

SECOND REGULAR SESSION

HOUSE BILL NO. 1768

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINSON.

5768L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Sections 190.309, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 2 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and twelve new sections enacted 3 in lieu thereof, to be known as sections 190.309, 190.324, 190.335, 190.400, 190.411, 190.415, 4 190.420, 190.423, 190.427, 190.430, 190.440, and 190.445, to read as follows:

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

4 (1) Planning a 911 system;

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

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

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

11 2. **Until August 28, 2012**, members of the board shall be appointed by the governing 12 body of the county, and shall be known as the board of directors of the emergency service 13 telephone 911 board. The governing body shall appoint eleven persons to the board. At least 14 six of such members shall represent public safety agencies, except in any county of the third

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 (3) Neglect of duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 YES NO

21

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

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

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

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

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

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
50 commission shall appoint the initial members of a board to administer the funds and oversee the
51 provision of emergency services in the county. Beginning with the general election in 1994, all

52 board members shall be elected according to this section and other applicable laws of this state.
53 At the time of the appointment of the initial members of the board, the commission shall
54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
55 provision of emergency services and such duties shall be exercised by the board.

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

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years.

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

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

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

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

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

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

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

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

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

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

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

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

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

190.400. As used in sections 190.400 to [190.440] **190.445**, the following words and
2 terms shall mean:

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

4 (2) "Board", the [wireless service provider enhanced] 911 [advisory] **service oversight**
5 **board established in section 190.411;**

6 (3) ["Public safety agency", a functional division of a public agency which provides fire
7 fighting, police, medical or other emergency services. For the purpose of providing wireless
8 service to users of 911 emergency services, as expressly provided in this section, the department

9 of public safety and state highway patrol shall be considered a public safety agency] "**County**",
10 **any county or any city with more than two hundred fifty thousand inhabitants;**

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

13 (5) "**Telecommunicator**", **any person employed as an emergency telephone worker,**
14 **call taker, or public safety dispatcher whose duties include receiving, processing, or**
15 **transmitting public safety information received through a 911 public safety answering**
16 **point;**

17 (6) "**Voice over internet protocol**" or "**VoIP**", **any technology that permits a voice**
18 **conversation using a voice connection to a computer, whether through a microphone, a**
19 **telephone, or any other device that sends a digital signal over the internet through a**
20 **broadband connection to be converted back to the human voice at a distant terminal, and**
21 **that delivers or is required by law to deliver a call to a public safety answering point;**

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

[650.325.] **190.411.** There is hereby established within the department of public safety
2 the "[Advisory Committee for] 911 Service Oversight **Board**" which is charged with assisting
3 and advising the state in ensuring the availability, implementation and enhancement of a
4 statewide emergency telephone number common to all jurisdictions through research, planning,
5 training and education. The [committee for] 911 service oversight **board** shall represent all
6 entities and jurisdictions before appropriate policy-making authorities and the general assembly
7 and shall strive toward the immediate access to emergency services for all citizens of this state.

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

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

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

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

10 [(4)] **(2)** One member chosen to represent an association with a chapter domiciled in this
11 state whose primary interest relates to a national emergency number;

12 [(5)] **(3)** One member chosen to represent an association whose primary interest relates
13 to issues pertaining to fire chiefs;

14 ~~[(6)]~~ (4) One member chosen to represent an association with a chapter domiciled in this
15 state whose primary interest relates to issues pertaining to public safety communications officers;

16 ~~[(7)]~~ (5) One member chosen to represent an association whose primary interest relates
17 to issues pertaining to ~~[police chiefs]~~ **law enforcement officials; and**

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

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

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

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

26 ~~[(12)]~~ (6) One member chosen to represent telecommunications service providers with
27 at least one hundred thousand access lines located within Missouri[;]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 6. The department of public safety is authorized to adopt those rules that are reasonable
70 and necessary to accomplish the limited duties specifically delegated within section [650.340]
71 **190.445**. Any rule or portion of a rule, as that term is defined in section 536.010, shall become
72 effective only if it has been promulgated pursuant to the provisions of chapter 536. This section
73 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
74 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
75 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
76 proposed or adopted after August 28, 1999, shall be invalid and void.

190.420. 1. There is hereby established in the state treasury a fund to be known as the
2 "[Wireless Service Provider] Enhanced 911 Service Fund". All fees collected pursuant to
3 sections 190.400 to [190.440 by wireless service providers] **190.445** shall be remitted to the
4 director of the department of revenue. The director shall remit such payments to the state
5 treasurer.

6 2. The state treasurer shall deposit such payments into the [wireless service provider]
7 enhanced 911 service fund. Moneys in the fund shall be used for the [purpose of reimbursing

8 expenditures actually incurred in the implementation and operation of the wireless service
9 provider enhanced 911 system] **purposes authorized in sections 190.400 to 190.445.**

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

14 4. **Subject to the conditions and in accordance with requirements of sections**
15 **190.400 to 190.445, moneys credited to the fund shall be used only:**

16 (1) **To pay costs of administering the fund, including actual and necessary expenses**
17 **incurred by members of the 911 service oversight board while performing duties required**
18 **by sections 190.400 to 190.445, but the aggregate amount of all such costs shall not exceed**
19 **two percent of the moneys credited to the fund; and**

20 (2) **To provide grants to eligible counties only for necessary and reasonable costs**
21 **incurred or to be incurred by public safety answering points for:**

22 (a) **Implementation of enhanced 911 service and VoIP 911 service;**

23 (b) **Purchase of equipment and upgrades and modification to equipment used solely**
24 **to process the data elements of enhanced 911 service and VoIP 911 service; and**

25 (c) **Maintenance and license fees for such equipment and training of personnel to**
26 **operate such equipment, including costs of training public safety answering point**
27 **personnel to provide effective service to all users of the emergency telephone system who**
28 **have communications disabilities. Such costs shall not include expenditures to lease,**
29 **construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to**
30 **buildings or similar facilities, or for other capital outlay or equipment not expressly**
31 **authorized by sections 190.400 to 190.445.**

32 5. **Grants shall be provided to:**

33 (1) **One public safety answering point in each county with fewer than one hundred**
34 **twenty-five thousand inhabitants;**

35 (2) **Two public safety answering points in each county with at least one hundred**
36 **twenty-five thousand but fewer than six hundred fifty thousand inhabitants; and**

37 (3) **Three public safety answering points in each county with at least six hundred**
38 **fifty thousand inhabitants.**

39 6. **Grants provided to a public safety answering point shall not be used by any other**
40 **public safety answering point within the same county.**

41 7. **In order to be eligible to receive a grant under sections 190.400 to 190.445, a**
42 **county:**

43 **(1) Shall not levy a tax under section 190.305 in an amount in excess of ten percent**
44 **of the tariff local service rate; or**

45 **(2) Imposing a sales tax under section 190.335 shall reduce the sales tax rate by**
46 **one-tenth of one cent.**

190.423. After providing for public comment and review each year, the 911 service
2 **oversight board shall prepare a plan identifying the intended uses of the moneys available**
3 **in the fund. The intended use plan shall include, but not be limited to:**

4 **(1) The 911 project priority list;**

5 **(2) A description of the short-term and long-term goals and objectives of the fund**
6 **for the deployment of enhanced 911 service;**

7 **(3) Provisions addressing the needs of persons with communication disabilities;**

8 **(4) Information on the projects to be financed, including a description thereof, the**
9 **terms of grants to be provided, and the counties receiving the grants; and**

10 **(5) The criteria and method established for the provision of grants to be made from**
11 **the fund.**

190.427. 1. Eligible counties wishing to receive a grant under the enhanced 911 act
2 **shall submit an application therefor to the 911 service oversight board. Applications shall**
3 **be in such form and shall include such information as the board shall require, including**
4 **but not limited to the request for proposals submitted to initiate the deployment process,**
5 **and shall be submitted in a manner and at a time to be determined by the board.**

6 **2. The 911 service oversight board may enter into agreements with any eligible**
7 **county for the provision of a grant thereto for payment of all or a part of project costs,**
8 **including VoIP project costs, if recommended by the board. Any eligible county may enter**
9 **into such an agreement and may accept such grant when so authorized by the county**
10 **governing body. The purposes of the grant to be provided, a time frame for**
11 **implementation, and the amount thereof, which may vary among counties, shall be**
12 **included in the agreements. All such agreements shall include provisions for repayment**
13 **of the grant if implementation is not completed in accordance with the terms of the**
14 **agreement.**

15 **3. If a county to which a grant is made available under sections 190.400 to 190.445**
16 **fails to enter into an agreement with the 911 service oversight board for the provision of**
17 **such grant in accordance with the requirements of sections 190.400 to 190.445, the board**
18 **may make the amount of the grant available for one or more other projects on the priority**
19 **list or VoIP projects, if recommended by the board.**

20 **4. The 911 service oversight board shall provide any eligible county, upon request,**
21 **with technical advice and assistance regarding a project, including VoIP projects, or an**
22 **application for a grant for the payment of all or part of project costs or VoIP project costs.**

23 **5. (1) Subject to the provisions of subdivision (3) of this subsection, each public**
24 **safety answering point shall submit to wireless carriers a valid request for wireless**
25 **enhanced 911 service by January 1, 2015.**

26 **(2) Subject to the provisions of subdivision (3) of this subsection, if a public safety**
27 **answering point has not submitted to wireless carriers a valid request for wireless**
28 **enhanced 911 service by January 1, 2015, such safety answering point shall pay to the 911**
29 **service oversight board all moneys paid from the fund to the public safety answering point.**
30 **The board shall remit such moneys to the state treasurer. Upon receipt of the remittance,**
31 **the state treasurer shall deposit the entire amount in the state treasury and credit it to the**
32 **enhanced 911 service fund. Thereafter, such public safety answering point shall not be**
33 **eligible to receive moneys from the fund until the public safety answering point has**
34 **submitted to the board evidence satisfactory to the board that the public safety answering**
35 **point has submitted to wireless carriers a valid request for wireless enhanced 911 service.**

36 **(3) If a public safety answering point is unable to make a valid request by**
37 **January 1, 2015, the 911 service oversight board may approve not to exceed two one-year**
38 **extensions of such date to not later than January 1, 2017, if the board determines that:**

39 **(a) Equipment necessary to receive and utilize the data elements associated with the**
40 **wireless enhanced 911 service has been ordered by the public safety answering point but**
41 **is unavailable; or**

42 **(b) There is other just cause to extend the date.**

190.430. 1. The commissioner of the office of administration is authorized to [establish
2 a fee] **levy an enhanced 911 service tax at the rate of one-tenth of one cent on all retails**
3 **sales made in the state which are subject to taxation under the provisions of sections**
4 **144.010 to 144.525, if approved by the voters pursuant to section 190.440], not to exceed fifty**
5 **cents per wireless telephone number per month to be collected by wireless service providers from**
6 **wireless service customers].**

7 2. The [office of administration] **department of public safety** shall promulgate rules
8 and regulations to administer the provisions of sections 190.400 to [190.440] **190.445**. Any rule
9 or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to
10 the authority delegated in sections 190.400 to [190.440] **190.445** shall become effective only if
11 it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority
12 delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this
13 section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to

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

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

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

25 (2) To subsidize and assist the public safety answering points based on a formula
26 established by the [office of administration] **911 service oversight board**, which may include,
27 but is not limited to the following:

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

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

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

32 (d) Any other criteria found to be valid by the [office of administration] **911 service**
33 **oversight board** provided that of the total amount of the funds used to subsidize and assist the
34 public safety answering points, at least ten percent of said funds shall be distributed equally
35 among all said public safety answering points providing said services under said section;

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

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

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

49 5.] No more than [five] **two** percent of the moneys in the fund[, subject to appropriation
 50 by the general assembly,] shall be retained by the [office of administration] **911 service**
 51 **oversight board** for reimbursement of the costs of overseeing the fund and for the actual and
 52 necessary expenses of the board.

53 [6.] **5.** The [office of administration] **911 service oversight board** shall review the
 54 distribution formula once every year and may adjust the amount of the fee within the limits of
 55 this section, as determined necessary.

56 [7.] **6.** The provisions of sections 190.307 and 190.308 shall be applicable to **grant**
 57 programs and services authorized by sections 190.400 to [190.440] **190.445**.

58 [8. Notwithstanding any other provision of the law, in no event shall any wireless service
 59 provider, its officers, employees, assigns or agents, be liable for any form of civil damages or
 60 criminal liability which directly or indirectly result from, or is caused by, an act or omission in
 61 the development, design, installation, operation, maintenance, performance or provision of 911
 62 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or
 63 omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any
 64 wireless service provider, its officers, employees, assigns, or agents be liable for any form of
 65 civil damages or criminal liability which directly or indirectly result from, or is caused by, the
 66 release of subscriber information to any governmental entity as required under the provisions of
 67 this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

190.440. 1. The [office of administration shall not be authorized to establish a fee
 2 pursuant to the authority granted] **retail sales tax authorized** in section 190.430 **shall not be**
 3 **imposed** unless a ballot measure is submitted and approved by the voters of this state. The ballot
 4 measure shall be submitted by the secretary of state for approval or rejection at the general
 5 election held and conducted on the Tuesday immediately following the first Monday in
 6 November, [1998] **2012**, or at a special election to be called by the governor on the ballot
 7 measure. If the measure is rejected at such general or special election, the measure may be
 8 resubmitted at each subsequent general election, or may be resubmitted at any subsequent special
 9 election called by the governor on the ballot measure, until such measure is approved.

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

12 Shall the Missouri Office of Administration be authorized to [establish a fee of up to fifty
 13 cents per month to be charged every wireless telephone number] **impose a statewide sales tax**
 14 **of one-tenth of one cent** for the purpose of [funding wireless enhanced] **improving access to**
 15 911 service?

16 YES

NO

17

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

20 3. If a majority of the votes cast on the ballot measure by the qualified voters voting
21 thereon are in favor of such measure, then the office of administration shall be authorized to
22 [establish a fee pursuant to] **impose a sales tax under** section 190.430, and the [fee] **tax** shall
23 be effective on January 1, [1999] **2013**, or the first day of the month occurring at least thirty days
24 after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by
25 the qualified voters voting thereon are opposed to the measure, then the office of administration
26 shall have no power to [establish the fee] **impose the tax** unless and until the measure is
27 approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 2. Immediately after the board is established the initial term of
19 membership for a member elected pursuant to subdivision (3) of subsection 1 of
20 this section shall be one year and all subsequent terms for members so elected
21 shall be two years. The membership term for a member elected pursuant to
22 subdivision (4) of subsection 1 of this section shall initially and subsequently be
23 two years. Each member shall serve no more than two successive terms unless
24 the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of
25 this section. Members of the board shall serve without compensation, however,
26 the members may receive reimbursement of actual and necessary expenses. Any
27 vacancies on the board shall be filled in the manner provided for in this
28 subsection.

29 3. The board shall do the following:

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

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

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

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

40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]
43

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

3 (1) "Committee", the advisory committee for 911 service oversight
4 established in section 650.325;

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

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

✓