under the
69 provisions of section 190.470, the term of office for the existing board members shall end on the
70 thirtieth day following the appointment of the initial board of directors for the consolidated
71 district. Notwithstanding any other provision of law, if there is no candidate for an open position
72 on the board, then no election shall be held for that position and it shall be considered vacant,
73 to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for
74 each open position, no election shall be held and the candidate or candidates shall assume office
75 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 without
81 a township form of government and with more than thirty-seven thousand but fewer than
82 forty-one thousand inhabitants and with a city of the fourth classification with more than four
83 thousand five hundred but fewer than five thousand inhabitants as the county seat, any
84 emergency telephone service 911 board appointed by the county under section 190.309 which
85 is in existence on the date the voters approve a sales tax under this section shall continue to exist
86 and shall have the powers set forth under section 190.339. Such boards which existed prior to
87 August 25, 2010, shall not be considered a body corporate and a political subdivision of the state

88 for any purpose, unless and until an order is entered upon ~~an~~ a unanimous vote of the
89 commissioners of the county in which such board is established reclassifying such board as a
90 corporate body and political subdivision of the state. The order shall approve the transfer of the
91 assets and liabilities related to the operation of the emergency telephone service 911 system to
92 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 than two
116 thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall
117 be represented by one member, and two members shall be residents of the county not affiliated
118 with any of the entities listed in subdivision (2) of this subsection and shall be known as public
119 members.

120 **13. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the**
121 **contrary, in any county of the first classification with more than seventy thousand but**
122 **fewer than eighty-three thousand inhabitants and with a city of the fourth classification**
123 **with more than thirteen thousand five hundred but fewer than sixteen thousand**

124 **inhabitants as the county seat, the county commission may elect to appoint members of the**
125 **board to administer the funds and oversee the provision of central dispatching for**
126 **emergency services in the counties, municipalities, and other political subdivisions that**
127 **have contracted for such service upon the request of the municipalities and other political**
128 **subdivisions. Upon the appointment of the board under this subsection, the board shall**
129 **act in an advisory capacity to the commission in all aspects and duties to emergency**
130 **services for 911.**

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

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

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

136 **b. The head of each municipal police department that has contracted for central**
137 **dispatching service in the two largest municipalities wholly contained within the county,**
138 **or his or her designee; or**

139 **c. The head of each municipal fire department or fire division that has contracted**
140 **for central dispatching service in the two largest municipalities wholly contained within**
141 **the county, or his or her designee; and**

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

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

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

148 **c. The head of any of the municipal police departments located in the county that**
149 **have contracted for central dispatching service, or his or her designee, excluding those**
150 **mentioned in subparagraph b of paragraph (a) of this subdivision;**

151 **d. The head of any of the municipal fire departments in the county that have**
152 **contracted for central dispatching service, or his or her designee, excluding those**
153 **mentioned in subparagraph c of paragraph (a) of this subdivision; or**

154 **e. A citizen at large from within the county.**

155 **14. Any county that has authorized a tax levy under this section prior to January 1,**
156 **2012, and such levy is reduced automatically [~~in future years~~] after approval of such levy, shall**
157 **not submit to the voters of the county for approval any proposal authorized under this section that**
158 **is greater than the amount at the time of reduction.**

159 **15. A purchase that provides prepaid wireless telecommunications service, as such**
160 **term is defined in section 190.460, is specifically exempted from the tax imposed under this**
161 **section or section 190.292 if such county did not prohibit the prepaid wireless emergency**
162 **telephone service charge as allowed in subsection 6 of section 190.460 or votes to impose**
163 **the prepaid wireless emergency telephone service charge as allowed under subsection 7 of**
164 **section 190.460.**

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

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

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

35

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

43 **3. Notwithstanding any provisions of this section to the contrary, the governing**
44 **body of a county with a charter form of government and with more than six hundred**
45 **thousand but fewer than seven hundred thousand inhabitants shall put the question set**
46 **forth in subsection 2 of this section before the voters of the county no later than the general**
47 **election in 2020.**

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

50 ~~[4-]~~ **5.** All revenue collected under this section by the director of the department of
51 revenue on behalf of the county or city, except for two percent to be withheld by the provider for
52 the cost of administering the collection and remittance of the fee, and one percent for the cost
53 of collection which shall be deposited in the state's general revenue fund, shall be deposited in
54 the Missouri 911 service trust fund created under section 190.420. The director of the
55 department of revenue shall remit such funds to the county or city on a monthly basis. The
56 governing body of any such county or city shall control such funds remitted to the county or city
57 unless the county or city has established an elected board for the purpose of administering such
58 funds. In the event that any county or city has established a board under any other provision of
59 state law for the purpose of administering funds for 911 service, such existing board may
60 continue to perform such functions after the county or city has adopted the monthly fee under
61 this section.

62 ~~[5-]~~ **6.** Nothing in this section imposes any obligation upon a provider of a
63 communications service to take any legal action to enforce the collection of the tax imposed in
64 this section. The tax shall be collected in compliance, as applicable, with the federal Mobile
65 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

66 ~~[6-]~~ 7. Notwithstanding any other provision of law to the contrary, proprietary
67 information submitted under this section shall only be subject to subpoena or lawful court order.
68 Information collected under this section shall only be released or published in aggregate amounts
69 that do not identify or allow identification of numbers of subscribers or revenues attributable to
70 an individual communications service provider.

71 ~~[7-]~~ 8. Notwithstanding any other provision of law to the contrary, in no event shall any
72 communications service provider, its officers, employees, assigns, agents, vendors, or anyone
73 acting on behalf of such persons, be liable for any form of civil damages or criminal liability that
74 directly or indirectly results from, or is caused by:

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

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

81

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

94 ~~[8-]~~ 9. The fee imposed under this section shall not be imposed on customers who pay
95 for service prospectively, including customers of prepaid wireless telecommunications service.

96 ~~[9-]~~ 10. The fee imposed under this section shall not be imposed in conjunction with any
97 tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall
98 simultaneously impose more than one tax authorized in this section or section 190.292, 190.305,
99 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one
100 hundred exchange access facilities or their equivalent per person per location. The fee imposed
101 under this section shall not be imposed in conjunction with any tax imposed for central

102 dispatching of emergency services in any home rule city with more than four hundred thousand
103 inhabitants and located in more than one county or any county containing a portion of such city,
104 and such city or counties shall not simultaneously impose more than one tax or fee for central
105 dispatching of emergency services; provided however, if any such county approves the fee
106 authorized under this section, collection of such fee shall be in lieu of any tax authorized for
107 central dispatching of emergency services in the county and any portion of the city within the
108 county.

109 ~~[40-]~~ **11.** No county or legally authorized entity shall submit a proposal to the voters of
110 the county under this section or section 190.335 until either:

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

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

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

125 ~~[41-]~~ **12.** Any plan developed under subdivision (2) or (3) of subsection ~~[40]~~ **11** of this
126 section shall be filed with the Missouri 911 service board under subsection 4 of section 650.330.
127 Any plan that is filed under this subsection shall provide for the establishment of a joint
128 emergency communications board as described in section 70.260 unless a joint emergency
129 ~~[communication]~~ **communications** board or emergency services board for the area in question
130 has been previously established. The director of the department of revenue shall not remit any
131 funds as provided under this section until the department receives notification from the Missouri
132 911 service board that the county has filed a plan that is ready for implementation. If, after one
133 year following the enactment of the fee described in subsection 1 of this section, the county has
134 not complied with the plan that the county submitted under subdivision (2) or (3) of subsection
135 ~~[40]~~ **11** of this section, but the county has substantially complied with the plan, the Missouri 911
136 service board may grant the county an extension of up to six months to comply with its plan. Not
137 more than one extension may be granted to a county. The authority to impose the fee granted

138 to the county in subsection 1 of this section shall be null and void if after one year following the
139 enactment of the fee described in subsection 1 of this section the county has not complied with
140 the plan and has not been granted an extension by the Missouri 911 service board, or if the
141 six-month extension expires and the county has not complied with the plan.

142 ~~[12-]~~ **13.** Each county that does not have a public agency, as defined in section 190.300,
143 that provides emergency telephone service as defined in section 190.300 for the county shall
144 either:

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

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

154 ~~[13-]~~ **14.** A county operating joint or shared emergency telephone service, as defined in
155 section 190.300, may submit to the voters of the county a proposal to impose the fee to support
156 joint operations and further consolidation under this section.

157 ~~[14-]~~ **15.** All 911 fees shall be imposed as provided in the Mobile Telecommunications
158 Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

159 ~~[15-]~~ **16.** Nothing in subsections ~~[10-]~~ 11, 12, ~~[and]~~ 13, **and 14** of this section shall apply
160 to a county with a charter form of government where all public safety answering points within
161 the county utilize a common 911 communication service as implemented by the appropriate local
162 and county agencies prior to August 28, 2018.

163 ~~[16-]~~ **17.** Any home rule city with more than four hundred thousand inhabitants and
164 located in more than one county and any county in which it is located shall establish an
165 agreement regarding the allocation of anticipated revenue created upon passage of a ballot
166 proposition submitted to the voters as provided for in sections 190.292, 190.305, 190.325,
167 190.335, and 190.455, as well as revenue provided based upon section 190.460 and the divided
168 costs related to regional 911 services. The allocation and actual expenses of the regional 911
169 service shall be determined based upon the percentage of residents of each county who also
170 reside in the home rule city. The agreement between the counties and the home rule city may
171 either be between the individual counties and the home rule city or jointly between all entities.
172 The agreement to divide costs and revenue as required in this section shall not take effect until
173 the passage of a ballot proposition as provided for in section 190.292, 190.305, 190.325,

174 190.335, or 190.455. The population shall be determined based upon the most recent decennial
175 census. This subsection shall not apply to a county of the first classification without a charter
176 form of government and with less than five percent of its population living in any home rule city
177 with more than four hundred thousand inhabitants and located in more than one county.

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

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

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

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

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

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

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

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

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

20 2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency
21 telephone service charge on each retail transaction. The amount of such charge shall be equal
22 to three percent of the amount of each retail transaction [~~over the minimal amount. However,~~
23 ~~if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid~~
24 ~~wireless device for a single nonitemized price, the seller may elect not to apply such service~~
25 ~~charge to such transaction. For purposes of this subdivision, an amount of service denominated~~
26 ~~as less than fifteen dollars is minimal]. **The first fifteen dollars of each retail transaction**
27 **shall not be subject to the service charge.**~~

28 (2) **When prepaid wireless telecommunications service is sold with one or more**
29 **products or services for a single, nonitemized price, the prepaid wireless emergency**
30 **telephone service charge set forth in subdivision (1) of this subsection shall apply to the**
31 **entire nonitemized price unless the seller elects to apply such service charge in the**
32 **following way:**

33 **(a) If the amount of the prepaid wireless telecommunications service is disclosed**
34 **to the consumer as a dollar amount, three percent of such dollar amount; or**

35 **(b) If the seller can identify the portion of the price that is attributable to the**
36 **prepaid wireless telecommunications service by reasonable and verifiable standards from**
37 **the seller's books and records that are kept in the regular course of business for other**
38 **purposes including, but not limited to non-tax purposes, three percent of such portion;**

39

40 **The first fifteen dollars of each transaction under this subdivision shall not be subject to**
41 **the service charge.**

42 **(3)** The prepaid wireless emergency telephone service charge shall be collected by the
43 seller from the consumer with respect to each retail transaction occurring in this state. The
44 amount of the prepaid wireless emergency telephone service charge shall be either separately
45 stated on an invoice, receipt, or other similar document that is provided to the consumer by the
46 seller or otherwise disclosed to the consumer.

47 ~~[(3)]~~ **(4)** For purposes of this subsection, a retail transaction that is effected in person
48 by a consumer at a business location of the seller shall be treated as occurring in this state if that
49 business location is in this state, and any other retail transaction shall be treated as occurring in
50 this state if the retail transaction is treated as occurring ~~[in this state under state law]~~ **under**
51 **chapter 144.**

52 ~~[(4)]~~ **(5)** The prepaid wireless emergency telephone service charge is the liability of the
53 consumer and not of the seller or of any provider; except that, the seller shall be liable to remit
54 all charges that the seller **collects or** is deemed to collect ~~[if the amount of the charge has not~~
55 ~~been separately stated on an invoice, receipt, or other similar document provided to the consumer~~
56 ~~by the seller].~~

57 ~~[(5)]~~ **(6)** The amount of the prepaid wireless emergency telephone service charge that
58 is collected by a seller from a consumer, if such amount is separately stated on an invoice,
59 receipt, or other similar document provided to the consumer by the seller, shall not be included
60 in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state,
61 any political subdivision of this state, or any intergovernmental agency.

62 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall
63 be remitted to the department at the times and in the manner provided by state law with respect
64 to sales and use taxes. The department shall establish registration and payment procedures that
65 substantially coincide with the registration and payment procedures that apply under state law.
66 **On or after the effective date of the service charge imposed under the provisions of this**
67 **section, the director of the department of revenue shall perform all functions incident to**
68 **the administration, collection, enforcement, and operation of the service charge, and the**

69 **director shall collect, in addition to the sales tax for the state of Missouri, all additional**
70 **service charges imposed in this section. All service charges imposed under this section**
71 **together with all taxes imposed under the sales tax law of the state of Missouri shall be**
72 **collected together and reported upon such forms and under such administrative rules and**
73 **regulations as may be prescribed by the director. All applicable provisions contained in**
74 **sections 144.010 to 144.525 governing the state sales tax and section 32.057 shall apply to**
75 **the collection of any service charges imposed under this section except as modified.**

76 (2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer
77 purchases prepaid wireless telecommunications service in a retail transaction from a seller under
78 this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless
79 emergency telephone service charges that are collected by the seller from the consumer.
80 Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of
81 prepaid wireless emergency telephone service charges that are collected by the seller from
82 consumers.

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

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

97 (5) The board shall set a rate between twenty-five and one hundred percent of the prepaid
98 wireless emergency telephone service charges deposited in the Missouri 911 service trust fund
99 collected in counties without a charter form of government, less the deductions authorized in
100 subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to
101 the amount of charges collected in each county. The board shall set a rate between sixty-five and
102 one hundred percent of the prepaid wireless emergency telephone service charges deposited in
103 the Missouri 911 service trust fund collected in counties with a charter form of government and
104 any city not within a county, less the deductions authorized in subdivision (4) of this subsection,

105 that shall be remitted to each such county or city not within a county in direct proportion to the
106 amount of charges collected in each such county or city not within a county. **If a county has an**
107 **elected emergency services board, the Missouri 911 service board shall remit the funds to**
108 **the elected emergency services board, except for an emergency services board originally**
109 **organized under section 190.325 operating within a county with a charter form of**
110 **government and with more than two hundred thousand but fewer than three hundred fifty**
111 **thousand inhabitants, in which case the funds shall be remitted to the county's general**
112 **fund for the purpose of public safety infrastructure.** The initial percentage rate set by the
113 board for counties with and without a charter form of government and any city not within a
114 county **shall be set by June thirtieth of each applicable year and** may be adjusted [~~after three~~
115 ~~years, and thereafter the rate may be adjusted every two]~~ **annually for the first three years, and**
116 **thereafter the rate may be adjusted every three** years; however, at no point shall the board
117 set rates that fall below twenty-five percent for counties without a charter form of government
118 and sixty-five percent for counties with a charter form of government and any city not within a
119 county.

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

125 4. (1) A seller that is not a provider shall be entitled to the immunity and liability
126 protections under section 190.455, notwithstanding any requirement in state law regarding
127 compliance with Federal Communications Commission Order 05-116.

128 (2) A provider shall be entitled to the immunity and liability protections under section
129 190.455.

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

135 5. The prepaid wireless emergency telephone service charge imposed by this section
136 shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any
137 political subdivision of this state, or any intergovernmental agency for 911 funding purposes];
138 ~~except that such prepaid wireless emergency telephone service charge shall be charged in lieu~~
139 ~~of, and not imposed in addition to, any tax imposed under section 190.292 or 190.335].~~

140 6. The provisions of this section shall become effective unless the governing body of a
141 county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds
142 vote prohibiting the charge established under this section from becoming effective in the county
143 or city at least forty-five days prior to the effective date of this section. If the governing body
144 does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the
145 charge shall not be collected and the county or city shall not be allowed to obtain funds from the
146 Missouri 911 service trust fund that are remitted to the fund under the charge established under
147 this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and
148 cities of the implementation of the charge established under this section, and the procedures set
149 forth under this subsection for prohibiting the charge from becoming effective.

150 7. ~~[This section shall expire on January 1, 2023.]~~ **Any county or city that prohibited**
151 **the prepaid wireless emergency telephone service charge under the provisions of subsection**
152 **6 of this section may take a vote of the governing body and notify the department of**
153 **revenue of the result of such vote by November 15, 2019, to impose such charge effective**
154 **January 1, 2020. A vote of at least two-thirds of the governing body is required in order**
155 **to impose such charge. The department shall notify the board of notices received by**
156 **December 1, 2019.**

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

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

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

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

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

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

17 **(b) This subsection applies to taxes collected between January 1, 2019, and the first**
18 **day of the calendar month following a declaratory ruling by a court of competent**
19 **jurisdiction that the taxes imposed under sections 190.292 or 190.335 are preempted by the**

20 provisions of subsection 5 of section 190.460 on all retail sales subject to sales tax in taxing
21 jurisdictions that did not opt out of the collection of the prepaid wireless emergency
22 telephone service charge.

23 (2) If this section goes into effect prior to a court of competent jurisdiction issuing
24 a declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this
25 subsection shall apply from January 1, 2019, until the effective date of this section.

26 3. (1) If a court of competent jurisdiction issues a declaratory ruling prior to the
27 effective date of this section that the taxes imposed under sections 190.292 or 190.335 are
28 preempted by the provisions of subsection 5 of section 190.460 only on sales of prepaid
29 wireless telecommunications services in a taxing jurisdiction that did not opt out of the
30 collection of the prepaid wireless emergency telephone service charge:

31 (a) A seller or other retailer who did not collect the tax imposed under sections
32 190.292 or 190.335 on the retail sale of wireless telecommunications service and wireless
33 devices associated therewith shall not be liable for any assessment or incur any other
34 liability on such uncollected taxes; and

35 (b) This subsection applies to assessments for the period beginning January 1, 2019,
36 and ending on the first day of the calendar month following a declaratory ruling by a court
37 of competent jurisdiction that the taxes imposed by under sections 190.292 or 190.335 are
38 preempted by the provisions of subsection 5 of section 190.460 only on sales of prepaid
39 wireless telecommunications services in a taxing jurisdiction that did not opt out of the
40 collection of the prepaid wireless emergency telephone service charge.

41 (2) If this section takes effect prior to a court of competent jurisdiction issuing a
42 declaratory ruling, then the provisions of paragraphs (a) and (b) of subdivision (1) of this
43 subsection shall apply from January 1, 2019, until the effective date of this section.

44 4. This section shall expire on January 1, 2023.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant is found guilty of a felony,
5 except when the defendant is found guilty of a class B felony, class A felony, or an unclassified
6 felony, under chapter [495] 579, in which case, the surcharge shall be sixty dollars. A surcharge
7 of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all
8 other criminal cases, except for traffic violation cases in which the defendant is found guilty of
9 a misdemeanor.

10 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
11 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
12 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

13 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
14 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
15 treasury. The fund shall be administered by the department of public safety. The moneys
16 deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime
17 lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052.
18 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
19 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

20 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, [2019]
21 **2029.**

 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 all
65 public safety agencies;

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

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

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

79 (b) Promotion of consolidation where appropriate;

80 (c) Mapping and addressing all county locations;

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

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

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

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

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

93 (19) Retain in its records proposed county plans developed under subsection ~~[40]~~ 11 of
94 section 190.455 and notify the department of revenue that the county has filed a plan that is ready
95 for implementation;

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

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

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

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

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 190.455, 190.460, 190.465, 190.470,**
116 **190.475, and** sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined
117 in section 536.010, shall become effective only if it has been promulgated pursuant to the
118 provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the
119 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
120 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
121 rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid
122 and void.

Section B. Because immediate action is necessary to provide funding for emergency
2 services in this state, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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