

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1904

AN ACT

To repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.328, 190.329, 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 twenty-two new sections relating to emergency communications service, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 43.401, 70.210, 190.300, 190.307,
2 190.308, 190.328, 190.329, 190.335, 190.400, 190.410, 190.420,
3 190.430, 190.440, 650.320, 650.325, 650.330, and 650.340, RSMo,
4 are repealed and twenty-two new sections enacted in lieu thereof,
5 to be known as sections 29.225, 43.401, 70.210, 190.300, 190.308,
6 190.326, 190.328, 190.329, 190.335, 190.400, 190.420, 190.450,
7 190.451, 190.455, 190.460, 190.475, 210.1013, 650.320, 650.325,
8 650.330, 650.335, and 650.340, to read as follows:

9 29.225. The state auditor shall have the authority to
10 conduct performance and fiscal audits of any board, dispatch
11 center, joint emergency communications entity, or trust fund
12 established under section 190.327, 190.328, 190.329, 190.335,
13 190.420, 190.455, 190.460, or 650.325.

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

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

9 (a) The name of the complainant;

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

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

14 [(c)] (d) The name, age, address, and all identifying
15 characteristics of the missing person;

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

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

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

26 (3) A law enforcement agency with which a complaint of a
27 missing child has been filed shall prepare, as soon as
28 practicable, a standard missing child report. The missing child

1 report shall be maintained as a record by the reporting law
2 enforcement agency during the course of an active investigation;

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

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

12 70.210. As used in sections 70.210 to 70.320, the following
13 terms mean:

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

16 (2) "Municipality", municipal corporations, political
17 corporations, and other public corporations and agencies
18 authorized to exercise governmental functions;

19 (3) "Political subdivision", counties, townships, cities,
20 towns, villages, school, county library, city library, city-
21 county library, road, drainage, sewer, levee and fire districts,
22 soil and water conservation districts, watershed subdistricts,
23 county hospitals, [and] any board of control of an art museum,
24 any 911 or emergency services board authorized in chapter 190 or
25 in section 321.243, and any other public subdivision or public
26 corporation having the power to tax.

27 190.300. As used in sections 190.300 to [190.320] 190.340,
28 the following terms and phrases mean:

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

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

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

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

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

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

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

27 (8) "Service user", any person, other than a person
28 providing pay telephone service pursuant to the provisions of

1 section 392.520 not otherwise exempt from taxation, who is
2 provided exchange telephone service in this state;

3 (9) "Tariff rate", the rate or rates billed by a service
4 supplier to a service user as stated in the service supplier's
5 tariffs, [approved by the Missouri public service commission]
6 contracts, service agreements, or similar documents governing the
7 provision of the service, which represent the service supplier's
8 recurring charges for exchange access facilities or their
9 equivalent, or equivalent rates contained in contracts, service
10 agreements, or similar documents, exclusive of all taxes, fees,
11 licenses or similar charges whatsoever.

12 190.308. 1. In any county that has established an
13 emergency telephone service pursuant to sections 190.300 to
14 [190.320] 190.340, it shall be unlawful for any person to misuse
15 the emergency telephone service. For the purposes of this
16 section, "emergency" means any incident involving danger to life
17 or property that calls for an emergency response dispatch of
18 police, fire, EMS or other public safety organization, "misuse
19 the emergency telephone service" includes, but is not limited to,
20 repeatedly calling the "911" for nonemergency situations causing
21 operators or equipment to be in use when emergency situations may
22 need such operators or equipment and "repeatedly" means three or
23 more times within a one-month period.

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

25 3. No political subdivision shall impose any fine or
26 penalty on the owner of a pay telephone or on the owner of any
27 property upon which a pay telephone is located for calls to the
28 emergency telephone service made from the pay telephone. Any

1 such fine or penalty is hereby void.

2 190.326. 1. Notwithstanding the provisions of subsections
3 1 and 2 of section 190.327 to the contrary, the commission of any
4 county with more than two hundred thousand but fewer than two
5 hundred sixty thousand inhabitants that has not established a
6 board to administer the funds collected from the tax imposed
7 under section 190.305 or 190.325 may elect to appoint the members
8 of the board to administer the funds and oversee the provision of
9 central dispatching for emergency services in the county and in
10 municipalities and other political subdivisions which have
11 contracted for such service upon the request of the
12 municipalities and other political subdivisions. At the time of
13 the appointment of the initial members of the board, the
14 commission shall relinquish to the board and no longer exercise
15 the duties prescribed in this chapter with regard to the
16 provision of central dispatching service and such duties shall be
17 exercised by the board.

18 2. The board shall consist of seven members appointed
19 without regard to political affiliation. The members shall
20 include:

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

23 (a) The county sheriff, or a designee;

24 (b) The heads of the municipal police departments in the
25 two largest municipalities wholly contained within the county
26 which have contracted for central dispatching service, or their
27 designees; and

28 (c) The heads of the municipal fire departments or fire

1 divisions in the two largest municipalities wholly contained
2 within the county which have contracted for central dispatching
3 service, or their designees.

4 (2) Two members who shall serve two year terms appointed
5 from among the following:

6 (a) The head of any of the county's fire protection
7 districts which have contracted for central dispatching service,
8 or a designee;

9 (b) The head of any of the county's ambulance districts
10 which have contracted for central dispatching service, or a
11 designee;

12 (c) The head of any of the municipal police departments in
13 the county, excluding those in paragraph (b) of subdivision (1)
14 of this subsection, which have contracted for central dispatching
15 service, or a designee; and

16 (d) The head of any of the municipal fire departments in
17 the county, excluding those in paragraph (c) of subdivision (1)
18 of this subsection, which have contracted for central dispatching
19 service, or a designee.

20 3. Upon the appointment of the board under this section,
21 the board shall have the powers provided in subsection 3 of
22 section 190.327 and the commission shall relinquish all powers
23 and duties relating to the provision of central dispatching
24 service under this chapter to the board.

25 190.328. 1. Beginning in 1997, within the area from which
26 voters and the commission have approved the provision of central
27 dispatching for emergency services by a public agency for an area
28 containing third or fourth class cities in counties of the third

1 classification with a population of at least thirty-two thousand
2 but no greater than forty thousand that border a county of the
3 first classification but do not border the Mississippi River, the
4 initial board shall consist of two members from each township
5 within such area and one at-large member who shall serve as the
6 initial chairperson of such board.

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

18 3. Of those initially elected to the board as provided in
19 this section, four from the townships shall be elected to a term
20 of two years, and four from the townships and the at-large member
21 shall be elected to a term of four years. Upon the expiration of
22 these initial terms, all members shall thereafter be elected to
23 terms of four years; provided, however, that if a board
24 established in this section consolidates with a board established
25 under section 190.327 or 190.335, under the provisions of section
26 190.460, the term of office for the existing board members shall
27 end on the thirtieth day following the appointment of the initial
28 board of directors for the consolidated district.

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

17 2. Beginning in 1992, three members shall be elected from
18 each commission district and one member shall be elected at
19 large, with such at-large member to be a voting member and
20 chairman of the board. Of those first elected, four members from
21 commission districts shall be elected for terms of two years and
22 two members from commission districts and the member at large
23 shall be elected for terms of four years. In 1994, and
24 thereafter, all terms of office shall be for four years, except
25 as otherwise provided in this subsection or as provided in
26 subsection 3 of this section. Any vacancy on the board shall be
27 filled in the same manner as the initial appointment was made.
28 Four members shall constitute a quorum. If a board established

1 in section 190.327 consolidates with a board established under
2 section 190.327, 190.328, or 190.335, under the provisions of
3 section 190.460, the term of office for the existing board
4 members shall end on the thirtieth day following the appointment
5 of the initial board of directors for the consolidated district.

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

13 190.335. 1. In lieu of the tax levy authorized under
14 section 190.305 for emergency telephone services, the county
15 commission of any county may impose a county sales tax for the
16 provision of central dispatching of fire protection, including
17 law enforcement agencies, emergency ambulance service or any
18 other emergency services, including emergency telephone services,
19 which shall be collectively referred to herein as "emergency
20 services", and which may also include the purchase and
21 maintenance of communications and emergency equipment, including
22 the operational costs associated therein, in accordance with the
23 provisions of this section.

24 2. Such county commission may, by a majority vote of its
25 members, submit to the voters of the county, at a public
26 election, a proposal to authorize the county commission to impose
27 a tax under the provisions of this section. If the residents of
28 the county present a petition signed by a number of residents

1 equal to ten percent of those in the county who voted in the most
2 recent gubernatorial election, then the commission shall submit
3 such a proposal to the voters of the county. No proposal shall
4 be submitted to the voters under this section until the county
5 has complied with the requirements of subsection 11 of section
6 190.450, unless the county is exempt from such requirements under
7 subsection 16 of section 190.450.

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

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

15 YES NO

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

26 4. The sales tax may be imposed at a rate not to exceed one
27 percent on the receipts from the sale at retail of all tangible
28 personal property or taxable services at retail within any county

1 adopting such tax, if such property and services are subject to
2 taxation by the state of Missouri under the provisions of
3 sections 144.010 to 144.525. The sales tax shall not be
4 collected prior to thirty-six months before operation of the
5 central dispatching of emergency services.

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

9 6. Any tax imposed pursuant to section 190.305 shall
10 terminate at the end of the tax year in which the tax imposed
11 pursuant to this section for emergency services is certified by
12 the board to be fully operational. Any revenues collected from
13 the tax authorized under section 190.305 shall be credited for
14 the purposes for which they were intended.

15 7. At least once each calendar year, the board shall
16 establish a tax rate, not to exceed the amount authorized, that
17 together with any surplus revenues carried forward will produce
18 sufficient revenues to fund the expenditures authorized by this
19 act. Amounts collected in excess of that necessary within a
20 given year shall be carried forward to subsequent years. The
21 board shall make its determination of such tax rate each year no
22 later than September first and shall fix the new rate which shall
23 be collected as provided in this act. Immediately upon making
24 its determination and fixing the rate, the board shall publish in
25 its minutes the new rate, and it shall notify every retailer by
26 mail of the new rate.

27 8. Immediately upon the affirmative vote of voters of such
28 a county on the ballot proposal to establish a county sales tax

1 pursuant to the provisions of this section, the county commission
2 shall appoint the initial members of a board to administer the
3 funds and oversee the provision of emergency services in the
4 county. Beginning with the general election in 1994, all board
5 members shall be elected according to this section and other
6 applicable laws of this state. At the time of the appointment of
7 the initial members of the board, the commission shall relinquish
8 and no longer exercise the duties prescribed in this chapter with
9 regard to the provision of emergency services and such duties
10 shall be exercised by the board.

11 9. The initial board shall consist of seven members
12 appointed without regard to political affiliation, who shall be
13 selected from, and who shall represent, the fire protection
14 districts, ambulance districts, sheriff's department,
15 municipalities, any other emergency services and the general
16 public. This initial board shall serve until its successor board
17 is duly elected and installed in office. The commission shall
18 ensure geographic representation of the county by appointing no
19 more than four members from each district of the county
20 commission.

21 10. Beginning in 1994, three members shall be elected from
22 each district of the county commission and one member shall be
23 elected at large, such member to be the chairman of the board.
24 Of those first elected, four members from districts of the county
25 commission shall be elected for terms of two years and two
26 members from districts of the county commission and the member at
27 large shall be elected for terms of four years. In 1996, and
28 thereafter, all terms of office shall be four years; provided,

1 however, that if a board established in this section consolidates
2 with a board established under this section or section 190.327 or
3 section 190.328, under the provisions of section 190.460, the
4 term of office for the existing board members shall end on the
5 thirtieth day following the appointment of the initial board of
6 directors for the consolidated district. Notwithstanding any
7 other provision of law, if there is no candidate for an open
8 position on the board, then no election shall be held for that
9 position and it shall be considered vacant, to be filled pursuant
10 to the provisions of section 190.339, and, if there is only one
11 candidate for each open position, no election shall be held and
12 the candidate or candidates shall assume office at the same time
13 and in the same manner as if elected.

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

1 such board is established reclassifying such board as a corporate
2 body and political subdivision of the state. The order shall
3 approve the transfer of the assets and liabilities related to the
4 operation of the emergency telephone service 911 system to the
5 new entity created by the reclassification of the board.

6 12. (1) Notwithstanding the provisions of subsections 8 to
7 10 of this section to the contrary, in any county of the second
8 classification with more than fifty-four thousand two hundred but
9 fewer than fifty-four thousand three hundred inhabitants or any
10 county of the first classification with more than fifty thousand
11 but fewer than seventy thousand inhabitants that has approved a
12 sales tax under this section, the county commission shall appoint
13 the members of the board to administer the funds and oversee the
14 provision of emergency services in the county.

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

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

21 (b) The head of any of the county's ambulance districts, or
22 a designee;

23 (c) The county sheriff, or a designee;

24 (d) The head of any of the police departments in the
25 county, or a designee; and

26 (e) The head of any of the county's emergency management
27 organizations, or a designee.

28 (3) Upon the appointment of the board under this

1 subsection, the board shall have the power provided in section
2 190.339 and shall exercise all powers and duties exercised by the
3 county commission under this chapter, and the commission shall
4 relinquish all powers and duties relating to the provision of
5 emergency services under this chapter to the board.

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

10 (5) In any county with more than fifty thousand but fewer
11 than seventy thousand inhabitants and with a county seat with
12 more than two thousand one hundred, but fewer than two thousand
13 four hundred inhabitants, the entities listed in subdivision (2)
14 of this subsection shall be represented by one member, and two
15 members shall be residents of the county not affiliated with any
16 of the entities listed in subdivision (2) of this section and
17 shall be known as public members.

18 190.400. As used in sections 190.400 to [190.440] 190.451,
19 the following words and terms shall mean:

20 (1) ["911", the primary emergency telephone number within
21 the wireless system;

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

24 (3)] "Active telephone number", a ten-digit North American
25 Numbering Plan number that has been assigned to a subscriber and
26 is provisioned to generally reach, by dialing, the public
27 switched telephone network and not only 911 or the 911 system;

28 (2) "Communications service":

1 (a) Any service that:

2 a. Uses telephone numbers or their functional equivalents
3 or successors;

4 b. Provides access to, and a connection or interface with,
5 a 911 system through the activation or enabling of a device,
6 transmission medium, or technology that is used by a customer to
7 dial, initialize, or otherwise activate the 911 system,
8 regardless of the particular device, transmission medium, or
9 technology employed;

10 c. Provides and enables real time or interactive
11 communications, other than machine to machine communications; and

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

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

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

20 b. Commercial mobile radio service; and

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

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

25 (d) For purposes of this section, when a device is
26 permanently installed in a vehicle that is capable of contacting
27 911, it shall not be subject to this section, unless the owner of
28 such vehicle purchases or otherwise subscribes to a commercial

1 mobile service as defined under 47 U.S.C. 332(d) of the
2 Telecommunications Act of 1996;

3 (3) "Provider or communications service provider", a person
4 who provides retail communications services to the public that
5 includes 911 communications service including, but not limited
6 to, a local exchange carrier, a wireless provider, and a voice
7 over internet protocol provider, but only if such entity provides
8 access to, and connection and interface with, a 911
9 communications service or its successor service;

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

16 ~~[(4)]~~ (5) "Public safety answering point", the location at
17 which 911 calls are [initially] answered;

18 ~~[(5)]~~ (6) "Subscriber", a person who contracts with and is
19 billed by a provider for a retail communications service. In the
20 case of wireless service and for purposes of section 190.450, the
21 term "subscriber" means a person who contracts with a provider if
22 the person's primary place of use is within the county or city
23 imposing a monthly fee under section 190.450, and does not
24 include subscribers to prepaid wireless service;

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

28 190.420. 1. There is hereby established a special trust

1 fund to be known as the "[Wireless Service Provider Enhanced]
2 Missouri 911 Service Trust Fund". All fees collected pursuant to
3 sections 190.400 to [190.440 by wireless service providers]
4 190.451 shall be remitted to the director of the department of
5 revenue.

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

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

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

1 inhabitants under sections 190.400 to 190.451, and the records
2 shall be open to the inspection of officers of a participating
3 county, or city and the public.

4 190.450. 1. Except as provided under subsections 9, 10,
5 and 17 of this section, in lieu of the tax levy authorized under
6 section 190.305 or 190.325 or the sales tax imposed under section
7 190.292 or 190.335, the governing body of any county, city not
8 within a county, or home rule city with more than fifteen
9 thousand but fewer than seventeen thousand inhabitants and
10 partially located in any county of the third classification
11 without a township form of government and with more than thirty-
12 seven thousand but fewer than forty-one thousand inhabitants may
13 impose, by order or ordinance, a monthly fee on subscribers of
14 any communications service that has been enabled to contact 911.
15 The monthly fee authorized in this section shall not exceed one
16 dollar and fifty cents and shall be assessed to the subscriber of
17 communications service, regardless of technology, based upon the
18 number of active telephone numbers or their functional
19 equivalents or successors assigned by the provider and capable of
20 simultaneously contacting the public safety answering point;
21 provided that, for multi-line telephone systems and for
22 facilities provisioned with capacity greater than a voice capable
23 grade channel or its equivalent, regardless of technology, the
24 charge shall be assessed on the number of voice capable grade
25 channels as provisioned by the provider that allow simultaneous
26 contact with the public safety answering point. Only one fee may
27 be assessed per active telephone number or its functional
28 equivalent or successor used to provide a communications service.

1 No fee imposed under this section shall be imposed on more than
2 one hundred voice grade channels or their equivalent per person
3 per location. Notwithstanding any provision to the contrary in
4 this section, the monthly fee shall not be assessed on the
5 provision of broadband internet access service. The fee shall be
6 imposed solely for the purpose of funding 911 service in such
7 county or city. The monthly fee authorized in this section shall
8 be limited to one fee per device. The fee authorized in this
9 section shall be in addition to all other taxes and fees imposed
10 by law and may be stated separately from all other charges and
11 taxes. The fee shall be the liability of the subscriber, not the
12 provider, except that the provider shall be liable to remit all
13 fees that the provider collects pursuant to this section.

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

21 "Shall (insert name of county or city) impose a
22 monthly fee of (insert amount) on a subscriber of any
23 communications service that has been enabled to contact 911 for
24 the purpose of funding 911 service in the (county or
25 city)?"

26
27 If a majority of the votes cast on the question by the qualified
28 voters voting thereon are in favor of the question, then the fee

1 shall become effective on the first day of the second calendar
2 quarter after the director of revenue receives notification of
3 adoption of the fee. If a majority of the votes cast on the
4 question by the qualified voters voting thereon are opposed to
5 the question, then the fee shall not become effective unless and
6 until the question is resubmitted under this section to the
7 qualified voters and such question is approved by a majority of
8 the qualified voters voting on the question.

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

12 4. All revenue collected under this section by the director
13 of the department of revenue on behalf of the county or city,
14 except for two percent to be withheld by the provider for the
15 cost of administering the collection and remittance of the fee
16 and one percent for the cost of collection which shall be
17 deposited in the state's general revenue fund, shall be deposited
18 in the Missouri 911 service trust fund created in section
19 190.420. The director of the department of revenue shall remit
20 such funds to the county or city on a monthly basis. The
21 governing body of any such county or city shall control such
22 funds remitted to the county or city unless the county or city
23 has established an elected board for the purpose of administering
24 such funds. In the event that any county or city has established
25 a board under any other provision of state law for the purpose of
26 administering funds for 911 service, such existing board may
27 continue to perform such functions after the county or city has
28 adopted the monthly fee under this section.

1 5. Nothing in this section imposes any obligation upon a
2 provider of a communications service to take any legal action to
3 enforce the collection of the tax imposed in this section. The
4 tax shall be collected in compliance, as applicable, with the
5 federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections
6 116 to 124, as amended.

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

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

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

25 (2) The release of subscriber information to any
26 governmental entity under this section unless such acts, release
27 of subscriber information, or omissions constitute gross
28 negligence, recklessness, or intentional misconduct.

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

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

22 9. No county or city shall submit a proposal to the voters
23 under this section for a fee of more than one dollar until the
24 county or city receives approval for the fee amount from the
25 Missouri 911 service board established under section 650.325.
26 Once a fee of more than one dollar has been approved by the
27 Missouri 911 service board and the voters, the county or city
28 shall not subsequently increase the fee until the increased fee

1 amount has been approved by the Missouri 911 service board and
2 the voters under this section. Any county or city seeking to
3 impose or increase a fee of more than one dollar shall submit to
4 the Missouri 911 service board information to justify the fee
5 amount. The information to be provided shall include, but not be
6 limited to, the following:

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

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

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

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

14 (5) Current level of 911 service provided and the proposed
15 level of 911 service to be provided;

16 (6) Any previous efforts regarding the consolidation of 911
17 services and any currently proposed efforts regarding the
18 consolidation of 911 services;

19 (7) Expected level of training of personnel and expected
20 number of telecommunications per shift.

21 10. The fee imposed under this section shall not be imposed
22 in conjunction with any tax imposed under sections 190.292,
23 190.305, 190.325, or 190.335. No county or city shall
24 simultaneously impose more than one tax authorized in this
25 section or sections 190.292, 190.305, 190.325, or 190.335. No
26 fee imposed under this section shall be imposed on more than one
27 hundred exchange access facilities or their equivalent per person
28 per location.

1 11. No county shall submit a proposal to the voters of the
2 county under this section or section 190.335 until either:

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

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

14 12. Any plan developed under subsection 11 of this section
15 shall be filed with the Missouri 911 service board under
16 subsection 4 of section 650.330. Any plan that is filed under
17 this subsection shall provide for the establishment of a joint
18 emergency communications board as contemplated in section 70.260.
19 The director of the department of revenue shall not remit any
20 funds as provided under this section or distribute any of the
21 funds collected under the sales tax imposed under section 190.335
22 until the department receives notification from the Missouri 911
23 service board that the county has filed a plan that is ready for
24 implementation. If after one year following the enactment of the
25 fee contemplated in subsection 1 of this section or the tax
26 authorized under section 190.335, the county has not complied
27 with the plan that the county submitted under subsection 11 of
28 this section, but the county has substantially complied with the

1 plan, then the Missouri 911 service board may grant the county an
2 extension of up to six months to comply with its plan. Not more
3 than one extension may be granted to a county. The authority to
4 impose the fee under this section or the tax authorized under
5 section 190.335, shall be null and void if after one year
6 following the enactment of the fee contemplated in subsection 1
7 of this section or the tax under section 190.335, the county has
8 not complied with the plan and has not been granted an extension
9 by the Missouri 911 service board, or if the six month extension
10 expires and the county has not complied with the plan.

11 13. Unless the board determines a shared services agreement
12 or district is not feasible for the county, each county that has
13 one public agency, or does not have a public agency, that
14 provides emergency telephone service for the county as the terms
15 "public agency" and "emergency telephone service" are defined in
16 section 190.300 shall either:

17 (1) Enter into a shared services agreement involving one or
18 more other counties for the provision of emergency telephone
19 service by a single public agency that provides emergency
20 telephone service; or

21 (2) Form with one or more counties an emergency telephone
22 services district in conjunction with any county with a public
23 agency that provides emergency telephone service within the
24 county. If such a district is formed under this subdivision, the
25 governing body of such district shall be the county commissioners
26 of each county within the district, and each county within such
27 district shall submit to the voters of the county a proposal to
28 impose the fee under this section.

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

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

8 16. Nothing in subsections 11, 12, 13, and 14 of this
9 section shall apply to a county with a charter form of government
10 where all public safety answering points within the county
11 utilize a common 911 communication service as implemented by the
12 appropriate local and county agencies prior to August 28, 2016.

13 17. Notwithstanding any provision of this section to the
14 contrary, the fee authorized by this section shall not be imposed
15 in any county with a charter form of government and with more
16 than nine hundred fifty thousand inhabitants.

17 190.451. 1. As used in this section, the following terms
18 mean:

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

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

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

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

26 (5) "Prepaid wireless telecommunications service", a
27 wireless telecommunications service that allows a caller to dial
28 911 to access the 911 system and which service shall be paid for

1 in advance and is sold in predetermined units or dollars of which
2 the number declines with use in a known amount;

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

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

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

13 2. (1) Except as otherwise provided in subsection 6 of
14 this section, beginning January 1, 2017, there is hereby imposed
15 a prepaid wireless emergency telephone service charge on each
16 retail transaction. The amount of such charge shall be equal to
17 three percent of each retail transaction. However, if a minimal
18 amount of prepaid wireless telecommunications service is sold
19 with a prepaid wireless device for a single nonitemized price,
20 then the seller may elect not to apply such service charge to
21 such transaction. For purposes of this subdivision, an amount of
22 service denominated as ten or fewer minutes, or five dollars or
23 less is minimal.

24 (2) Except as otherwise provided in subsection 6 of this
25 section, the prepaid wireless emergency telephone service charge
26 shall be collected by the seller from the consumer with respect
27 to each retail transaction occurring in this state. The amount
28 of the prepaid wireless emergency telephone service charge shall

1 be either separately stated on an invoice, receipt, or other
2 similar document that is provided to the consumer by the seller,
3 or otherwise disclosed to the consumer.

4 (3) For purposes of this subsection, a retail transaction
5 that is effected in person by a consumer at a business location
6 of the seller shall be treated as occurring in this state if that
7 business location is in this state; and any other retail
8 transaction shall be treated as occurring in this state if the
9 retail transaction is treated as occurring in this state under
10 state law.

11 (4) The prepaid wireless emergency telephone service charge
12 is the liability of the consumer and not of the seller or of any
13 provider, except that the seller shall be liable to remit all
14 charges that the seller is deemed to collect if the amount of the
15 charge has not been separately stated on an invoice, receipt, or
16 other similar document provided to the consumer by the seller.

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

25 3. (1) Prepaid wireless emergency telephone service
26 charges collected by sellers shall be remitted to the department
27 at the times and in the manner provided by state law with respect
28 to the sales and use taxes. The department shall establish

1 registration and payment procedures that substantially coincide
2 with the registration and payment procedures that apply under
3 state law.

4 (2) Beginning on January 1, 2017, and ending on January 31,
5 2017, when a consumer purchases prepaid wireless
6 telecommunications service in a retail transaction from a seller
7 under this section, the seller shall be allowed to retain one
8 hundred percent of the prepaid wireless emergency telephone
9 service charges that are collected by the seller from the
10 consumer. Beginning on February 1, 2017, a seller shall be
11 permitted to deduct and retain three percent of prepaid wireless
12 emergency telephone service charges that are collected by the
13 seller from consumers.

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

20 (4) The department shall deposit all remitted prepaid
21 wireless emergency telephone service charges into the Missouri
22 911 service trust fund created in section 190.420 within thirty
23 days of receipt for use by the board. The department may deduct
24 an amount not to exceed one percent of collected charges to be
25 retained by the department to reimburse its direct costs of
26 administering the collection and remittance of prepaid wireless
27 emergency telephone service charges.

1 (5) The board shall set a rate between twenty-five and
2 seventy-five percent of the prepaid wireless emergency telephone
3 service charges deposited in the Missouri 911 service trust fund
4 less the deductions authorized in subdivision (4) of this
5 subsection that shall be remitted to the counties without a
6 charter form of government in direct proportion to the amount of
7 charges collected in each county. The board shall set a rate
8 between sixty-five and seventy-five percent of the prepaid
9 wireless emergency telephone service charges deposited in the
10 Missouri 911 service trust fund less the deductions authorized in
11 subdivision (4) of this subsection that shall be remitted to the
12 counties with a charter form of government and any city not
13 within a county in direct proportion to the amount of charges
14 collected in each such county or city not within a county. The
15 initial percentage rate set by the board for counties with and
16 without a charter form of government and any city not within a
17 county may be adjusted after three years and thereafter the rate
18 may be adjusted every two years; however, at no point shall the
19 board set rates that fall below twenty-five percent for counties
20 without a charter form of government and sixty-five percent for
21 counties with a charter form of government and any city not
22 within a county.

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

26 4. (1) A seller that is not a provider shall be entitled
27 to the immunity and liability protections under section 190.450,

1 notwithstanding any requirement in state law regarding compliance
2 with Federal Communications Commission Order 05-116.

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

5 (3) In addition to the protection from liability provided
6 in subdivisions (1) and (2) of this subsection, each provider and
7 seller and its officers, employees, assigns, agents, vendors, or
8 anyone acting on behalf of such persons shall be entitled to the
9 further protection from liability, if any, that is provided to
10 providers and sellers of wireless telecommunications service that
11 is not prepaid wireless telecommunications service under section
12 190.450.

13 5. The prepaid wireless emergency telephone service charge
14 imposed by this section shall be in addition to any other tax,
15 fee, surcharge, or other charge imposed by this state, any
16 political subdivision of this state, or any intergovernmental
17 agency for 911 funding purposes.

18 6. Notwithstanding any provision of this section to the
19 contrary, the prepaid wireless emergency telephone service charge
20 shall not be imposed on any retail transaction occurring in any
21 county with a charter form of government and with more than nine
22 hundred fifty thousand inhabitants.

23 190.455. 1. In order to provide the best possible 911
24 technology and service to all areas of the state in the most
25 efficient and economical manner possible, it is the public policy
26 of this state to encourage the consolidation of emergency
27 communications operations.

1 2. Any county, city, or 911 or emergency services board
2 established under chapter 190 or under section 321.243 may
3 contract and cooperate with any other county, city, or 911 or
4 emergency services board established under chapter 190 or under
5 section 321.243 as provided in sections 70.210 to 70.320. Any
6 contracting counties or boards may seek assistance and advice
7 from the Missouri 911 service board established in section
8 650.325 regarding the terms of the joint contract and the
9 administration and operation of the contracting counties, cities,
10 and boards.

11 3. If two or more counties, cities, 911 districts, or
12 existing emergency communications entities desire to consolidate
13 their emergency communications operations, a joint emergency
14 communications entity may be established by the parties through
15 an agreement identifying the conditions and provisions of the
16 consolidation and the operation of the joint entity. This
17 agreement may include the establishment of a joint governing body
18 that may be comprised of the boards of the entities forming the
19 agreement currently authorized by statute or an elected or
20 appointed joint board authorized in section 70.260, provided that
21 the representation on the joint board of each of the entities
22 forming the agreement shall be equal. If the entities entering
23 into an agreement under this subsection decide that any 911
24 service center, responsible for the answering of 911 calls and
25 the dispatch of assistance, shall be physically located in a
26 county, other than a county with the lowest average county wage
27 from the set of counties where the entities entering into an
28 agreement under this subsection are located in whole or part,

1 then such entities shall provide a written reason for this
2 decision to the Missouri 911 service board and such document
3 shall be a public record under chapter 610. The county average
4 wage comparison shall be conducted using the information from the
5 Missouri department of economic development, which calculates
6 such county average wages under section 135.950.

7 4. After August 28, 2016, no public safety answering point
8 operation may be established as a result of its separation from
9 an existing public safety answering point operation without a
10 study by and the approval of the Missouri 911 service board.

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

14 190.460. 1. As an alternative to the procedure provided in
15 section 190.455, two or more 911 central dispatch centers that
16 are organized under sections 190.327 to 190.329 or section
17 190.335 and funded by public taxes may consolidate into one 911
18 central dispatch center by following the procedures set forth in
19 this section.

20 2. If the consolidation of existing 911 central dispatch
21 centers is desired, a number of voters residing in the existing
22 911 central dispatch centers' service areas equal to ten percent
23 of the votes cast for governor in those service areas in the next
24 preceding gubernatorial election may file with the county clerk
25 in which the territory or greater part of the proposed
26 consolidated 911 central dispatch center service area will be
27 situated a petition requesting consolidation of two or more 911
28 central dispatch centers.

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

2 "We the undersigned voters residing in the service areas for
3 the following 911 central dispatch centers do hereby petition
4 that the following existing 911 central dispatch centers be
5 consolidated into one 911 central dispatch center."

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

10 "The board of directors of the 911 central
11 dispatch center resolves that the and 911
12 central dispatch centers be consolidated into one consolidated
13 911 central dispatch center."

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

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

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

1 "Shall the existing 911 central dispatch centers
2 be consolidated into one 911 central dispatch center?".

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

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

15 10. Within thirty days after the appointment of the initial
16 board of directors of the new consolidated 911 central dispatch
17 center, the board of directors shall meet at a time and place
18 designated by the county commissions. At the first meeting, the
19 newly appointed board of directors shall choose a name for the
20 consolidated 911 central dispatch center and shall notify the
21 clerks of the county commission of each county within which the
22 new consolidated 911 central dispatch center's service area now
23 subsumes.

24 11. Starting with the April election in the year after the
25 appointment of the initial board of directors, there shall be
26 elected a board of seven directors, and at the first meeting, the
27 board members shall, by lot, determine the term of their office.
28 Four of the terms shall be for four years and three of the terms

1 shall be for two years. They shall all serve until their
2 successors are elected and qualified. Thereafter all terms shall
3 be four-year terms. The members shall select one of the members
4 with a four-year term to be chairman of the board.

5 12. On the thirtieth day following the appointment of the
6 initial board of directors the existing 911 central dispatch
7 centers shall cease to exist and the consolidated 911 central
8 dispatch center shall assume all of the powers and duties
9 exercised by the 911 central dispatch centers. All assets and
10 obligations of the existing 911 central dispatch centers shall
11 become the assets and obligations of the new consolidated 911
12 central dispatch center.

13 190.475. The director of the department of revenue shall
14 maintain a centralized database which shall be made available to
15 the Missouri 911 service board established under section 650.325,
16 specifying the current monthly fee or tax imposed by each county
17 or city under section 190.292, 190.305, 190.325, 190.335, or
18 190.450. The database shall be updated no less than sixty days
19 prior to the effective date of the establishment or modification
20 of any monthly fee or tax listed in the database.

21 210.1013. 1. There is hereby created a statewide program
22 called the "Silver Alert System" referred to in this section as
23 the "system" to aid in the identification and location of a
24 missing endangered person.

25 2. For the purposes of this section, the term "endangered
26 person" shall mean an individual who:

27 (1) Does not meet the criteria for an Amber alert under
28 section 210.1012; and

1 (2) Is missing under unexplained, involuntary, or
2 suspicious circumstances; and

3 (3) Is believed to be in danger because of age,
4 guardianship, health, mental or physical disability,
5 environmental or weather conditions; or

6 (4) Is in the company of a potentially dangerous person or
7 is affected by some other factor that may put the individual in
8 peril.

9
10 "Endangered person" does not include any person who is considered
11 to be a runaway and to whom subdivisions (2), (3), and (4) of
12 this subsection do not apply.

13 3. The department of public safety shall develop regions to
14 provide the system. The department of public safety shall
15 coordinate local law enforcement agencies and public commercial
16 television and radio broadcasters to provide an effective system.
17 In the event that a local law enforcement agency opts not to set
18 up a system and an abduction or report of a missing endangered
19 person occurs within the jurisdiction, the agency shall notify
20 the department of public safety who shall notify local media in
21 the region.

22 4. The silver alert system shall include all state agencies
23 capable of providing urgent and timely information to the public
24 together with broadcasters and other private entities that
25 volunteer to participate in the dissemination of urgent public
26 information. At a minimum, the silver alert system shall include
27 the department of public safety, state highway patrol, department

1 of transportation, department of health and senior services, and
2 Missouri lottery.

3 5. Participation in a silver alert system is entirely at
4 the option of local law enforcement agencies, federally licensed
5 radio and television broadcasters, and other private entities.

6 6. Any person who knowingly makes a false report that
7 triggers an alert pursuant to this section is guilty of a class A
8 misdemeanor.

9 7. The department of public safety shall administer and
10 promulgate rules for the implementation of the silver alert
11 system. Any rule or portion of a rule, as that term is defined
12 in section 536.010, that is created under the authority delegated
13 in this section shall become effective only if it complies with
14 and is subject to all of the provisions of chapter 536, and, if
15 applicable, section 536.028. This section and chapter 536 are
16 nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536, to review, to delay the
18 effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2016,
21 shall be invalid and void.

22 650.320. For the purposes of sections 650.320 to 650.340,
23 the following terms mean:

24 (1) ["Committee"] "Board", the [advisory committee for]
25 Missouri 911 service [oversight] board established in section
26 650.325;

27 (2) "Public safety answering point", the location at which
28 911 calls are [initially] answered;

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

6 650.325. There is hereby established within the department
7 of public safety the ["Advisory Committee for 911 Service
8 Oversight"] "Missouri 911 Service Board" which is charged with
9 assisting and advising the state in ensuring the availability,
10 implementation and enhancement of a statewide emergency telephone
11 number common to all jurisdictions through research, planning,
12 training and education, but shall have no authority over
13 communications service providers, as defined in section 190.400.

14 The [committee for 911 service oversight] board shall represent
15 all entities and jurisdictions before appropriate policy-making
16 authorities and the general assembly and shall strive toward the
17 immediate access to emergency services for all citizens of this
18 state.

19 650.330. 1. The [committee for 911 service oversight]
20 board shall consist of [sixteen] fifteen members, one of which
21 shall be chosen from the department of public safety [who shall
22 serve as chair of the committee and only vote in the instance of
23 a tie vote among the other members], and the other members shall
24 be selected as follows:

25 (1) One member chosen to represent an association domiciled
26 in this state whose primary interest relates to [counties]
27 municipalities;

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

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

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

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

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

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

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

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

21 [(10)] (9) One member chosen to represent [911 service
22 providers in] counties of the second, third and fourth
23 classification;

24 [(11)] (10) One member chosen to represent [911 service
25 providers in] counties of the first classification, counties with
26 [and without] a charter [forms] form of government, and cities
27 not within a county;

1 [(12)] (11) One member chosen to represent
2 telecommunications service providers [with at least one hundred
3 thousand access lines located within Missouri];

4 [(13)] (12) One member chosen to represent wireless
5 telecommunications service providers [with less than one hundred
6 thousand access lines located within Missouri];

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

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

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

15 (14) One member chosen to represent the Governor's council
16 on disability established under section 37.735.

17 2. Each of the members of the [committee for 911 service
18 oversight] board shall be appointed by the governor with the
19 advice and consent of the senate for a term of four years[;
20 except that, of those members first appointed, four members shall
21 be appointed to serve for one year, four members shall be
22 appointed to serve for two years, four members shall be appointed
23 to serve for three years and four members shall be appointed to
24 serve for four years]. Members of the committee may serve
25 multiple terms. No corporation or its affiliate shall have more
26 than one officer, employee, assign, agent, or other
27 representative serving as a member of the board. Notwithstanding
28 subsection 1 of this section to the contrary, all members

1 appointed as of August 28, 2016, shall continue to serve the
2 remainder of their terms.

3 3. The [committee for 911 service oversight] board shall
4 meet at least quarterly at a place and time specified by the
5 chairperson of the committee and it shall keep and maintain
6 records of such meetings, as well as the other activities of the
7 committee. Members shall not be compensated but shall receive
8 actual and necessary expenses for attending meetings of the
9 committee.

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

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

13 (2) Provide recommendations for primary answering points
14 and secondary answering points on [statewide] technical and
15 operational standards for 911 services;

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

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

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

25 (6) Review existing and proposed legislation and make
26 recommendations as to changes that would improve such
27 legislation;

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

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

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

12 (10) Designate a state 911 coordinator;

13 (11) Apply for and receive grants from federal, private,
14 and other sources;

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

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

28 (b) Promotion of consolidation where appropriate;

1 (c) Mapping and addressing all county locations;

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

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

7 (13) Develop an application process including reporting and
8 accountability requirements, withholding a portion of the grant
9 until completion of a project, and other measures to assure funds
10 are used in accordance with the law and purpose of the grant,
11 then conduct audits as deemed necessary. Priority shall be given
12 to plans achieving the largest reduction in public safety
13 answering points and the largest increase in service quality
14 improvement, cost savings, and size of population served;

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

19 (15) Conduct and review an annual survey of public safety
20 answering points in Missouri to evaluate potential for improved
21 services, coordination, and feasibility of consolidation;

22 (16) Set the percentage rate of the prepaid wireless
23 emergency telephone service charges to be remitted to a county or
24 city as provided under subdivision (5) of subsection 3 of section
25 190.451;

26 (17) Make and execute contracts or any other instruments
27 and agreements necessary or convenient for the exercise of its
28 powers and functions;

1 (18) Approve a proposal of a county or city to impose a fee
2 of more than one dollar under section 190.450;

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

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

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

20 6. The [department of public safety is authorized to adopt
21 those] board shall promulgate rules and regulations that are
22 reasonable and necessary [to accomplish the limited duties
23 specifically delegated within section] to implement and
24 administer the provisions of sections 650.320 to 650.340. Any
25 rule or portion of a rule, as that term is defined in section
26 536.010, shall become effective only if it has been promulgated
27 pursuant to the provisions of chapter 536. This section and
28 chapter 536 are nonseverable and if any of the powers vested with

1 the general assembly pursuant to chapter 536 to review, to delay
2 the effective date or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28,
5 ~~[1999]~~ 2016, shall be invalid and void.

6 650.335. 1. Any county or any home rule city with more
7 than fifteen thousand but fewer than seventeen thousand
8 inhabitants and partially located in any county of the third
9 classification without a township form of government and with
10 more than thirty-seven thousand but fewer than forty-one thousand
11 inhabitants, when the prepaid wireless emergency telephone
12 service charge is collected in the county or city, may submit an
13 application for loan funds or other financial assistance to the
14 board for the purpose of financing all or a portion of the costs
15 incurred in implementing a 911 communications service project.
16 The application shall be accompanied by a technical assistance
17 report. The application and the technical assistance report
18 shall be in such form and contain such information, financial or
19 otherwise, as prescribed by the board. This section shall not
20 preclude any applicant or borrower from joining in a cooperative
21 project with any other political subdivision or with any state or
22 federal agency or entity in a 911 communications service project;
23 provided that, all other requirements of this section have been
24 met.

25 2. Applications may be approved for loans only in those
26 instances where the applicant has furnished the board information
27 satisfactory to assure that the project cost will be recovered
28 during the repayment period of the loan. In no case shall a loan

1 be made to an applicant unless the approval of the governing body
2 of the applicant to the loan agreement is obtained and a written
3 certification of such approval is provided, where applicable.

4 Repayment periods are to be determined by the board.

5 3. The board shall approve or disapprove all applications
6 for loans which are sent by certified or registered mail or hand
7 delivered and received by the board upon a schedule as determined
8 by the board.

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

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

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

20 7. If a loan recipient fails to remit a payment to the
21 board in accordance with this section within sixty days of the
22 due date of such payment, the board shall notify the director of
23 the department of revenue to deduct such payment amount from
24 first, the prepaid wireless emergency telephone service charge
25 remitted to the county or city pursuant to section 190.451; and
26 if insufficient to affect repayment of the loan, next the regular
27 apportionment of local sales tax distributions to that county or
28 city. Such amount shall then immediately be deposited in the

1 Missouri 911 service trust fund and credited to the loan
2 recipient.

3 8. All applicants having received loans pursuant to this
4 section shall remit the payments required by subsection 4 of this
5 section to the board or such other entity as may be directed by
6 the board. The board or such other entity shall immediately
7 deposit such payments in the Missouri 911 service trust fund.

8 9. Loans made pursuant to this section shall be used only
9 for the purposes specified in an approved application or loan
10 agreement. In the event the board determines that loan funds
11 have been expended for purposes other than those specified in an
12 approved application or loan agreement or any event of default of
13 the loan agreement occurs without resolution, the board shall
14 take appropriate actions to obtain the return of the full amount
15 of the loan and all moneys duly owed or other available remedies.

16 10. Upon failure of a borrower to remit repayment to the
17 board within sixty days of the date a payment is due, the board
18 may initiate collection or other appropriate action through the
19 provisions outlined in subsection 7 of this section when
20 applicable.

21 11. When the borrower is an entity not covered under the
22 collection procedures established in this section, the board,
23 with the advice and consent of the attorney general, may initiate
24 collection procedures or other appropriate action pursuant to
25 applicable law.

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

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

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

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

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

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

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

1 another state which are at least as stringent as the training
2 requirements of subsection 2 of this section.

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

6 7. This section shall not apply to an emergency medical
7 dispatcher or agency as defined in section 190.100, or a person
8 trained by an entity accredited or certified under section
9 190.131, or a person who provides prearrival medical instructions
10 who works for an agency which meets the requirements set forth in
11 section 190.134.

12 [190.307. 1. No public agency or public safety
13 agency, nor any officer, agent or employee of any
14 public agency, shall be liable for any civil damages as
15 a result of any act or omission except willful and
16 wanton misconduct or gross negligence, in connection
17 with developing, adopting, operating or implementing
18 any plan or system required by sections 190.300 to
19 190.340.

20 2. No person who gives emergency instructions
21 through a system established pursuant to sections
22 190.300 to 190.340 to persons rendering services in an
23 emergency at another location, nor any persons
24 following such instructions in rendering such services,
25 shall be liable for any civil damages as a result of
26 issuing or following the instructions, unless issuing
27 or following the instructions constitutes willful and
28 wanton misconduct, or gross negligence.]
29

30 [190.410. 1. There is hereby created in the
31 department of public safety the "Wireless Service
32 Provider Enhanced 911 Advisory Board", consisting of
33 eight members as follows:

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

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

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

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

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

25 3. The board shall do the following:

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

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

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

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

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

45
46 [190.430. 1. The commissioner of the office of
47 administration is authorized to establish a fee, if
48 approved by the voters pursuant to section 190.440, not
49 to exceed fifty cents per wireless telephone number per
50 month to be collected by wireless service providers
51 from wireless service customers.

1 2. The office of administration shall promulgate
2 rules and regulations to administer the provisions of
3 sections 190.400 to 190.440. Any rule or portion of a
4 rule, as that term is defined in section 536.010, that
5 is promulgated pursuant to the authority delegated in
6 sections 190.400 to 190.440 shall become effective only
7 if it has been promulgated pursuant to the provisions
8 of chapter 536. All rulemaking authority delegated
9 prior to July 2, 1998, is of no force and effect and
10 repealed; however, nothing in this section shall be
11 interpreted to repeal or affect the validity of any
12 rule filed or adopted prior to July 2, 1998, if it
13 fully complied with the provisions of chapter 536.
14 This section and chapter 536 are nonseverable and if
15 any of the powers vested with the general assembly
16 pursuant to chapter 536 to review, to delay the
17 effective date or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of
19 rulemaking authority and any rule proposed or adopted
20 after July 2, 1998, shall be invalid and void.

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

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

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

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

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

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

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

46 (3) For the reimbursement of actual expenditures
47 for equipment for implementation of wireless enhanced
48 911 service by public safety answering points to the
49 extent that funds are available, provided that ten
50 percent of funds distributed to public safety answering
51 points shall be distributed in equal amounts to each

1 public safety answering point participating in enhanced
2 911 service;

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

14 4. Wireless service providers are entitled to
15 retain one percent of the surcharge money they collect
16 for administrative costs associated with billing and
17 collection of the surcharge.

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

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

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

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

49
50 [190.440. 1. The office of administration shall
51 not be authorized to establish a fee pursuant to the

1 authority granted in section 190.430 unless a ballot
2 measure is submitted and approved by the voters of this
3 state. The ballot measure shall be submitted by the
4 secretary of state for approval or rejection at the
5 general election held and conducted on the Tuesday
6 immediately following the first Monday in November,
7 1998, or at a special election to be called by the
8 governor on the ballot measure. If the measure is
9 rejected at such general or special election, the
10 measure may be resubmitted at each subsequent general
11 election, or may be resubmitted at any subsequent
12 special election called by the governor on the ballot
13 measure, until such measure is approved.

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

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

20 YES NO

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

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