

HCS SS SCS SB 291 -- PUBLIC SAFETY

SPONSOR: Wallingford (Swan)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 7 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 0.

This bill modifies provisions relating to emergency communication services.

Currently any county that has a county sales tax for the central dispatch of emergency services that is automatically reduced in future years is prohibited from submitting for voter approval any proposal greater than the reduced amount. This bill specifies that any county that authorized a tax levy for certain emergency services prior to January 1, 2012, and such levy is reduced automatically after approval of such levy, shall not submit for voter approval any proposal greater than the reduced amount. The bill specifies that the Jefferson County 911 Board shall not set a tax rate greater than 0.25% for the purposes of emergency services or providing central dispatching for emergency services. Additionally, for the Jefferson County 911 Board, funds collected from the prepaid wireless emergency telephone service charge shall be remitted to the county's general fund for the purpose of public safety infrastructure.

The bill requires Jackson County to submit to the voters of the county no later than the general election in 2020 the question of whether to impose a monthly fee of up to \$1 on a subscriber of a communications service enabled to contact 911, except for prepaid service, in lieu of a telephone service tax or a countywide sales tax.

The bill allows Cape Girardeau County to appoint a board to administer and oversee funds collected for central dispatching services and it specifies the composition of the board. This bill adds language that the prepaid wireless emergency telephone service charge on retail transactions applies to purchases that provide prepaid wireless telecommunications services.

The prepaid wireless telecommunications service charge shall not apply to the first \$15 of a retail transaction for prepaid wireless telecommunications service.

When prepaid wireless telecommunications service is sold with one or more products or services for a single, non-itemized price, the

service charge shall apply to the entire non-itemized price unless the seller elects to apply such service charge as allowed in the bill. The first \$15 of such a transaction shall not be subject to the prepaid wireless telecommunications service charge.

The Director of the Department of Revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the service charge, and the Director shall collect all services charges imposed by the bill. Such service charges shall be collected and reported with all taxes imposed under the sales tax law of the state.

The bill states that the initial percentage rate of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 Service Trust Fund as set by the Missouri 911 Service Board for counties and the city of St. Louis may be adjusted annually for the first 3 years, and thereafter the rate may be adjusted every 3 years. Currently, the rate may be adjusted every two years. Such rate shall be set by June 30th of each applicable year.

If a county has an elected emergency services board, the Missouri 911 Service Board shall remit funds collected from the prepaid wireless emergency telephone service charge to the elected emergency services board.

Any county or city which by at least a 2/3 vote of their governing body prohibited the prepaid wireless emergency telephone service charge at least 45 days prior to August 28, 2018, may take a vote, and notify the Department of Revenue of the result of such vote, by November 15, 2019, to impose such charge on January 1, 2020. A 2/3 majority vote is required to impose such charge. The Department shall notify the Missouri 911 Service Board of notices received by December 1, 2019.

Currently, certain provisions of law relating to the prepaid wireless emergency telephone service charge expire on January 1, 2023. This bill repeals the sunset provision.

If a court of competent jurisdiction issues a declaratory ruling prior to the effective date of the amendment that emergency services taxes imposed in certain counties are preempted by the prepaid wireless emergency telephone service charge on all retail sales subject to sales tax in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge, a seller or general retailer who collected and remitted the emergency services tax in such situation shall not be required to refund such taxes to taxpayers. All requests for refunds by taxpayers shall be made directly to the taxing jurisdiction.

These provisions apply to taxes collected between January 1, 2019,

and the first day of the calendar month following the declaratory ruling.

Further, if a court of competent jurisdiction issues a declaratory ruling prior to the effective date of the amendment that emergency services taxes imposed in certain counties are preempted by the prepaid wireless emergency telephone service charge only on sales of prepaid wireless telecommunications services in a taxing jurisdiction that did not opt out of the collection of the prepaid wireless emergency telephone service charge, a seller or general retailer who did not collect emergency services taxes in certain counties on the retail sale of wireless telecommunications service and wireless devices associated with such service shall not be liable for any assessment or incur any other liability on such uncollected taxes.

These provisions apply to assessments for the period beginning January 1, 2019, and ending on the first day of the calendar month following the declaratory ruling. These provisions shall expire on January 1, 2023.

Currently, a court surcharge in all criminal cases for deposit into the DNA Profiling Analysis Fund expires on August 28, 2019. This bill extends the expiration to August 28, 2029.

Currently, sheriffs receive \$10 for service of any summons, writ, subpoena, or other court order, and that money is paid into the county treasury to be paid to the State Treasurer. This bill specifies that other persons specially appointed to serve orders of court shall also receive \$10 for orders they serve. The additional \$10 shall be deposited in the Deputy Sheriff Salary Supplementation Fund.

The Missouri 911 Service Board is required to establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, and post records, minutes, and report's on the Board's web page on the Department of Public Safety website.

Finally, the bill modifies the rulemaking authority of the Missouri 911 Service Board.

This bill contains an emergency clause.

This bill is similar to HB 883 (2019)

PROPOSERS: Supporters say that this is a revision to HB 1456, which passed last year. This is the modernization and consolidation of 911 services in Missouri. Last year's bill was the first effort in 20 years to modernize the system in Missouri. Counties now have the option to vote for a fee rather than a tax. This is meant to help clarify the administrative process and to

ensure that last year's bill is implemented as intended. The most pressing issue in this legislation is that the fee is charged in lieu of the tax, and this bill makes it clear. Seven counties, as a result of last year's bill, have taken a vote to the people and they all approved the fee on cell phones. Many parties working on the legislation last year accomplished what they were trying to accomplish, but it didn't go far enough.

Testifying for the bill were Senator Wallingford; Missouri Police Chiefs; Municipal League of Metro St. Louis; Missouri Nurses Association; Missouri 911 Directors Association; Fire Service Alliance; Darin Chappell , City of Chillicothe; Ambulance District Association of Missouri; U.S. Cellular; Missouri Retailers Association; Missouri Municipal League; J.R. Webb, Missouri Chapter Association of Public Safety; and Larry "Sonny" Saxton Jr., Missouri National Emergency Number Association.

OPPONENTS: Those who oppose the bill say that the issue was the amount of funding that was added in the amendment in the Senate. The voters approved a .5% tax when the bill limits them to a .25% tax. The added amendment targets Jefferson County and it violates the Constitution because it targets one county. When times were difficult in 2009, the people of Jefferson County approved the .5% sales tax. They are able to fund services from other districts, such as ambulance districts and police districts. If they are hamstrung and are unable to upgrade their systems, they will not be able to utilize the emergency responders effectively.

Testifying against the bill were Travis Williams, Jefferson County 911 Dispatch; Robert Sweeney, Jefferson County 911 Dispatch; David Kennedy, Jefferson County 911 Dispatch Center; Gary Wright, Jefferson County 911; and Ken Waller.