

SECOND REGULAR SESSION

# HOUSE BILL NO. 1780

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HINSON (Sponsor), GATSCHENBERGER, CIERPIOT,  
CONWAY (27) AND TAYLOR (Co-sponsors).

5834L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 190.309, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof six new sections relating to statewide 911 service.

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

Section A. Sections 190.309, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440,  
2 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and six new sections enacted in  
3 lieu thereof, to be known as sections 190.309, 190.324, 190.335, 190.411, 190.415, and 190.445,  
4 to read as follows:

190.309. 1. Any county may establish an "Emergency Telephone Service 911 Board",  
2 referred to in this section as the "board". The powers and duties of the board may be defined by  
3 order or ordinance of the county. Such powers shall include, but not be limited to:

4 (1) Planning a 911 system;

5 (2) Coordinating and supervising the implementation, upgrading, or maintenance of the  
6 system, including the establishment of equipment specifications and coding systems;

7 (3) Receiving moneys from any emergency telephone service tax levy authorized by the  
8 governing body of the county pursuant to section 190.305, and authorizing disbursements from  
9 such moneys collected;

10 (4) Hiring any staff necessary for the implementation or upgrade of the system.

11 2. **Until August 28, 2012**, members of the board shall be appointed by the governing  
12 body of the county, and shall be known as the board of directors of the emergency service  
13 telephone 911 board. The governing body shall appoint eleven persons to the board. At least

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.

14 six of such members shall represent public safety agencies, except in any county of the third  
15 classification without a township form of government and with more than twenty-six thousand  
16 nine hundred but fewer than twenty-seven thousand inhabitants, which shall have at least seven  
17 members representing the following public safety agencies:

- 18 (1) County sheriff;
- 19 (2) County presiding commissioner;
- 20 (3) Chief of police of the county seat of the county;
- 21 (4) Mayor of the county seat of the county;
- 22 (5) President of the fire association of the county;
- 23 (6) Chief executive officer of the memorial hospital located in the county seat of the  
24 county; and

25 (7) Director of emergency services of the memorial hospital located in the county seat  
26 of the county. At least nine of the board members shall be residents of the county described in  
27 subsection 1 of this section or a county adjoining such county. [All board members shall be  
28 appointed to serve for a term of three years, except that of the first board appointed, five  
29 members shall be appointed for one-year terms, three members for two-year terms and three  
30 members for three-year terms. Board members may be reappointed.] The members of the board  
31 shall not receive compensation for their services, but may be reimbursed for their actual and  
32 necessary expenses.

33 **3. Appointed members of the board in office on August 28, 2012, shall continue to**  
34 **serve until a successor, if applicable, is duly elected. Beginning with the first municipal**  
35 **election held in 2013, the board shall consist of seven members, elected as follows:**

36 **(1) In any county not having a charter form of government, three shall be elected**  
37 **from each district of the county commission and one member shall be elected at large;**

38 **(2) In any county with a charter form of government and a county council, one**  
39 **member shall be elected from each district of the county council; and**

40 **(3) In any county with a charter form of government and a county legislature, one**  
41 **member shall be elected from each local district of the county legislature and one member**  
42 **shall be elected at large.**

43 **4. Of the members first elected in 2013:**

44 **(1) In any county not having a charter form of government, two members from**  
45 **each district of the county commission shall be elected for terms of two years and the**  
46 **remaining members from commission districts and the member at large shall be elected for**  
47 **terms of four years;**

48           **(2) In any county with a charter form of government and a county council, four**  
49 **members shall be elected for terms of two years and the remaining members shall be**  
50 **elected for terms of four years; and**

51           **(3) In any county with a charter form of government and a county legislature, four**  
52 **members from local districts of the county legislature shall be elected for terms of two**  
53 **years and the remaining members from county legislature districts and the member at**  
54 **large shall be elected for terms of four years.**

55           **5. In 2015, and thereafter, all terms of office shall be four years.**

56           **6.** The administrative control and management of the county emergency telephone 911  
57 service shall rest solely with the board, and the board shall employ all necessary personnel, fix  
58 their compensation, and provide suitable quarters and equipment for the operation of the facility  
59 from funds made available for this purpose. Employees of the board shall be eligible for  
60 membership in the Missouri local government employees' retirement system pursuant to sections  
61 70.600 to 70.755.

62           [4.] **7.** The board may contract to provide services relating in whole or in part to  
63 emergency telephone 911 service and for such purpose may expend the tax funds or other funds.

64           [5.] **8.** The board shall elect a chairman, vice chairman, treasurer, and such other officers  
65 as it deems necessary for its membership. Before taking office, the treasurer shall furnish a  
66 surety bond, in an amount to be determined and in a form to be approved by the board, for the  
67 faithful performance of the treasurer's duties and faithful accounting of all moneys that may come  
68 into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company  
69 authorized to do business in Missouri, and the cost of such bond shall be paid by the board.

70           [6.] **9.** The board shall set rules for establishment and operation of the emergency 911  
71 system, and shall do all other things necessary to carry out the purposes of sections 190.300 to  
72 190.320.

73           [7.] **10.** The board may contract with any not-for-profit corporation including any  
74 corporation which is incorporated for the purpose of implementing the provisions of sections  
75 190.300 to 190.320.

76           [8.] **11.** The board may accept any gift of property or money for the use and benefit of  
77 the emergency telephone 911 service in the county, and the board is authorized to sell or  
78 exchange any such property which the board believes would be to the benefit of the service so  
79 long as the proceeds are used exclusively for emergency telephone services. The board shall  
80 have exclusive control of all gifts, property or money the board may accept; of all interest or  
81 other proceeds which may accrue from the investment of such gifts or money or from the sale  
82 of such property; of all tax revenues collected by the county on behalf of the emergency  
83 telephone 911 services; and of all other funds granted, appropriated, or loaned to the board by

84 the federal government, the state, or its political subdivisions so long as these resources are used  
85 solely to benefit the emergency telephone service in the county.

86 [9.] 12. Any board member may, following notice and an opportunity to be heard, be  
87 removed from office by a majority vote of the other members of the board for any of the  
88 following grounds:

89 (1) Failure to attend five consecutive meetings, without good cause;

90 (2) Conduct prejudicial to the good order and efficient operation of the emergency  
91 telephone service; or

92 (3) Neglect of duty.

93 [10.] 13. The chairman of the board shall preside at such removal hearing, unless the  
94 chairman is the person sought to be removed, in which case the hearing shall be presided over  
95 by another member elected by the majority vote of the other board members. All interested  
96 parties may present testimony and arguments at such hearing, and the witnesses shall be sworn  
97 by oath or affirmation before testifying. Any interested party may, at his or her own expense,  
98 record the proceedings.

99 [11.] 14. Vacancies on the board occasioned by removals, resignations or otherwise shall  
100 be reported by the board chairman to the governing body of the county and shall be filled [in like  
101 manner as original appointments] **by appointment by the county governing body**; except that,  
102 if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired  
103 portion of that term.

104 [12.] 15. Individual board members shall not be eligible for employment by the board  
105 within twelve months of termination of service as a member of the board.

106 [13.] 16. No person shall be employed by the board who is related within the fourth  
107 degree of consanguinity or affinity to any member of the board.

**190.324. 1. There is hereby created an "Emergency Services 911 Board" in any  
2 county that does not already have a board established to oversee emergency 911 service in  
3 the county and to administer any funds received by the county from any source for the  
4 purpose of establishing, operating, and upgrading an emergency 911 service system,  
5 including the central dispatching of any type of emergency services.**

6 **2. (1) In any county not having a charter form of government, the board shall  
7 consist of seven members, three elected from each district of the county commission and  
8 one member elected at large.**

9 **(2) In any county with a charter form of government and a county council, the  
10 board shall consist of seven members, one member elected from each district of the county  
11 council.**

12           **(3) In any county with a charter form of government and a county legislature, the**  
13 **board shall consist of seven members, one member elected from each local district of the**  
14 **county legislature and one member elected at large.**

15           **3. Effective August 28, 2012, the county governing body shall appoint the initial**  
16 **members of the board. The initial board shall consist of seven members appointed without**  
17 **regard to political affiliation, three of whom shall be selected from, and who shall**  
18 **represent, the fire protection districts, ambulance districts, sheriff's department,**  
19 **municipalities, and any other emergency services, and four of whom shall not be selected**  
20 **from nor represent, the fire protection districts, ambulance districts, sheriff's department,**  
21 **municipalities, and any other emergency services. This initial board shall serve until its**  
22 **successor board is duly elected and installed in office. The county governing body shall**  
23 **ensure geographic representation of the county by appointing no more than four members**  
24 **from each district of the county commission.**

25           **4. Beginning with the first municipal election held in 2013, the seven members of**  
26 **the board shall be elected as follows:**

27           **(1) In any county not having a charter form of government, three shall be elected**  
28 **from each district of the county commission and one member shall be elected at large;**

29           **(2) In any county with a charter form of government and a county council, one**  
30 **member shall be elected from each district of the county council; and**

31           **(3) In any county with a charter form of government and a county legislature, one**  
32 **member shall be elected from each local district of the county legislature and one member**  
33 **shall be elected at large.**

34           **5. Of the members first elected in 2013:**

35           **(1) In any county not having a charter form of government, two members from**  
36 **each district of the county commission shall be elected for terms of two years and the**  
37 **remaining members from commission districts and the member at large shall be elected for**  
38 **terms of four years;**

39           **(2) In any county with a charter form of government and a county council, four**  
40 **members shall be elected for terms of two years and the remaining members shall be**  
41 **elected for terms of four years; and**

42           **(3) In any county with a charter form of government and a county legislature, four**  
43 **members from local districts of the county legislature shall be elected for terms of two**  
44 **years and the remaining members from county legislature districts and the member at**  
45 **large shall be elected for terms of four years.**

46           **6. In 2015, and thereafter, all terms of office shall be four years.**

47           7. The members of the board shall annually elect, from among their number, the  
48 chairman of the board.

49           8. When the board is organized, it shall be a body corporate and a political  
50 subdivision of the state and shall be known as the "..... Emergency Services Board".

51           9. The powers and duties of the emergency services board shall include, but not be  
52 limited to:

53           (1) Planning a 911 system and dispatching system;

54           (2) Coordinating and supervising the implementation, upgrading or maintenance  
55 of the system, including the establishment of equipment specifications and coding systems;

56           (3) Receiving money from any county tax authorized to be levied under chapter 190  
57 and authorizing disbursements from such moneys collected; and

58           (4) Hiring any staff necessary for the implementation, upgrade or operation of the  
59 system.

60           10. The administrative control and management of any money received by the  
61 board and the administrative control and management of any emergency services system  
62 shall rest solely with the board, and the board shall employ all necessary personnel, affix  
63 their compensation and provide suitable quarters and equipment for the operation of such  
64 systems from the funds available for this purpose.

65           11. The board may contract to provide services relating in whole or in part to  
66 central dispatching of emergency services and for such purpose may expend the tax funds  
67 or other funds.

68           12. The board shall elect a vice chairman, treasurer, secretary and such other  
69 officers as it deems necessary. Before taking office, the treasurer shall furnish a surety  
70 bond in an amount to be determined and in a form to be approved by the board for the  
71 faithful performance of the treasurer's duties and faithful accounting of all moneys that  
72 may come into the treasurer's hands. The treasurer shall enter into the surety bond with  
73 a surety company authorized to do business in Missouri, and the cost of such bond shall  
74 be paid by the board of directors.

75           13. The board may accept any gift of property or money for the use and benefit of  
76 the central dispatching of emergency services, and the board is authorized to sell or  
77 exchange any such property which it believes would be to the benefit of the service so long  
78 as the proceeds are used exclusively for central dispatching of emergency services. The  
79 board shall have exclusive control of all gifts, property, or money it may accept; of all  
80 interest of other proceeds which may accrue from the investment of such gifts or money  
81 or from the sale of such property; of all tax revenues collected by the county on behalf of  
82 the central dispatching of emergency services; and of all other funds granted,

83 appropriated, or loaned to it by the federal government, the state or its political  
84 subdivisions so long as such resources are used solely to benefit the central dispatching of  
85 emergency services.

86 **14. Any board member may, following notice and an opportunity to be heard, be**  
87 **removed from any office by a majority vote of the other members of the board for any of**  
88 **the following reasons:**

89 **(1) Failure to attend five consecutive meetings, without good cause;**

90 **(2) Conduct prejudicial to the good order and efficient operation of the central**  
91 **dispatching of emergency services; or**

92 **(3) Neglect of duty.**

93 **15. The chair of the board shall preside at such removal hearing, unless the chair**  
94 **is the person sought to be removed, in which case the hearing shall be presided over by**  
95 **another member elected by a majority vote of the other board members. All interested**  
96 **parties may present testimony and arguments at such hearing, and the witnesses shall be**  
97 **sworn in by oath or affirmation before testifying. Any interested party may, at the**  
98 **interested party's own expense, record the proceedings.**

99 **16. Vacancies on the board occasioned by removals, resignations, or otherwise shall**  
100 **be filled by the remaining members of the board. The appointee or appointees shall act**  
101 **until the next election at which a director or directors are elected to serve the remainder**  
102 **of the unexpired term.**

103 **17. Individual board members shall not be eligible for employment by the board**  
104 **within twelve months of termination of service as a member of the board.**

105 **18. No person shall be employed by the board who is related within the fourth**  
106 **degree by blood or by marriage to any member of the board.**

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  
17 sales tax of ..... (insert rate of percent) percent for the purpose of providing central  
18 dispatching of fire protection, emergency ambulance service, including emergency telephone  
19 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 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.

68           11. [Notwithstanding the provisions of subsections 8 to 10 of this section to the  
69 contrary,] In any county of the first classification with more than two hundred forty thousand  
70 three hundred but fewer than two hundred forty thousand four hundred inhabitants, any  
71 emergency telephone service 911 board appointed by the county under section 190.309 which  
72 is in existence on the date the voters approve a sales tax under this section shall continue to exist,  
73 **subject to the provisions of subsections 3, 4, and 5 of section 190.309**, and shall have the  
74 powers set forth under section 190.339.

75           12. [(1) Notwithstanding the provisions of subsections 8 to 10 of this section to the  
76 contrary] **Until August 28, 2012**, in any county of the second classification with more than  
77 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that  
78 has approved a sales tax under this section, the county commission shall appoint the members  
79 of the board to administer the funds and oversee the provision of emergency services in the  
80 county.

81           [(2) The board shall consist of seven members appointed without regard to political  
82 affiliation. Each member shall be one of the following:

83           (a) The head of any of the county's fire protection districts, or a designee;

- 84 (b) The head of any of the county's ambulance districts, or a designee;  
85 (c) The county sheriff, or a designee;  
86 (d) The head of any of the police departments in the county, or a designee; and  
87 (e) The head of any of the county's emergency management organizations, or a designee.

88 (3) Upon the appointment of the board under this subsection,] The board shall have the  
89 power provided in section 190.339 and shall exercise all powers and duties exercised by the  
90 county commission under this chapter, and the commission shall relinquish all powers and duties  
91 relating to the provision of emergency services under this chapter to the board. **Appointed**  
92 **members of the board in office on August 28, 2012, shall continue to serve until a successor,**  
93 **if applicable, is duly elected. Beginning with the first municipal election held in 2013, the**  
94 **board shall consist of seven members, elected as follows:**

95 (1) **In any county not having a charter form of government, three shall be elected**  
96 **from each district of the county commission and one member shall be elected at large;**

97 (2) **In any county with a charter form of government and a county council, one**  
98 **member shall be elected from each district of the county council; and**

99 (3) **In any county with a charter form of government and a county legislature, one**  
100 **member shall be elected from each local district of the county legislature and one member**  
101 **shall be elected at large.**

102 **13. Of the members first elected in 2013:**

103 (1) **In any county not having a charter form of government, two members from**  
104 **each district of the county commission shall be elected for terms of two years and the**  
105 **remaining members from commission districts and the member at large shall be elected for**  
106 **terms of four years;**

107 (2) **In any county with a charter form of government and a county council, four**  
108 **members shall be elected for terms of two years and the remaining members shall be**  
109 **elected for terms of four years; and**

110 (3) **In any county with a charter form of government and a county legislature, four**  
111 **members from local districts of the county legislature shall be elected for terms of two**  
112 **years and the remaining members from county legislature districts and the member at**  
113 **large shall be elected for terms of four years.**

114 **14. In 2015, and thereafter, all terms of office shall be four years.**

[650.325.] **190.411.** There is hereby established within the department of public safety  
2 the "[Advisory Committee for] 911 Service Oversight **Board**" which is charged with assisting  
3 and advising the state in ensuring the availability, implementation and enhancement of a  
4 statewide emergency telephone number common to all jurisdictions through research, planning,  
5 training and education. The [committee for] 911 service oversight **board** shall represent all

6 entities and jurisdictions before appropriate policy-making authorities and the general assembly  
7 and shall strive toward the immediate access to emergency services for all citizens of this state.

8 [650.330.] **190.415.** 1. The [committee for] 911 service oversight **board** shall consist  
9 of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of the**  
10 department of public safety **or the director's designee**, who shall serve as chair of the  
11 [committee] **board** and only vote in the instance of a tie vote among the other members, and the  
12 other members shall be selected as follows:

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

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

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

17 [(4)] (2) One member chosen to represent an association with a chapter domiciled in this  
18 state whose primary interest relates to a national emergency number;

19 [(5)] (3) One member chosen to represent an association whose primary interest relates  
20 to issues pertaining to fire chiefs;

21 [(6)] (4) One member chosen to represent an association with a chapter domiciled in this  
22 state whose primary interest relates to issues pertaining to public safety communications officers;

23 [(7)] (5) One member chosen to represent an association whose primary interest relates  
24 to issues pertaining to [police chiefs] **law enforcement officials; and**

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

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

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

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

33 [(12)] (6) One member chosen to represent telecommunications service providers with  
34 at least one hundred thousand access lines located within Missouri[;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69           6. The department of public safety is authorized to adopt those rules that are reasonable  
70 and necessary to accomplish the limited duties specifically delegated within section [650.340]

71 **190.445.** Any rule or portion of a rule, as that term is defined in section 536.010, shall become  
 72 effective only if it has been promulgated pursuant to the provisions of chapter 536. This section  
 73 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
 74 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule  
 75 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
 76 proposed or adopted after August 28, 1999, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 3. The board shall do the following:

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

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

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

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

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

43

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

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

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

15

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

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

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

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

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

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

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

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

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

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

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

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

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



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

2 [650.320. For the purposes of sections 650.320 to 650.340, the following  
terms mean:  
3 (1) "Committee", the advisory committee for 911 service oversight  
4 established in section 650.325;  
5 (2) "Public safety answering point", the location at which 911 calls are  
6 initially answered;  
7 (3) "Telecommunicator", any person employed as an emergency  
8 telephone worker, call taker or public safety dispatcher whose duties include  
9 receiving, processing or transmitting public safety information received through  
10 a 911 public safety answering point.]

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