

HCS HB 1456 -- EMERGENCY COMMUNICATION SERVICES

SPONSOR: Lauer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 9 to 0. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 11 to 1.

This bill changes the laws regarding funding for emergency 911 services, administration of 911 funding, Missouri 911 Service Board, and the cooperation and contracting between emergency services providers.

MISSING PERSON REPORTS

The bill adds information on guardians to the form for filing a missing persons report under Section 43.401, RSMo.

COOPERATION BY POLITICAL SUBDIVISIONS UNDER CONTRACT

The bill adds governmental entities to the definition of "Municipality" and 911 or emergency services boards to the definition of "political subdivision" for the purposes of inter-political subdivision contracts. This bill specifies that governmental entities are prohibited from contracting with other municipalities or political subdivisions for public safety-related information technology services without utilizing the competitive bidding procedure set out in statute (Sections 70.210 and 70.220).

CENTRAL DISPATCHING OF EMERGENCY SERVICES IN CLAY COUNTY

The bill maintains that the county commission of certain first class counties without a charter form of government may use all or part of the moneys derived from the emergency telephone tax for central dispatching of emergency services. Currently, the only first class county this provision applies to is Clay County (Section 190.325).

CENTRAL DISPATCHING OF EMERGENCY SERVICES IN MULTIPLE COUNTIES AND MUNICIPALITIES

The bill provides appointment procedures and criteria for county emergency dispatching service boards when the board is meant to consolidate central dispatching services in other political subdivisions that have contracted for such service. The terms of office for existing board members that consolidate with other boards shall end 30 days after the initial members of the newly consolidated board are appointed (Sections 190.327, 190.329, and

190.335).

STATE AUDITOR'S AUTHORITY TO CONDUCT PERFORMANCE AND FISCAL AUDITS

The bill authorizes the State Auditor to conduct performance and fiscal audits of any board, dispatch center, joint emergency communications entity, or trust fund involving emergency 911 services (Section 190.334).

MONTHLY FEE FOR COMMUNICATIONS SERVICES ENABLED TO CONTACT 911

The bill:

(1) Changes the name of the Wireless Service Provider Enhanced 911 Service Fund to the Missouri 911 Service Trust Fund (Section 190.420); and

(2) Authorizes counties, any city not within a county, and certain home rule cities to impose by order or ordinance a monthly fee, not to exceed \$1.50 per device, on subscribers of any communications service or owner of any device enabled to contact 911 solely for the purpose of funding 911 service in the county or city upon approval by the voters. Revenue from this fee except for certain administrative and collection costs of the providers and the Department of Revenue will be deposited into the Missouri 911 Service Trust Fund to be remitted monthly by the Director of the Department of Revenue to the governing body of the county or city (Section 190.455).

The fee:

(1) Will be in lieu of the emergency telephone tax levy authorized under Sections 190.305 or 190.325, or the county sales tax authorized under Sections 190.292 or 190.335 for funding the central dispatch of emergency services (Section 190.455); and

(2) Will not be imposed upon prepaid wireless telecommunications service customers who will be subject to the charge imposed under Section 190.451 (Section 190.455);

(3) Prohibits a county or city from submitting a proposal to its voters for a fee of more than \$1 until approved by the Missouri 911 Service Board. Any subsequent proposed fee increase also must receive prior approval from the board and voters (Section 190.455);

(4) Prohibits a county or city from submitting a proposal to the voters of the county until all providers of emergency telephone service and public safety answering point operations within the county are consolidated into one public agency and develops a plan

for consolidation of emergency telephone service. The Department of Revenue cannot remit any fees to a county of the third or fourth classification until it receives notice from the board that the county has filed a plan that is ready for implementation. These provisions cannot apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service implemented by the appropriate local and county agencies prior to August 28, 2018 (Section 190.455);

(5) Requires counties including a portion of a certain home rule city to enter into an agreement with said home rule city regarding the equitable sharing of revenue before submitting a proposal to impose the authorized 911 service fee to the voters. Currently, the only home rule city this provision applies to is Kansas City (Section 190.455); and

(6) Requires all 911 fees to be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended (Section 190.455).

If, after one year following the enactment of the fee a county has not complied with the plan, then the authority to impose the fee shall be null and void unless a one-time six-month extension is granted by the Missouri 911 Service Board (Section 190.455).

STATEWIDE PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE

Beginning January 1, 2018, the bill imposes a statewide prepaid wireless emergency telephone service charge of 3% on each retail purchase of a prepaid wireless telecommunications service. The amount of the charge must be separately stated to the consumer on an invoice, receipt, or other similar document or otherwise disclosed (Section 190.460).

The amount of the service charge cannot be included in the base for measuring any tax, fee, surcharge, or other charge imposed by the state, any political subdivision of the state, or any intergovernmental agency (Section 190.460).

Beginning January 1, 2018, and ending on January 31, 2019, the seller shall retain 100% of the prepaid wireless emergency telephone service charges collected by the seller. Beginning on February 1, 2019, a seller shall be allowed to deduct and retain 3% of the prepaid service charges. The first \$800,150 in service charges collected after February 1, 2019 will be collected into general revenue for the purpose of reimbursing the Department of Revenue's expenses in administering the 911 service trust fund (Section 190.460).

The board must set aside between 25% and 75% of the charges deposited into the fund to be remitted to non-charter counties in direct proportion to the amount of charges collected in each county. The board must set aside between 65% and 75% of the charges to be remitted to charter counties and any city not within a county in direct proportion to the amount of charges collected in each county or city. The initial percentage rate set by the board may be adjusted after three years and every two years thereafter. However, at no point can the board set rates that fall below 25% for counties without a charter form of government and 65% for counties with a charter form of government and any city not within a county (Section 190.460).

The prepaid wireless emergency telephone service charge shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes (Section 190.460).

CONSOLIDATION, COOPERATION, AND CONTRACTING BETWEEN BOARDS

The bill authorizes any county, city, or 911 emergency services board established under Chapter 190 or under Section 321.243 to contract or cooperate with any other board as provided in Sections 70.210 to 70.320. Any contracting county or board may seek assistance and advice from the Missouri 911 Service Board regarding terms of the joint contract and the administration and operation of the contracting counties, cities, and boards (Section 190.465).

After August 28, 2018, no public safety answering point operation may be established as a result of its separation from an existing public safety answering point operation without a study by and the approval of the Missouri 911 Service Board (Section 190.465).

The bill also specifies a procedure by which two or more publicly funded 911 central dispatch centers organized under Sections 190.327 to 190.329 or Section 190.335, upon voter approval, can consolidate into one 911 central dispatch center (Section 190.470).

If a county does not have a public agency as defined in Section 190.300, it shall enter into a shared services agreement for providing emergency dispatch services, or form a consolidated emergency telephone services district (Section 190.455).

This bill requires entities located in multiple counties that are entering into a service agreement to provide written notice to the Missouri 911 Service Board if they choose to locate a 911 dispatch center in a county other than a county with the lowest average wage

from the set of counties in which the contracting entities are located (Section 190.465).

If a county has a single board overseeing the dispatching of emergency services, and consolidation of 911 central dispatch centers within the county is desired then the existing board shall vote as to whether the existing board should continue to exist and administer 911 central dispatch services in the county (Section 190.470).

The Director of the Department of Revenue must maintain a centralized database that must be made available to the Missouri 911 Service Board specifying the current monthly fee or tax imposed by each county or city which must be updated no less than 60 days prior to the effective date of the establishment or modification of any monthly fee or tax (Section 190.475).

MISSOURI 911 SERVICE BOARD

The bill adds new powers and responsibilities to the Missouri 911 Service Board. Specifically to:

- (1) Administering and authorizing grants and loans to counties and a certain home rule city that can demonstrate a financial commitment to improving 911 services by providing at least a 50% match and demonstrating the ability to operate and maintain ongoing 911 services. Currently, the only home rule city this provision applies to is Sikeston;
- (2) Developing an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to assure funds are used in accordance with the law and purpose of the grant, and conducting audits as deemed necessary;
- (3) Setting the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as specified in the bill;
- (4) Approving a proposal to impose a fee of more than \$1 under Section 190.455;
- (5) Retaining in its records proposed county plans and notifying the Department of Revenue that the county has filed a plan that is ready for implementation; and
- (6) Notifying certain communications service providers when the centralized database has been updated or a county or city has established or modified a tax or monthly fee at least 90 days prior

to the effective date of the change (Section 650.330).

The bill allows any county or a certain home rule city to submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project as specified in the bill. Currently, the only home rule city this provision applies to is Sikeston (Section 650.335).

WIRELESS SERVICE PROVIDER ENHANCED 911

The bill repeals the provisions authorizing the Office of Administration to impose, upon statewide voter approval, a wireless service provider enhanced 911 fee not to exceed 50 cents per wireless telephone number per month and specifying the ballot language for the statewide fee (Sections 190.410, 190.430, and 190.440).

This bill is similar to HB 334 (2017).

PROPOSERS: Supporters say that this bill is meant to redefine what a telephone is as far as 911 services are concerned, and the statute needs to be updated to include cell phones. Now that there is a 911 board in place, the board is ready to get consolidation efforts going. The 911 system needs to be modernized, and the modernization is ever-changing. There is too much of a disparity around the state as far as the level of 911 services each county is able to offer. A big issue is when out-of-towners are visiting and are unable to tell the operator where they are located, so first responders are unable to reach them in a reasonable amount of time.

Testifying for the bill were Representative Lauer; Keith Faddis; Representative Rick Francis; Larry "Sonny" Saxton Jr., Missouri National Emergency Number Association; Missouri Police Chiefs Association; Kevin Pratt, Northland Fire Chiefs; J.R. Webb, Missouri Chapter Association of Public Safety Communication Officials; Ambulance District Association of Missouri; Ambulance District Association of Missouri; Stephen Korte, Pike County Sheriff Office and MOAPCO; Jackson County Legislators; Missouri State Council of Fire Fighters; Brotherhood of Locomotive Engineers and Trainmen; Lisa Schlottach, Missouri 911 Directors Association; American Heart Association; Missouri Fire Service Alliance; City of Nevada; St. Louis County Municipal League; The City of Moberly; Dale Schmidt, Missouri Peace Officers Association; Zim Schwartz, Missouri 911 Directors Association; Donald "Doc" Kritzer, County Commissioners Association of Mo; Steve Gleghorn, Howell County 911; Jeff Hocarm, Wright County Emergency Communication Center; Dymond E. Bradley Jr., Atchison-Holt Ambulance District; and Dymond E. Bradley Jr., Missouri Ambulance Association.

OPPONENTS: There was no opposition voiced to the committee.