

SECOND REGULAR SESSION

SENATE BILL NO. 872

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS WALLINGFORD AND JUSTUS.

Read 1st time February 13, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5953S.011

AN ACT

To repeal sections 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof ten new sections relating to emergency communications service, with penalty provisions.

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

Section A. Sections 190.300, 190.308, 190.400, 190.410, 190.420, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 190.300, 190.308, 190.400, 190.420, 190.450, 190.451, 650.320, 650.325, 650.330, and 650.340, to read as follows:

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

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

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

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

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

(5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 trustee or trustee in bankruptcy, or any other service user;

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

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

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

27 (9) "Tariff rate", the rate or rates billed by a service supplier to a service
28 user as stated in the service supplier's tariffs, approved by the Missouri public
29 service commission which represent the service supplier's recurring charges for
30 exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses
31 or similar charges whatsoever.

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

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

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

190.400. As used in sections 190.400 to [190.440] **190.452**, the following
2 words and terms shall mean:

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

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

6 (3) "Public safety agency", a functional division of a public agency which

7 provides fire fighting, police, medical or other emergency services. For the
8 purpose of providing wireless service to users of 911 emergency services, as
9 expressly provided in this section, the department of public safety and state
10 highway patrol shall be considered a public safety agency;

11 [(4)] (2) "Public safety answering point", the location at which 911 calls
12 are [initially] answered;

13 [(5)] (3) "Wireless service provider", a provider of commercial mobile
14 service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996
15 (47 U.S.C. Section 151 et seq).

190.420. 1. There is hereby established a **special trust** fund to be known
2 as the "[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**".
3 All fees collected pursuant to sections 190.400 to 190.440 **and sections 190.450**
4 **and 190.451** by wireless service providers shall be remitted to the director of the
5 department of revenue.

6 2. The director of the department of revenue shall deposit such payments
7 into the [wireless service provider enhanced] **Missouri 911 service trust**
8 fund. Moneys in the fund shall be used for the purpose of reimbursing
9 expenditures actually incurred in the implementation and operation of the
10 [wireless service provider enhanced] **Missouri 911 [system] systems**.

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

15 4. **The moneys in the trust fund shall not be deemed to be state**
16 **funds and shall not be commingled with any funds of the state. The**
17 **director of revenue shall keep accurate records of the amount of money**
18 **in the trust fund which was collected in each county under sections**
19 **190.400 to 190.440 and sections 190.450 and 190.451, and the records**
20 **shall be open to the inspection of officers of a participating county and**
21 **the public.**

190.450. 1. Except as provided under subsections 9 and 10 of this
2 section, in lieu of the tax levy authorized under section 190.305 or the
3 sales tax imposed under section 190.335, the governing body of any
4 county or any city not within a county may impose, by order or
5 ordinance, a monthly fee on any device capable of contacting 911. The
6 fee authorized in this section shall not exceed one dollar and fifty cents

7 per any such device capable of contacting 911 and shall be imposed
8 solely for the purpose of funding 911 service in such county or city not
9 within a county. The fee authorized in this section shall be in addition
10 to all other taxes and fees imposed by law and shall be stated
11 separately from all other charges and taxes.

12 2. No such order or ordinance adopted under this section shall
13 become effective unless the governing body of the county or city not
14 within a county submits to the voters residing within the county or city
15 not within a county at a state general, primary, or special election a
16 proposal to authorize the governing body to impose a fee under this
17 section. The question submitted shall be in substantially the following
18 form:

19 "Shall (insert county name) County (or insert name of city not
20 within a county) impose a monthly fee of (insert amount) per any
21 device capable of contacting 911 for the purpose of funding 911 service
22 in the county?"

23 If a majority of the votes cast on the question by the qualified voters
24 voting thereon are in favor of the question, then the fee shall become
25 effective on the first day of the second calendar quarter after the
26 director of revenue receives notification of adoption of the fee. If a
27 majority of the votes cast on the question by the qualified voters voting
28 thereon are opposed to the question, then the fee shall not become
29 effective unless and until the question is resubmitted under this section
30 to the qualified voters and such question is approved by a majority of
31 the qualified voters voting on the question.

32 3. Except as modified in this section, all provisions of sections
33 32.085 and 32.087 shall apply to the fee imposed under this section.

34 4. All revenue collected under this section by the director of the
35 department of revenue on behalf of any county or city not within a
36 county, except for one percent for the cost of collection which shall be
37 deposited in the state's general revenue fund, shall be deposited in the
38 Missouri 911 service trust fund created in section 190.420. The director
39 of the department of revenue shall remit such funds to the county or
40 city not within a county on a monthly basis. The governing body of the
41 county or city shall control such funds remitted to it unless the county
42 or city has established an elected board for the purpose of
43 administering such funds. In the event that any county or city not

44 within a county has established a board under any other provision of
45 state law for the purpose of administering funds for 911 service, such
46 existing board may continue to perform such functions after the county
47 has adopted the monthly fee under this section.

48 5. Notwithstanding any other provision of law to the contrary,
49 no proprietary information submitted under this section shall be
50 subject to subpoena or otherwise released to any person other than to
51 the submitting 911 communications service provider without the
52 express permission of such 911 communications service
53 provider. General information collected under this section shall only
54 be released or published in aggregate amounts that do not identify or
55 allow identification of numbers of subscribers or revenues attributable
56 to an individual 911 communications service provider.

57 6. In no event shall any 911 communications service provider, its
58 officers, employees, assigns, or agents be liable for any form of civil
59 damages or criminal liability that directly or indirectly results from, or
60 is caused by, an act or omission in the development, design,
61 installation, operation, maintenance, performance, or provision of a
62 public safety answering point, or that directly or indirectly results
63 from, or is caused by, the release of subscriber information to any
64 governmental entity as required under this section unless such acts,
65 release of subscriber information, or omissions constitute gross
66 negligence, recklessness, or intentional misconduct. No cause of action
67 shall lie in any court of law against any provider of telecommunications
68 service, commercial mobile service, or other communications-related
69 service, or its officers, employees, agents, or other persons acting on
70 behalf of them, for providing call location information concerning the
71 user of any such service in an emergency situation to a law
72 enforcement official or agency in order to respond to a call for
73 emergency service by a subscriber, customer, or user of such service or
74 for providing caller location information or doing a ping locate in an
75 emergency situation that involves danger of death or serious physical
76 injury to any person where disclosure of communications relating to
77 the emergency is required without delay, whether such providing of
78 information is required by law or voluntary.

79 7. The fee imposed under this section shall not be imposed on
80 customers who pay for service prospectively, known as prepaid

81 wireless telecommunications service customers.

82 8. The fee imposed under this section shall not be imposed in
83 conjunction with any tax imposed under section 190.305 or 190.335. No
84 fee imposed under this section shall be imposed on more than one
85 hundred exchange access facilities or their equivalent per person per
86 location.

87 9. No county of the third or fourth classification shall submit a
88 proposal to the voters of the county under this section until either:

89 (1) All providers of emergency telephone service as defined in
90 section 190.300 and public safety answering point operations within the
91 county are consolidated into one public agency as defined in section
92 190.300 that provides emergency telephone service for the county;

93 (2) The county develops a plan for the consolidation of
94 emergency telephone service as defined in section 190.300 and public
95 safety answering point operations within the county are consolidated
96 into one public agency as defined in section 190.300 that provides
97 emergency telephone service for the county; or

98 (3) The county develops a plan for the consolidation of
99 emergency telephone service as defined in section 190.300 and public
100 safety answering point operations within the county that includes
101 either consolidation or entering into a shared services agreement for
102 such services, which shall be implemented upon approval of the fee by
103 the voters. The plan shall be filed with the Missouri 911 service board
104 under subsection 4 of section 650.330. The director of the department
105 of revenue shall not remit any funds as provided under this section
106 until it receives notification from the board that the county has filed
107 a plan that is ready for implementation.

108 10. Each county of the third classification that does not have a
109 public agency as defined in section 190.300 that provides emergency
110 telephone service as defined in section 190.300 for the county shall
111 either:

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

115 (2) Form an emergency telephone services district in conjunction
116 with any adjoining county with a public agency that provides
117 emergency telephone service within such adjoining county. If such a

118 district is formed under this subdivision, the governing body of such
119 district shall be the county commissioners of each county within the
120 district, and each county within such district shall submit to the voters
121 of the county a proposal to impose the fee under this section.

122 11. A county of the third classification operating joint or shared
123 emergency telephone service as defined in section 190.300 may submit
124 to the voters of the county a proposal to impose the fee to support joint
125 operations and further consolidation under this section.

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

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

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

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

7 (4) "Prepaid wireless telecommunications service", a wireless
8 telecommunications service that allows a caller to dial 911 to access the
9 911 system and which service shall be paid for in advance and is sold
10 in predetermined units or dollars of which the number declines with
11 use in a known amount;

12 (5) "Provider", a person or business that provides prepaid
13 wireless telecommunications service under a license issued by the
14 Federal Communications Commission;

15 (6) "Retail transaction", the purchase of prepaid wireless
16 telecommunications service from a seller for any purpose other than
17 resale. The purchase of more than one item that provides prepaid
18 wireless telecommunications service, when such items are sold
19 separately, constitutes more than one retail transaction;

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

22 (8) "Wireless telecommunications service", commercial mobile
23 radio service as defined by Section 20.3 of Title 47 of the Code of
24 Federal Regulations, as amended.

25 2. (1) Beginning January 1, 2015, there is hereby imposed a
26 prepaid wireless emergency telephone service charge on each retail
27 transaction. The amount of such charge shall be equal to three percent
28 of each retail transaction. However, if a minimal amount of prepaid
29 wireless telecommunications service is sold with a prepaid wireless

30 device for a single non-itemized price, then the seller may elect not to
31 apply such service charge to such transaction. For purposes of this
32 subdivision, an amount of service denominated as ten or fewer minutes,
33 or five dollars or less is minimal.

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

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

47 (4) The prepaid wireless emergency telephone service charge is
48 the liability of the consumer and not of the seller or of any provider,
49 except that the seller shall be liable to remit all charges that the seller
50 is deemed to collect where the amount of the charge has not been
51 separately stated on an invoice, receipt, or other similar document
52 provided to the consumer by the seller.

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

60 3. (1) Prepaid wireless emergency telephone service charges
61 collected by sellers shall be remitted to the department at the times
62 and in the manner provided by state law with respect to the sales and
63 use taxes. The department shall establish registration and payment
64 procedures that substantially coincide with the registration and
65 payment procedures that apply under state law.

66 (2) Beginning on January 1, 2015, and ending on January 31,

67 2015, when a consumer purchases prepaid wireless telecommunications
68 service in a retail transaction from a seller under this section, the
69 seller shall be allowed to retain one hundred percent of the prepaid
70 wireless emergency telephone service charges that are collected by the
71 seller from the consumer. Beginning on February 1, 2015, a seller shall
72 be permitted to deduct and retain two percent of prepaid wireless
73 emergency telephone service charges that are collected by the seller
74 from consumers.

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

80 (4) The department shall deposit all remitted prepaid wireless
81 emergency telephone service charges into the Missouri 911 service trust
82 fund created in section 190.420 within thirty days of receipt for use by
83 the board. The department may deduct an amount not to exceed one
84 percent of collected charges to be retained by the department to
85 reimburse its direct costs of administering the collection and
86 remittance of prepaid wireless emergency telephone service charges.

87 (5) Ten percent of remitted prepaid wireless emergency
88 telephone service charges deposited in the Missouri 911 service trust
89 fund less the deduction authorized in subdivision (4) of this subsection
90 shall be dedicated to the Missouri regional poison information center
91 established in section 190.353. The amount allocated under this
92 subdivision shall not exceed one million dollars in any twelve-month
93 period, nor shall the Missouri regional poison information center
94 receive more than one million dollars from the Missouri 911 service
95 trust fund in any one calendar year under this subdivision. Any
96 amount that would be allocated under this subdivision in excess of one
97 million dollars in any twelve month period or any calendar year shall
98 be retained in the Missouri 911 service trust fund.

99 (6) The board shall set a rate between twenty-five and fifty
100 percent of the prepaid wireless emergency telephone service charges
101 deposited in the Missouri 911 service trust fund less the deductions
102 authorized in subdivisions (4) and (5) of this subsection that shall be
103 remitted to the counties in direct proportion to the amount of charges

104 collected in each county. The initial percentage rate set by the board
105 may be adjusted after five years and thereafter the rate may be
106 adjusted every two years.

107 (7) Any amounts received by a county under subdivision (6) of
108 this subsection shall be used only for purposes authorized in sections
109 190.305, 190.335, and 190.430.

110 4. (1) A seller that is not a provider shall be entitled to the
111 immunity and liability protections under section 190.450,
112 notwithstanding any requirement in state law regarding compliance
113 with Federal Communications Commission Order 05-116.

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

116 (3) In addition to the protection from liability provided in
117 subdivisions (1) and (2) of this subsection, each provider and seller
118 shall be entitled to the further protection from liability, if any, that is
119 provided to providers and sellers of wireless telecommunications
120 service that is not prepaid wireless telecommunications service under
121 section 190.450.

122 5. The prepaid wireless emergency telephone service charge
123 imposed by this section shall be in addition to any other tax, fee,
124 surcharge, or other charge imposed by this state, any political
125 subdivision of this state, or any intergovernmental agency for 911
126 funding purposes.

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

3 (1) ["Committee"] "**Board**", the [advisory committee for] **Missouri** 911
4 service [oversight] **board** 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 telephone
8 worker, call taker or public safety dispatcher whose duties include receiving,
9 processing or transmitting public safety information received through a 911
10 public safety answering point.

650.325. There is hereby established within the department of public
2 safety the ["Advisory Committee for 911 Service Oversight"] "**Missouri 911**
3 **Service Board**" which is charged with assisting and advising the state in

4 ensuring the availability, implementation and enhancement of a statewide
5 emergency telephone number common to all jurisdictions through research,
6 planning, training and education. The [committee for 911 service oversight]
7 **board** shall represent all entities and jurisdictions before appropriate policy-
8 making authorities and the general assembly and shall strive toward the
9 immediate access to emergency services for all citizens of this state.

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

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

8 (2) One member chosen to represent the Missouri [public service
9 commission] **911 directors association**;

10 (3) One member chosen to represent emergency medical services **and**
11 **physicians**;

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

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

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

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

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

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

26 [(10)] **(9)** One member chosen to represent [911 service providers in]
27 counties [of the second, third and fourth classification;

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

31 [(12)] **(10)** One member chosen to represent telecommunications service
32 providers [with at least one hundred thousand access lines located within
33 Missouri];

34 [(13)] **(11)** One member chosen to represent **wireless**
35 telecommunications service providers [with less than one hundred thousand
36 access lines located within Missouri];

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

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

42 2. Each of the members of the [committee for 911 service oversight]
43 **board** shall be appointed by the governor with the advice and consent of the
44 senate for a term of four years; except that, of those members first appointed, four
45 members shall be appointed to serve for one year, four members shall be
46 appointed to serve for two years, four members shall be appointed to serve for
47 three years and four members shall be appointed to serve for four
48 years. Members of the committee may serve multiple terms. **Notwithstanding**
49 **subsection 1 of this section to the contrary, all members appointed as**
50 **of August 28, 2014, shall continue to serve the remainder of their terms.**

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

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

57 (1) Organize and adopt standards governing the committee's formal and
58 informal procedures;

59 (2) Provide recommendations for primary answering points and secondary
60 answering points on [statewide] technical and operational standards for 911
61 services;

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

64 (4) Provide requested mediation services to political subdivisions involved
65 in jurisdictional disputes regarding the provision of 911 services, except that
66 [such committee] **the board** shall not supersede decision-making authority of

- 67 local political subdivisions in regard to 911 services;
- 68 (5) Provide assistance to the governor and the general assembly regarding
- 69 911 services;
- 70 (6) Review existing and proposed legislation and make recommendations
- 71 as to changes that would improve such legislation;
- 72 (7) Aid and assist in the timely collection and dissemination of
- 73 information relating to the use of a universal emergency telephone number;
- 74 (8) Perform other duties as necessary to promote successful development,
- 75 implementation and operation of 911 systems across the state; [and]
- 76 (9) [Advise the department of public safety on establishing rules and
- 77 regulations necessary to administer the provisions of sections 650.320 to 650.340]
- 78 **Elect the chair from its membership;**
- 79 **(10) Designate a state 911 coordinator;**
- 80 **(11) Apply for and receive grants from federal, private, and other**
- 81 **sources;**
- 82 **(12) Administer and authorize grants and loans to counties, that**
- 83 **demonstrate a commitment to improving 911. The purpose of grants**
- 84 **and loans from the 911 service trust fund shall include:**
- 85 **(a) Implementation of 911 services in counties of the state where**
- 86 **services do not exist;**
- 87 **(b) Promotion of consolidation where appropriate;**
- 88 **(c) Mapping and addressing all county locations;**
- 89 **(d) Ensuring primary access and texting abilities to 911 services**
- 90 **for disabled residents;**
- 91 **(e) Implementation of initial emergency medical dispatch**
- 92 **services including pre-arrival medical instructions in counties where**
- 93 **those services are not offered as of July 1, 2014;**
- 94 **(13) Authorize and conduct audits as deemed necessary to review**
- 95 **the grants and loans authorized by the board;**
- 96 **(14) Report to the governor and the general assembly at least**
- 97 **every five years on the status of 911 services statewide as well as**
- 98 **specific efforts to improve efficiency, cost effectiveness, and levels of**
- 99 **service;**
- 100 **(15) Conduct a survey every five years of public safety answering**
- 101 **points in Missouri to evaluate potential for improved services,**
- 102 **coordination, and feasibility of consolidation;**
- 103 **(16) Set a rate between twenty-five and fifty percent of the**

104 **prepaid wireless emergency telephone service charges deposited in the**
 105 **Missouri 911 service trust fund less the deductions authorized in**
 106 **subdivisions (4) and (5) of subsection 3 of section 190.451 that shall be**
 107 **remitted to the counties in direct proportion to the amount of prepaid**
 108 **wireless emergency telephone service charges collected in each**
 109 **county. The board may adjust the initial percentage rate after five**
 110 **years, and thereafter the rate may be adjusted every two years;**

111 **(17) Make and execute contracts or any other instruments and**
 112 **agreements necessary or convenient for the exercise of its powers and**
 113 **functions; and**

114 **(18) Retain in its records proposed county plans developed under**
 115 **subsection 9 of section 190.450 and notify the department of revenue**
 116 **that the county has filed a plan that is ready for implementation.**

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

120 6. The [department of public safety is authorized to adopt those] **board**
 121 **shall promulgate rules and regulations** that are reasonable and necessary [to
 122 accomplish the limited duties specifically delegated within section] **to**
 123 **implement and administer the provisions of sections 650.320 to**
 124 **650.340.** Any rule or portion of a rule, as that term is defined in section 536.010,
 125 shall become effective only if it has been promulgated pursuant to the provisions
 126 of chapter 536. This section and chapter 536 are nonseverable and if any of the
 127 powers vested with the general assembly pursuant to chapter 536 to review, to
 128 delay the effective date or to disapprove and annul a rule are subsequently held
 129 unconstitutional, then the grant of rulemaking authority and any rule proposed
 130 or adopted after August 28, [1999] **2014**, shall be invalid and void.

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

3 2. Initial training requirements for telecommunicators who answer 911
 4 calls that come 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
- 8 telecommunicator 16 hours;
- 9 (4) Joint communication center

10 telecommunicator 40 hours.

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

19 4. Any person employed as a telecommunicator on August 28, 1999, shall
20 not be required to complete the training requirement as provided in subsection
21 2 of this section. Any person hired as a telecommunicator after August 28, 1999,
22 shall complete the training requirements as provided in subsection 2 of this
23 section within twelve months of the date such person is employed as a
24 telecommunicator.

25 5. The training requirements as provided in subsection 2 of this section
26 shall be waived for any person who furnishes proof to the committee that such
27 person has completed training in another state which are at least as stringent as
28 the training requirements of subsection 2 of this section.

29 6. The [department of public safety] **board** shall determine by
30 administrative rule the persons or organizations authorized to conduct the
31 training as required by subsection 2 of this section.

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

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

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

7 (2) The chairperson of the public service commission or the
8 chairperson's designee; except that such designee shall be a
9 commissioner of the public service commission or hold a position of

10 authority in the commission of at least a division director;

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

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

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

31 3. The board shall do the following:

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

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

38 (3) Advise the office of administration regarding
39 implementation of Federal Communications Commission order
40 94-102; and

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

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

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