

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND Senate Bill No. 503, Page 1, Section A, Line 2, by inserting immediately after all of said  
2 section and line the following:

3  
4 "43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens,  
5 and the responsibilities of the patrol in maintaining accurate records of missing persons are as  
6 follows:

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

10 (a) The name of the complainant;

11 (b) The name, address, and phone number of the guardian, if any, of the missing person;

12 (c) The relationship of the complainant to the missing person;

13 ~~[(e)]~~ (d) The name, age, address, and all identifying characteristics of the missing person;

14 ~~[(d)]~~ (e) The length of time the person has been missing; and

15 ~~[(e)]~~ (f) All other information deemed relevant by either the complainant or the law  
16 enforcement agency;

17 (2) A report of the complaint of a missing person shall be immediately entered into the  
18 Missouri uniform law enforcement system (MULES) and the National Crime Information Center  
19 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other  
20 law enforcement agencies who may come in contact with or be involved in the investigation or  
21 location of a missing person;

22 (3) A law enforcement agency with which a complaint of a missing child has been filed  
23 shall prepare, as soon as practicable, a standard missing child report. The missing child report shall  
24 be maintained as a record by the reporting law enforcement agency during the course of an active  
25 investigation;

26 (4) Upon the location of a missing person, or the determination by the law enforcement  
27 agency of jurisdiction that the person is no longer missing, the law enforcement agency which  
28 reported the missing person shall immediately remove the record of the missing person from the  
29 MULES and NCIC files.

30 2. No law enforcement agency shall prevent an immediate active investigation on the basis  
31 of an agency rule which specifies an automatic time limitation for a missing person investigation.

32 70.210. As used in sections 70.210 to 70.320, the following terms mean:

33 (1) "Governing body", the board, body or persons in which the powers of a municipality or  
34 political subdivision are vested;

35 (2) "Municipality", municipal corporations, political corporations, and other public  
36 corporations and agencies authorized to exercise governmental functions;

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1 (3) "Political subdivision", counties, townships, cities, towns, villages, school, county  
 2 library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water  
 3 conservation districts, watershed subdistricts, county hospitals, any board of control of an art  
 4 museum, any 911 or emergency services board authorized in chapter 190 or in section 321.243, the  
 5 board created under sections 205.968 to 205.973, and any other public subdivision or public  
 6 corporation having the power to tax.

7 190.300. As used in sections 190.300 to [~~190.320~~] 190.340, the following terms and phrases  
 8 mean:

9 (1) "Emergency telephone service", a telephone system utilizing a single three digit number  
 10 "911" for reporting police, fire, medical or other emergency situations;

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

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

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

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

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

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

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

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

36 190.308. 1. In any county that has established an emergency telephone service pursuant to  
 37 sections 190.300 to [~~190.320~~] 190.340, it shall be unlawful for any person to misuse the emergency  
 38 telephone service. For the purposes of this section, "emergency" means any incident involving  
 39 danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other  
 40 public safety organization, "misuse the emergency telephone service" includes, but is not limited to,  
 41 repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in  
 42 use when emergency situations may need such operators or equipment and "repeatedly" means three  
 43 or more times within a one-month period.

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

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

48 190.325. 1. In any county of the first classification without a charter form of government

1 with a population of at least one hundred fifty thousand inhabitants but less than two hundred fifty  
2 thousand inhabitants, the county commission may use all or a part of the moneys derived from the  
3 emergency telephone tax authorized pursuant to section 190.305 for central dispatching of fire  
4 protection, emergency ambulance service or any other emergency services, which may include the  
5 purchase and maintenance of communications and emergency equipment. In the event such  
6 commission chooses to use the tax provided in that section for such services, the provisions of  
7 sections 190.300 to 190.320 shall apply except as provided in this section.

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

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

27         190.327. 1. Immediately upon the decision by the commission to utilize a portion of the  
28 emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the  
29 commission shall appoint the initial members of a board which shall administer the funds and  
30 oversee the provision of central dispatching for emergency services in the county and in  
31 municipalities and other political subdivisions which have contracted for such service. Beginning  
32 with the general election in 1992, all board members shall be elected according to this section and  
33 other applicable laws of this state. At the time of the appointment of the initial members of the  
34 board, the commission shall relinquish to the board and no longer exercise the duties prescribed in  
35 this chapter with regard to the provision of emergency telephone service and in chapter 321, with  
36 regard to the provision of central dispatching service, and such duties shall be exercised by the  
37 board.

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

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

- 42             (1) To have and use a corporate seal;
- 43             (2) To sue and be sued, and be a party to suits, actions and proceedings;
- 44             (3) To enter into contracts, franchises and agreements with any person, partnership,  
45 association or corporation, public or private, affecting the affairs of the board;
- 46             (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal  
47 property, including leases and easements;
- 48             (5) To have the management, control and supervision of all the business affairs of the board

1 and the construction, installation, operation and maintenance of any improvements;

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

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

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

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

8 (10) To have and exercise all rights and powers necessary or incidental to or implied from  
9 the specific powers granted in this subsection. Such specific powers shall not be considered as a  
10 limitation upon any power necessary or appropriate to carry out the purposes and intent of sections  
11 190.300 to 190.329.

12 4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary,  
13 the county commission may elect to appoint the members of the board to administer the funds and  
14 oversee the provision of central dispatching for emergency services in the counties and  
15 municipalities and other political subdivisions which have contracted for such service upon the  
16 request of the municipalities and other political subdivisions. Upon appointment of the initial  
17 members of the board, the commission shall relinquish to the board and no longer exercise the  
18 duties prescribed in this chapter with regard to the provision of central dispatching service and such  
19 duties shall be exercised by the board.

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

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

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

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

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

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

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

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

36 c. The head of any of the municipal police departments located in the county who have  
37 contracted for central dispatching service, or his or her designee, excluding those mentioned in  
38 subparagraph b of paragraph (a) of subdivision (2) of this subsection; and

39 d. The head of any of the municipal fire departments in the county who have contracted for  
40 central dispatching service, or his or her designee, excluding those mentioned in subparagraph c of  
41 paragraph (a) of subdivision (2) of this subsection.

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

45 190.328. 1. Beginning in 1997, within the area from which voters and the commission have  
46 approved the provision of central dispatching for emergency services by a public agency for an area  
47 containing third or fourth class cities in counties of the third classification with a population of at  
48 least thirty-two thousand but no greater than forty thousand that border a county of the first

1 classification but do not border the Mississippi River, the initial board shall consist of two members  
2 from each township within such area and one at-large member who shall serve as the initial  
3 chairperson of such board.

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

11 3. Of those initially elected to the board as provided in this section, four from the townships  
12 shall be elected to a term of two years, and four from the townships and the at-large member shall  
13 be elected to a term of four years. Upon the expiration of these initial terms, all members shall  
14 thereafter be elected to terms of four years; provided that, if a board established in this section  
15 consolidates with a board established under section 190.327 or 190.335, under the provisions of  
16 section 190.460, the term of office for the existing board members shall end on the thirtieth day  
17 following the appointment of the initial board of directors for the consolidated district.

18 190.329. 1. Except in areas from which voters and the commission have approved the  
19 provision of central dispatching for emergency services by a public agency for an area containing  
20 third or fourth class cities located in counties of the third classification with a population of at least  
21 thirty-two thousand but no greater than forty thousand that border a county of the first classification  
22 but do not border the Mississippi River, the initial board shall consist of seven members appointed  
23 without regard for political party who shall be selected from and shall represent the fire protection  
24 districts, ambulance districts, sheriff 's department, municipalities, any other emergency services  
25 and the general public. This initial board shall serve until its successor board is duly elected and  
26 installed in office. The commission shall ensure geographic representation of the county by  
27 appointing no more than four members from any one commission district of the county.

28 2. Beginning in 1992, three members shall be elected from each commission district and  
29 one member shall be elected at large, with such at-large member to be a voting member and  
30 chairman of the board. Of those first elected, four members from commission districts shall be  
31 elected for terms of two years and two members from commission districts and the member at large  
32 shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four  
33 years, except as otherwise provided in this subsection or as provided in subsection 3 of this section.  
34 Any vacancy on the board shall be filled in the same manner as the initial appointment was made.  
35 Four members shall constitute a quorum. If a board established in section 190.327 consolidates  
36 with a board established under section 190.327, 190.328, or 190.335, under the provisions of section  
37 190.460, the term of office for the existing board members shall end on the thirtieth day following  
38 the appointment of the initial board of directors for the consolidated district.

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

44 190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency  
45 telephone services, the county commission of any county may impose a county sales tax for the  
46 provision of central dispatching of fire protection, including law enforcement agencies, emergency  
47 ambulance service or any other emergency services, including emergency telephone services, which  
48 shall be collectively referred to herein as "emergency services", and which may also include the

1 purchase and maintenance of communications and emergency equipment, including the operational  
2 costs associated therein, in accordance with the provisions of this section.

3 2. Such county commission may, by a majority vote of its members, submit to the voters of  
4 the county, at a public election, a proposal to authorize the county commission to impose a tax under  
5 the provisions of this section. If the residents of the county present a petition signed by a number of  
6 residents equal to ten percent of those in the county who voted in the most recent gubernatorial  
7 election, then the commission shall submit such a proposal to the voters of the county.

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

9 Shall the county of ..... (insert name of county) impose a county sales tax of .....  
10 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,  
11 emergency ambulance service, including emergency telephone services, and other emergency  
12 services?

13  YES

NO

14 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
15 the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast  
16 by the qualified voters voting are opposed to the proposal, then the county commission shall have  
17 no power to impose the tax authorized by this section unless and until the county commission shall  
18 again have submitted another proposal to authorize the county commission to impose the tax under  
19 the provisions of this section, and such proposal is approved by a majority of the qualified voters  
20 voting thereon.

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

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

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

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

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

48 9. The initial board shall consist of seven members appointed without regard to political

1 affiliation, who shall be selected from, and who shall represent, the fire protection districts,  
 2 ambulance districts, sheriff's department, municipalities, any other emergency services and the  
 3 general public. This initial board shall serve until its successor board is duly elected and installed in  
 4 office. The commission shall ensure geographic representation of the county by appointing no more  
 5 than four members from each district of the county commission.

6 10. Beginning in 1994, three members shall be elected from each district of the county  
 7 commission and one member shall be elected at large, such member to be the chairman of the board.  
 8 Of those first elected, four members from districts of the county commission shall be elected for  
 9 terms of two years and two members from districts of the county commission and the member at  
 10 large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be  
 11 four years; provided that, if a board established in this section consolidates with a board established  
 12 under this section, section 190.327, or section 190.328, under the provisions of section 190.460, the  
 13 term of office for the existing board members shall end on the thirtieth day following the  
 14 appointment of the initial board of directors for the consolidated district. Notwithstanding any other  
 15 provision of law, if there is no candidate for an open position on the board, then no election shall be  
 16 held for that position and it shall be considered vacant, to be filled pursuant to the provisions of  
 17 section 190.339, and, if there is only one candidate for each open position, no election shall be held  
 18 and the candidate or candidates shall assume office at the same time and in the same manner as if  
 19 elected.

20 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in  
 21 any county of the first classification with more than two hundred forty thousand three hundred but  
 22 fewer than two hundred forty thousand four hundred inhabitants or in any county of the third  
 23 classification with a township form of government and with more than twenty-eight thousand but  
 24 fewer than thirty-one thousand inhabitants, any emergency telephone service 911 board appointed  
 25 by the county under section 190.309 which is in existence on the date the voters approve a sales tax  
 26 under this section shall continue to exist and shall have the powers set forth under section 190.339.  
 27 Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a  
 28 political subdivision of the state for any purpose, unless and until an order is entered upon an  
 29 unanimous vote of the commissioners of the county in which such board is established reclassifying  
 30 such board as a corporate body and political subdivision of the state. The order shall approve the  
 31 transfer of the assets and liabilities related to the operation of the emergency telephone service 911  
 32 system to the new entity created by the reclassification of the board.

33 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,  
 34 in any county of the second classification with more than fifty-four thousand two hundred but fewer  
 35 than fifty-four thousand three hundred inhabitants or any county of the first classification with more  
 36 than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under  
 37 this section, the county commission shall appoint the members of the board to administer the funds  
 38 and oversee the provision of emergency services in the county.

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

- 42 (a) The head of any of the county's fire protection districts, or a designee;
- 43 (b) The head of any of the county's ambulance districts, or a designee;
- 44 (c) The county sheriff, or a designee;
- 45 (d) The head of any of the police departments in the county, or a designee; and
- 46 (e) The head of any of the county's emergency management organizations, or a designee.

47 (3) Upon the appointment of the board under this subsection, the board shall have the power  
 48 provided in section 190.339 and shall exercise all powers and duties exercised by the county

1 commission under this chapter, and the commission shall relinquish all powers and duties relating to  
2 the provision of emergency services under this chapter to the board.

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

6 (5) In any county with more than fifty thousand but fewer than seventy thousand inhabitants  
7 and with a county seat with more than two thousand one hundred but fewer than two thousand four  
8 hundred inhabitants, the entities listed in subdivision (2) of this subsection shall be represented by  
9 one member, and two members shall be residents of the county not affiliated with any of the entities  
10 listed in subdivision (2) of this subsection and shall be known as public members.

11 190.400. As used in sections 190.400 to ~~[190.440]~~ 190.451, the following words and terms  
12 shall mean:

13 ~~(1) ["911", the primary emergency telephone number within the wireless system;~~

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

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

18 (2) "Communications service":

19 (a) Any service that:

20 a. Uses telephone numbers or their functional equivalents or successors;

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

25 c. Provides and enables real-time or interactive communications other than machine-to-  
26 machine communications; and

27 d. Is available to a prepaid user or a standard user;

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

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

32 b. Commercial mobile radio service; and

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

34 (c) The term does not include broadband internet access service;

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

39 (3) "Provider or communications service provider", a person who provides retail  
40 communications services to the public that include 911 communications service including, but not  
41 limited to, a local exchange carrier, a wireless provider, and a voice over internet protocol provider,  
42 but only if such entity provides access to, and connection and interface with, a 911 communications  
43 service or its successor service;

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

48 ~~[(4)]~~ (5) "Public safety answering point", the location at which 911 calls are [initially]



1 answered;

2 ~~[(5)]~~ (6) "Subscriber", a person who contracts with and is billed by a provider for a retail  
3 communications service. In the case of wireless service and for purposes of section 190.450, the  
4 term "subscriber" means a person who contracts with a provider if the person's primary place of use  
5 is within the county or city imposing a monthly fee under section 190.450, and does not include  
6 subscribers to prepaid wireless service;

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

9 190.420. 1. There is hereby established a special trust fund to be known as the "[Wireless  
10 Service Provider Enhanced] Missouri 911 Service Trust Fund". All fees collected pursuant to  
11 sections 190.400 to ~~[190.440 by wireless service providers]~~ 190.451 shall be remitted to the director  
12 of the department of revenue.

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

19 3. Any unexpended balance in the fund shall be exempt from the provisions of section  
20 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall  
21 remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund,  
22 and may be used to fund the study required under subsection 18 of section 190.450.

23 4. The moneys in the trust fund shall not be deemed to be state funds and shall not be  
24 commingled with any funds of the state. The director of revenue shall keep accurate records of the  
25 amount of moneys in the trust fund which were collected in each county, city not within a county, or  
26 home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and  
27 partially located in any county of the third classification without a township form of government  
28 and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants under  
29 sections 190.400 to 190.451, and the records shall be open to the inspection of officers of a  
30 participating county or city and the public.

31 190.450. 1. Except as provided under subsections 9 and 10 of this section, in lieu of the tax  
32 levy authorized under section 190.305 or 190.325 or the sales tax imposed under section 190.292 or  
33 190.335, the governing body of any county, city not within a county, or home rule city with more  
34 than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any  
35 county of the third classification without a township form of government and with more than thirty-  
36 seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a  
37 monthly fee on subscribers of any communications service that has been enabled to contact 911.  
38 The monthly fee authorized in this section shall not exceed one dollar and fifty cents and shall be  
39 assessed to the subscriber of the communications service, regardless of technology, based upon the  
40 number of active telephone numbers, or their functional equivalents or successors, assigned by the  
41 provider and capable of simultaneously contacting the public safety answering point; provided that,  
42 for multiline telephone systems and for facilities provisioned with capacity greater than a voice  
43 capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the  
44 number of voice-capable grade channels as provisioned by the provider that allow simultaneous  
45 contact with the public safety answering point. Only one fee may be assessed per active telephone  
46 number, or its functional equivalent or successor, used to provide a communications service. No fee  
47 imposed under this section shall be imposed on more than one hundred voice-grade channels or their  
48 equivalent per person per location. Notwithstanding any provision to the contrary in this section,

1 the monthly fee shall not be assessed on the provision of broadband internet access service. The fee  
 2 shall be imposed solely for the purpose of funding 911 service in such county or city. The monthly  
 3 fee authorized in this section shall be limited to one fee per device. The fee authorized in this  
 4 section shall be in addition to all other taxes and fees imposed by law and may be stated separately  
 5 from all other charges and taxes. The fee shall be the liability of the subscriber, not the provider,  
 6 except that the provider shall be liable to remit all fees that the provider collects under this section.

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

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

14                                    YES                                   NO

15 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of  
 16 the question, then the fee shall become effective on the first day of the second calendar quarter after  
 17 the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on  
 18 the question by the qualified voters voting thereon are opposed to the question, then the fee shall not  
 19 become effective unless and until the question is resubmitted under this section to the qualified  
 20 voters and such question is approved by a majority of the qualified voters voting on the question.  
 21 The question shall not be resubmitted within three hundred fifty-nine days of the previous election  
 22 at which a majority of the votes cast were opposed to the question.

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

25 4. All revenue collected under this section by the director of the department of revenue on  
 26 behalf of the county or city, except for two percent to be withheld by the provider for the cost of  
 27 administering the collection and remittance of the fee and one percent for the cost of collection  
 28 which shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911  
 29 service trust fund created in section 190.420. The director of the department of revenue shall remit  
 30 such funds to the county or city on a monthly basis. The governing body of any such county or city  
 31 shall control such funds remitted to the county or city unless the county or city has established an  
 32 elected board for the purpose of administering such funds. In the event that any county or city has  
 33 established a board under any other provision of state law for the purpose of administering funds for  
 34 911 service, such existing board may continue to perform such functions after the county or city has  
 35 adopted the monthly fee under this section.

36 5. Nothing in this section imposes any obligation upon a provider of a communications  
 37 service to take any legal action to enforce the collection of the tax imposed in this section. The tax  
 38 shall be collected in compliance, as applicable, with the federal Mobile Telecommunications  
 39 Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

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

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

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

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

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

18           8. The fee imposed under this section shall not be imposed on customers who pay for  
19 service prospectively, known as purchasers of prepaid wireless telecommunications service  
20 customers.

21           9. No county or city shall submit a proposal to the voters under this section for a fee of  
22 more than one dollar until the county or city receives approval for the fee amount from the Missouri  
23 911 service board established under section 650.325. Once a fee of more than one dollar has been  
24 approved by the Missouri 911 service board and the voters, the county or city shall not subsequently  
25 increase the fee until the increased fee amount has been approved by the Missouri 911 service board  
26 and the voters under this section. Any county or city seeking to impose or increase a fee of more  
27 than one dollar shall submit to the Missouri 911 service board information to justify the fee amount.  
28 The information to be provided shall include, but not be limited to, the following:

29           (1) Estimated costs of services to be provided;

30           (2) Estimated revenue from all sources intended to financially support the proposed 911  
31 service;

32           (3) Prior revenue amounts and sources of financial support for the previously funded 911 or  
33 emergency dispatch service;

34           (4) Efforts to secure revenue to support the proposed 911 service other than the proposed  
35 fee under this section;

36           (5) Current level of 911 service provided and the proposed level of 911 service to be  
37 provided;

38           (6) Any previous efforts regarding the consolidation of 911 services and any currently  
39 proposed efforts regarding the consolidation of 911 services; and

40           (7) Expected level of training of personnel and expected number of telecommunications per  
41 shift.

42           10. The fee imposed under this section shall not be imposed in conjunction with any tax  
43 imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall  
44 simultaneously impose more than one tax authorized in this section or section 190.292, 190.305,  
45 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred  
46 exchange access facilities or their equivalent per person per location.

47           11. No county shall submit a proposal to the voters of the county under this section or  
48 section 190.335 until the department of public safety has issued a state consolidation plan to the

1 Missouri 911 service board and either:

2 (1) All providers of emergency telephone service as defined in section 190.300 and public  
3 safety answering point operations within the county are consolidated into one public agency as  
4 defined in section 190.300 that provides emergency telephone service for the county; and

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

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

13 12. Any plan developed under subdivision (2) or (3) of subsection 11 of this section shall be  
14 filed with the Missouri 911 service board under subsection 4 of section 650.330, and the board shall  
15 review the plan to ensure it is not inconsistent with the state consolidation plan issued under  
16 subsection 18 of this section. Any plan that is filed under this subsection shall provide for the  
17 establishment of a joint emergency communications board as described in section 70.260. The  
18 director of the department of revenue shall not remit any funds as provided under this section until  
19 the department receives notification from the Missouri 911 service board that the county has filed a  
20 plan that is ready for implementation and that the board has received the state consolidation plan  
21 issued under subsection 18 of this section. If after one year following the enactment of the fee  
22 described in subsection 1 of this section the county has not complied with the plan that the county  
23 submitted under subdivision (2) or (3) of subsection 11 of this section, but the county has  
24 substantially complied with the plan, then the Missouri 911 service board may grant the county an  
25 extension of up to six months to comply with its plan. Not more than one extension may be granted  
26 to a county. The authority to impose the fee granted to the county in subsection 1 of this section  
27 shall be null and void if after one year following the enactment of the fee described in subsection 1  
28 of this section the county has not complied with the plan and has not been granted an extension by  
29 the Missouri 911 service board, or if the six-month extension expires and the county has not  
30 complied with the plan.

31 13. Each county that does not have a public agency as defined in section 190.300 that  
32 provides emergency telephone service as defined in section 190.300 for the county shall either:

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

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

40 14. A county operating joint or shared emergency telephone service as defined in section  
41 190.300 may submit to the voters of the county a proposal to impose the fee to support joint  
42 operations and further consolidation under this section.

43 15. All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing  
44 Act, 4 U.S.C. Sections 116 to 124, as amended.

45 16. Nothing in subsections 11, 12, 13, and 14 of this section shall apply to a county with a  
46 charter form of government where all public safety answering points within the county utilize a  
47 common 911 communication service as implemented by the appropriate local and county agencies  
48 prior to August 28, 2017.

1           17. No county which contains any portion of a home rule city with more than four hundred  
2 thousand inhabitants and located in more than one county shall submit a proposal to the voters under  
3 this section until the county and the home rule city with more than four hundred thousand  
4 inhabitants and located in more than one county enter into an agreement for equitable sharing of  
5 revenue under this section and section 190.451.

6           18. By December 31, 2017, the department of public safety shall complete a study of the  
7 number of public safety answering points necessary to provide the best possible 911 technology and  
8 service to all areas of the state in the most efficient and economical manner possible, issue a state  
9 public safety answering point consolidation plan based on the study, and provide such plan to the  
10 Missouri 911 service board.

11           190.451. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

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

28           (8) "Wireless telecommunications service", commercial mobile radio service as defined by  
29 47 CFR 20.3, as amended.

30           2. (1) Beginning January 1, 2018, there is hereby imposed a prepaid wireless emergency  
31 telephone service charge on each retail transaction. The amount of such charge shall be equal to  
32 three percent of each retail transaction. However, if a minimal amount of prepaid wireless  
33 telecommunications service is sold with a prepaid wireless device for a single nonitemized price,  
34 then the seller may elect not to apply such service charge to such transaction. For purposes of this  
35 subdivision, an amount of service denominated as ten or fewer minutes, or five dollars or less is  
36 minimal.

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

42           (3) For purposes of this subsection, a retail transaction that is effected in person by a  
43 consumer at a business location of the seller shall be treated as occurring in this state if that business  
44 location is in this state; and any other retail transaction shall be treated as occurring in this state if  
45 the retail transaction is treated as occurring in this state under state law.

46           (4) The prepaid wireless emergency telephone service charge is the liability of the consumer  
47 and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that  
48 the seller is deemed to collect if the amount of the charge has not been separately stated on an

1 invoice, receipt, or other similar document provided to the consumer by the seller.

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

7 3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be  
8 remitted to the department at the times and in the manner provided by state law with respect to sales  
9 and use taxes. The department shall establish registration and payment procedures that substantially  
10 coincide with the registration and payment procedures that apply under state law.

11 (2) Beginning on January 1, 2018, and ending on January 31, 2018, when a consumer  
12 purchases prepaid wireless telecommunications service in a retail transaction from a seller under this  
13 section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency  
14 telephone service charges that are collected by the seller from the consumer. Beginning on February  
15 1, 2018, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency  
16 telephone service charges that are collected by the seller from consumers.

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

21 (4) The department shall deposit all remitted prepaid wireless emergency telephone service  
22 charges into the general revenue fund for the department's use until eight hundred thousand one  
23 hundred fifty dollars is collected to reimburse its direct costs of administering the collection and  
24 remittance of prepaid wireless emergency telephone service charges. From then onward, the  
25 department shall deposit all remitted prepaid wireless emergency telephone service charges into the  
26 Missouri 911 service trust fund created in section 190.420 within thirty days of receipt for use by  
27 the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the  
28 department may deduct an amount not to exceed one percent of collected charges to be retained by  
29 the department to reimburse its direct costs of administering the collection and remittance of prepaid  
30 wireless emergency telephone service charges.

31 (5) The board shall set a rate between twenty-five and seventy-five percent of the prepaid  
32 wireless emergency telephone service charges deposited in the Missouri 911 service trust fund  
33 collected in counties without a charter form of government, less the deductions authorized in  
34 subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the  
35 amount of charges collected in each county. The board shall set a rate between sixty-five and  
36 seventy-five percent of the prepaid wireless emergency telephone service charges deposited in the  
37 Missouri 911 service trust fund collected in counties with a charter form of government and any city  
38 not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be  
39 remitted to each such county or city not within a county in direct proportion to the amount of  
40 charges collected in each such county or city not within a county. The initial percentage rate set by  
41 the board for counties with and without a charter form of government and any city not within a  
42 county may be adjusted after three years, and thereafter the rate may be adjusted every two years;  
43 however, at no point shall the board set rates that fall below twenty-five percent for counties without  
44 a charter form of government and sixty-five percent for counties with a charter form of government  
45 and any city not within a county.

46 (6) Any amounts received by a county or city under subdivision (5) of this subsection shall  
47 be used only for purposes authorized in sections 190.305 and 190.335.

48 4. (1) A seller that is not a provider shall be entitled to the immunity and liability

1 protections under section 190.450, notwithstanding any requirement in state law regarding  
2 compliance with Federal Communications Commission Order 05-116.

3 (2) A provider shall be entitled to the immunity and liability protections under section  
4 190.450.

5 (3) In addition to the protection from liability provided in subdivisions (1) and (2) of this  
6 subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone  
7 acting on behalf of such persons shall be entitled to the further protection from liability, if any, that  
8 is provided to providers and sellers of wireless telecommunications service that is not prepaid  
9 wireless telecommunications service under section 190.450.

10 5. The prepaid wireless emergency telephone service charge imposed by this section shall be  
11 in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political  
12 subdivision of this state, or any intergovernmental agency for 911 funding purposes, except that  
13 such prepaid wireless emergency telephone service charge shall be charged in lieu of, and not  
14 imposed in addition to, any tax imposed under sections 190.292 or 190.335.

15 6. The provisions of this section shall expire on December 31, 2024.

16 190.455. 1. In order to provide the best possible 911 technology and service to all areas of  
17 the state in the most efficient and economical manner possible, it is the public policy of this state to  
18 encourage the consolidation of emergency communications operations.

19 2. Any county, city, or 911 or emergency services board established under chapter 190 or  
20 under section 321.243 may contract and cooperate with any other county, city, or 911 or emergency  
21 services board established under chapter 190 or under section 321.243 as provided in sections  
22 70.210 to 70.320. Any contracting counties or boards may seek assistance and advice from the  
23 Missouri 911 service board established in section 650.325 regarding the terms of the joint contract  
24 and the administration and operation of the contracting counties, cities, and boards.

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

41 4. After August 28, 2017, no public safety answering point operation may be established as  
42 a result of its separation from an existing public safety answering point operation without a study by  
43 and the approval of the Missouri 911 service board.

44 5. No provision of this law shall be construed to prohibit or discourage in any manner the  
45 formation of multiagency or multijurisdictional public safety answering point operations.

46 190.460. 1. As an alternative to the procedure provided in section 190.455, two or more  
47 911 central dispatch centers that are organized under sections 190.327 to 190.329 or section 190.335  
48 and funded by public taxes may consolidate into one 911 central dispatch center by following the

1 procedures set forth in this section.

2 2. If the consolidation of existing 911 central dispatch centers is desired, a number of voters  
 3 residing in the existing 911 central dispatch centers' service areas equal to ten percent of the votes  
 4 cast for governor in those service areas in the preceding gubernatorial election may file with the  
 5 county clerk in which the territory or greater part of the proposed consolidated 911 central dispatch  
 6 center service area will be situated a petition requesting consolidation of two or more 911 central  
 7 dispatch centers.

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

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

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

14 "The board of directors of the ..... 911 central dispatch center resolves that the ..... and  
 15 ..... 911 central dispatch centers be consolidated into one consolidated 911 central dispatch  
 16 center."

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

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

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

26 "Shall the existing ..... 911 central dispatch centers be consolidated into one 911 central  
 27 dispatch center?"

28                                    YES

NO

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

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

38 10. Within thirty days after the appointment of the initial board of directors of the newly  
 39 consolidated 911 central dispatch center, the board of directors shall meet at a time and place  
 40 designated by the county commissions. At the first meeting, the newly appointed board of directors  
 41 shall choose a name for the consolidated 911 central dispatch center and shall notify the clerks of  
 42 the county commission of each county within which the newly consolidated 911 central dispatch  
 43 center's service area now subsumes.

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

48 12. On the thirtieth day following the appointment of the initial board of directors, the



1 existing 911 central dispatch centers shall cease to exist and the consolidated 911 central dispatch  
 2 center shall assume all of the powers and duties exercised by the 911 central dispatch centers. All  
 3 assets and obligations of the existing 911 central dispatch centers shall become the assets and  
 4 obligations of the newly consolidated 911 central dispatch center.

5 13. In any county that has a single board established under chapter 190 or under section  
 6 321.243, if a consolidation under this section only affects existing 911 central dispatch centers  
 7 located wholly within said county, then the existing board shall vote as to whether the existing board  
 8 shall continue to exist. Upon a majority vote for approval of the existing board continuing to exist,  
 9 subsections 9 to 12 of this section shall not apply, and the existing board shall continue to exist and  
 10 have the powers set forth under the applicable section or sections within chapter 190 or under  
 11 section 321.243. Upon a majority vote in disapproval of the existing board continuing to exist, all  
 12 applicable subsections of this section shall apply to the consolidation. A tied vote shall be  
 13 considered a disapproval of the existing board continuing to exist.

14 190.475. The director of the department of revenue shall maintain a centralized database,  
 15 which shall be made available to the Missouri 911 service board established under section 650.325,  
 16 specifying the current monthly fee or tax imposed by each county or city under section 190.292,  
 17 190.305, 190.325, 190.335, or 190.450. The database shall be updated no less than sixty days prior  
 18 to the effective date of the establishment or modification of any monthly fee or tax listed in the  
 19 database.

20 650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

21 (1) [~~"Committee"~~] "Board", the [~~advisory committee for~~] Missouri 911 service [~~oversight~~]  
 22 board established in section 650.325;

23 (2) "Public safety answering point", the location at which 911 calls are [~~initially~~] answered;

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

27 650.325. There is hereby established within the department of public safety the [~~Advisory~~]  
 28 Committee for 911 Service Oversight] "Missouri 911 Service Board" which is charged with  
 29 assisting and advising the state in ensuring the availability, implementation and enhancement of a  
 30 statewide emergency telephone number common to all jurisdictions through research, planning,  
 31 training, and education, but shall have no authority over communications service providers as  
 32 defined in section 190.400. The [~~committee for 911 service oversight~~] board shall represent all  
 33 entities and jurisdictions before appropriate policy-making authorities and the general assembly and  
 34 shall strive toward the immediate access to emergency services for all citizens of this state,  
 35 including text to 911."; and

36  
 37 Further amend said bill, Pages 1-3, Section 650.330, Lines 1-72, by deleting all of said lines and  
 38 inserting in lieu thereof the following:

39  
 40 "650.330. 1. The [~~committee for 911 service oversight~~] board shall consist of [~~sixteen~~]  
 41 fifteen members, one of which shall be chosen from the department of public safety [~~who shall~~]  
 42 serve as chair of the committee and only vote in the instance of a tie vote among the other  
 43 members], and the other members shall be selected as follows:

44 (1) One member chosen to represent an association domiciled in this state whose primary  
 45 interest relates to [~~counties~~] municipalities;

46 (2) One member chosen to represent the Missouri [~~public service commission~~] 911  
 47 Directors Association;

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

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

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

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

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

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

11 ~~—(9) One member chosen to represent an association domiciled in this state whose primary~~  
12 ~~interest relates to issues pertaining to sheriffs;~~

13 ~~[(10) (9) One member chosen to represent [911 service providers in] counties of the~~  
14 ~~second, third, and fourth classification;~~

15 ~~[(11) (10) One member chosen to represent [911 service providers in] counties of the first~~  
16 ~~classification, counties with [and without] a charter [forms] form of government, and cities not~~  
17 ~~within a county;~~

18 ~~[(12) (11) One member chosen to represent telecommunications service providers [with at~~  
19 ~~least one hundred thousand access lines located within Missouri];~~

20 ~~[(13) (12) One member chosen to represent wireless telecommunications service providers~~  
21 ~~[with less than one hundred thousand access lines located within Missouri];~~

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

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

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

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

30 2. Each of the members of the ~~[committee for 911 service oversight] board~~ shall be  
31 appointed by the governor with the advice and consent of the senate for a term of four years~~]; except~~  
32 ~~that, of those members first appointed, four members shall be appointed to serve for one year, four~~  
33 ~~members shall be appointed to serve for two years, four members shall be appointed to serve for~~  
34 ~~three years and four members shall be appointed to serve for four years]. Members of the~~  
35 ~~committee may serve multiple terms. No corporation or its affiliate shall have more than one~~  
36 ~~officer, employee, assign, agent, or other representative serving as a member of the board.~~  
37 Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28,  
38 2017, shall continue to serve the remainder of their terms.

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

44 4. The ~~[committee for 911 service oversight] board~~ shall:

45 (1) Organize and adopt standards governing the ~~[committee's] board's~~ formal and informal  
46 procedures;

47 (2) Provide recommendations for primary answering points and secondary answering points  
48 on ~~[statewide]~~ technical and operational standards for 911 services;

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

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

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

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

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

11 (8) Perform other duties as necessary to promote successful development, implementation  
12 and operation of 911 systems across the state, including monitoring federal and industry standards  
13 being developed for next generation 911 systems; [and]"; and

14  
15 Further amend said bill and section, Pages 3-4, Lines 75-90, by deleting all of said lines and  
16 inserting in lieu thereof the following:

17  
18 "federal grants for 911 funding;

19 (10) [Advise the department of public safety on establishing rules and regulations necessary  
20 to administer the provisions of sections 650.320 to 650.340] Elect the chair from its membership;

21 (11) Designate a state 911 coordinator who shall be responsible for overseeing statewide  
22 911 operations and ensuring compliance with federal grants for 911 funding;

23 (12) Apply for and receive grants from federal, private, and other sources;

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

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

33 (b) Promotion of consolidation where appropriate;

34 (c) Mapping and addressing all county locations;

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

36 (e) Implementation of initial emergency medical dispatch services including prearrival  
37 medical instructions in counties where those services are not offered as of July 1, 2017;

38 (14) Develop an application process including reporting and accountability requirements,  
39 withholding a portion of the grant until completion of a project, and other measures to ensure funds  
40 are used in accordance with the law and purpose of the grant, then conduct audits as deemed  
41 necessary;

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

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

47 (17) Set the percentage rate of the prepaid wireless emergency telephone service charges to  
48 be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.451;

1           (18) Make and execute contracts or any other instruments and agreements necessary or  
 2 convenient for the exercise of its powers and functions;

3           (19) Approve a proposal of a county or city to impose a fee of more than one dollar under  
 4 section 190.450;

5           (20) Retain in its records proposed county plans developed under subsection 11 of section  
 6 190.450 and notify the department of revenue that the county has filed a plan that is ready for  
 7 implementation;

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

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

17           5. The department of public safety shall provide staff assistance to the [~~committee for 911~~  
 18 ~~service oversight] board as necessary in order for the [~~committee] board to perform its duties~~  
 19 ~~pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to~~  
 20 ~~administer the provisions of sections 650.320 to 650.340.~~~~

21           6. The [~~department of public safety is authorized to adopt those] board shall promulgate~~  
 22 ~~rules and regulations that are reasonable and necessary [to accomplish the limited duties specifically~~  
 23 ~~delegated within section] to implement and administer the provisions of sections 650.320 to~~  
 24 ~~650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become~~  
 25 ~~effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and~~  
 26 ~~chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to~~  
 27 ~~chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently~~  
 28 ~~held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after~~  
 29 ~~August 28, [1999] 2017, shall be invalid and void.~~

30           650.335. 1. Any county or any home rule city with more than fifteen thousand but fewer  
 31 than seventeen thousand inhabitants and partially located in any county of the third classification  
 32 without a township form of government and with more than thirty-seven thousand but fewer than  
 33 forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is  
 34 collected in the county or city, may submit an application for loan funds or other financial assistance  
 35 to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911  
 36 communications service project. The application shall be accompanied by a technical assistance  
 37 report. The application and the technical assistance report shall be in such form and contain such  
 38 information, financial or otherwise, as prescribed by the board. This section shall not preclude any  
 39 applicant or borrower from joining in a cooperative project with any other political subdivision or  
 40 with any state or federal agency or entity in a 911 communications service project, provided that all  
 41 other requirements of this section have been met.

42           2. Applications may be approved for loans only in those instances where the applicant has  
 43 furnished the board information satisfactory to assure that the project cost will be recovered during  
 44 the repayment period of the loan. In no case shall a loan be made to an applicant unless the  
 45 approval of the governing body of the applicant to the loan agreement is obtained and a written  
 46 certification of such approval is provided, where applicable. Repayment periods are to be  
 47 determined by the board.

48           3. The board shall approve or disapprove all applications for loans which are sent by

1 certified or registered mail or hand delivered and received by the board upon a schedule as  
2 determined by the board.

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

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

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

10 7. If a loan recipient fails to remit a payment to the board in accordance with this section  
11 within sixty days of the due date of such payment, the board shall notify the director of the  
12 department of revenue to deduct such payment amount from first, the prepaid wireless emergency  
13 telephone service charge remitted to the county or city under section 190.451; and if insufficient to  
14 affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that  
15 county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust  
16 fund and credited to the loan recipient.

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

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

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

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

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

35 650.340. 1. The provisions of this section may be cited and shall be known as the "911  
36 Training and Standards Act".

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

- 39 (1) Police telecommunicator, 16 hours;  
40 (2) Fire telecommunicator, 16 hours;  
41 (3) Emergency medical services telecommunicator, 16 hours;  
42 (4) Joint communication center telecommunicator, 40 hours.

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

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

6           5. The training requirements as provided in subsection 2 of this section shall be waived for  
7 any person who furnishes proof to the committee that such person has completed training in another  
8 state which [are] is at least as stringent as the training requirements of subsection 2 of this section.

9           6. The [~~department of public safety~~] board shall determine by administrative rule the  
10 persons or organizations authorized to conduct the training as required by subsection 2 of this  
11 section.

12           7. This section shall not apply to an emergency medical dispatcher or agency as defined in  
13 section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a  
14 person who provides prearrival medical instructions who works for an agency which meets the  
15 requirements set forth in section 190.134.

16           Section 1. The state auditor shall have the authority to conduct performance and fiscal  
17 audits of any board, dispatch center, joint emergency communications entity, or trust fund  
18 established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, or  
19 650.325.

20           ~~[190.307. 1. No public agency or public safety agency, nor any officer, agent or~~  
21 ~~employee of any public agency, shall be liable for any civil damages as a result of~~  
22 ~~any act or omission except willful and wanton misconduct or gross negligence, in~~  
23 ~~connection with developing, adopting, operating or implementing any plan or system~~  
24 ~~required by sections 190.300 to 190.340.~~

25           ~~2. No person who gives emergency instructions through a system established~~  
26 ~~pursuant to sections 190.300 to 190.340 to persons rendering services in an~~  
27 ~~emergency at another location, nor any persons following such instructions in~~  
28 ~~rendering such services, shall be liable for any civil damages as a result of issuing or~~  
29 ~~following the instructions, unless issuing or following the instructions constitutes~~  
30 ~~willful and wanton misconduct, or gross negligence.]~~

31           ~~[190.410. 1. There is hereby created in the department of public safety the~~  
32 ~~"Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight~~  
33 ~~members as follows:~~

- 34           ~~(1) The director of the department of public safety or the director's designee who~~  
35 ~~shall hold a position of authority in such department of at least a division director;~~  
36           ~~(2) The chairperson of the public service commission or the chairperson's designee;~~  
37 ~~except that such designee shall be a commissioner of the public service commission~~  
38 ~~or hold a position of authority in the commission of at least a division director;~~  
39           ~~(3) Three representatives and one alternate from the wireless service providers,~~  
40 ~~elected by a majority vote of wireless service providers licensed to provide service in~~  
41 ~~this state; and~~  
42           ~~(4) Three representatives from public safety answering point organizations, elected~~  
43 ~~by the members of the state chapter of the associated public safety communications~~  
44 ~~officials and the state chapter of the National Emergency Numbering Association.~~  
45           ~~2. Immediately after the board is established the initial term of membership for a~~  
46 ~~member elected pursuant to subdivision (3) of subsection 1 of this section shall be~~  
47 ~~one year and all subsequent terms for members so elected shall be two years. The~~  
48 ~~membership term for a member elected pursuant to subdivision (4) of subsection 1 of~~

1 this section shall initially and subsequently be two years. Each member shall serve  
 2 no more than two successive terms unless the member is on the board pursuant to  
 3 subdivision (1) or (2) of subsection 1 of this section. Members of the board shall  
 4 serve without compensation, however, the members may receive reimbursement of  
 5 actual and necessary expenses. Any vacancies on the board shall be filled in the  
 6 manner provided for in this subsection.

7 3. The board shall do the following:

- 8 (1) Elect from its membership a chair and other such officers as the board deems  
 9 necessary for the conduct of its business;
- 10 (2) Meet at least one time per year for the purpose of discussing the implementation  
 11 of Federal Communications Commission order 94-102;
- 12 (3) Advise the office of administration regarding implementation of Federal  
 13 Communications Commission order 94-102; and
- 14 (4) Provide any requested mediation service to a political subdivision which is  
 15 involved in a jurisdictional dispute regarding the providing of wireless 911 services.  
 16 The board shall not supersede decision-making authority of any political subdivision  
 17 in regard to 911 services.

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

20 [190.430. 1. The commissioner of the office of administration is authorized to  
 21 establish a fee, if approved by the voters pursuant to section 190.440, not to exceed  
 22 fifty cents per wireless telephone number per month to be collected by wireless  
 23 service providers from wireless service customers.

24 2. The office of administration shall promulgate rules and regulations to administer  
 25 the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that  
 26 term is defined in section 536.010, that is promulgated pursuant to the authority  
 27 delegated in sections 190.400 to 190.440 shall become effective only if it has been  
 28 promulgated pursuant to the provisions of chapter 536. All rulemaking authority  
 29 delegated prior to July 2, 1998, is of no force and effect and repealed; however,  
 30 nothing in this section shall be interpreted to repeal or affect the validity of any rule  
 31 filed or adopted prior to July 2, 1998, if it fully complied with the provisions of  
 32 chapter 536. This section and chapter 536 are nonseverable and if any of the powers  
 33 vested with the general assembly pursuant to chapter 536 to review, to delay the  
 34 effective date or to disapprove and annul a rule are subsequently held  
 35 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 36 adopted after July 2, 1998, shall be invalid and void.

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

- 40 (1) For the reimbursement of actual expenditures for implementation of wireless  
 41 enhanced 911 service by wireless service providers in implementing Federal  
 42 Communications Commission order 94-102; and
- 43 (2) To subsidize and assist the public safety answering points based on a formula  
 44 established by the office of administration, which may include, but is not limited to  
 45 the following:
  - 46 (a) The volume of wireless 911 calls received by each public safety answering point;
  - 47 (b) The population of the public safety answering point jurisdiction;
  - 48 (c) The number of wireless telephones in a public safety answering point jurisdiction

1 by zip code; and

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

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

11 (4) Notwithstanding any other provision of the law, no proprietary information  
12 submitted pursuant to this section shall be subject to subpoena or otherwise released  
13 to any person other than to the submitting wireless service provider, without the  
14 express permission of said wireless service provider. General information collected  
15 pursuant to this section shall only be released or published in aggregate amounts  
16 which do not identify or allow identification of numbers of subscribers or revenues  
17 attributable to an individual wireless service provider.

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

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

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

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

30 8. Notwithstanding any other provision of the law, in no event shall any wireless  
31 service provider, its officers, employees, assigns or agents, be liable for any form of  
32 civil damages or criminal liability which directly or indirectly result from, or is  
33 caused by, an act or omission in the development, design, installation, operation,  
34 maintenance, performance or provision of 911 service or other emergency wireless  
35 two and three digit wireless numbers, unless said acts or omissions constitute gross  
36 negligence, recklessness or intentional misconduct. Nor shall any wireless service  
37 provider, its officers, employees, assigns, or agents be liable for any form of civil  
38 damages or criminal liability which directly or indirectly result from, or is caused by,  
39 the release of subscriber information to any governmental entity as required under  
40 the provisions of this act unless the release constitutes gross negligence, recklessness  
41 or intentional misconduct.]

42 [190.440. 1. The office of administration shall not be authorized to establish a fee  
43 pursuant to the authority granted in section 190.430 unless a ballot measure is  
44 submitted and approved by the voters of this state. The ballot measure shall be  
45 submitted by the secretary of state for approval or rejection at the general election  
46 held and conducted on the Tuesday immediately following the first Monday in  
47 November, 1998, or at a special election to be called by the governor on the ballot  
48 measure. If the measure is rejected at such general or special election, the measure



1 may be resubmitted at each subsequent general election, or may be resubmitted at  
2 any subsequent special election called by the governor on the ballot measure, until  
3 such measure is approved.

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

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

9  YES  NO

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

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

20  
21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.