

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291
100TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, February 21, 2019, with recommendation that the Senate Committee Substitute do pass.

1139S.08C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 190.292, 190.335, 190.460, and 650.330, RSMo, and to enact in lieu thereof four new sections relating to emergency communication services, with an emergency clause.

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

Section A. Sections 190.292, 190.335, 190.460, and 650.330, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 190.292, 190.335, 190.460, and 650.330, to read as follows:

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

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

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

16 county.

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

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

23 ☐ YES ☐ NO

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

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

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087 shall apply to the tax imposed under this section.

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

45 7. At least once each calendar year, the board, as established by
46 subsection 11 of this section, shall establish a tax rate, not to exceed the amount
47 authorized, that together with any surplus revenues carried forward will produce
48 sufficient revenues to fund the expenditures authorized by sections 190.290 to
49 190.296. Amounts collected in excess of that necessary within a given year shall
50 be carried forward to subsequent years. The board shall make its determination
51 of such tax rate each year no later than September first and shall fix the new rate

52 which shall be collected as provided in sections 190.290 to 190.296. Immediately
53 upon making its determination and fixing the rate, the board shall publish in its
54 minutes the new rate, and it shall notify every retailer by mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the
56 ballot proposal to establish a county sales tax pursuant to the provisions of this
57 section, the county commission shall appoint the initial members of a board to
58 administer the funds and oversee the provision of emergency services in the
59 county. Beginning with the general election in 1994, all board members shall be
60 elected according to this section and other applicable laws of this state. At the
61 time of the appointment of the initial members of the board, the commission shall
62 relinquish and no longer exercise the duties prescribed in this chapter with
63 regard to the provision of emergency services and such duties shall be exercised
64 by the board.

65 9. The initial board shall consist of seven members appointed without
66 regard to political affiliation, three of whom shall be selected from, and who shall
67 represent, the fire protection districts, ambulance districts, sheriff's department,
68 municipalities, and any other emergency services. Four of the members of the
69 board shall not be selected from or represent the fire protection districts,
70 ambulance districts, sheriff's department, municipalities, or any other emergency
71 services. Any individual serving on the board on August 28, 2004, may continue
72 to serve and seek reelection or reappointment to the board, notwithstanding any
73 provisions of this subsection. This initial board shall serve until its successor
74 board is duly elected and installed in office. The commission shall ensure
75 geographic representation of the county by appointing no more than four members
76 from each district of the county commission.

77 10. Beginning in 1994, three members shall be elected from each district
78 of the county commission and one member shall be elected at large. The members
79 of the board shall annually elect, from among their number, the chairman of the
80 board. Of those first elected, four members from districts of the county
81 commission shall be elected for terms of two years and two members from
82 districts of the county commission and the member at large shall be elected for
83 terms of four years. In 1996, and thereafter, all terms of office shall be four
84 years. The election of the board members shall be conducted at the first
85 municipal election held in a calendar year.

86 11. When the board is organized, it shall be a body corporate and a
87 political subdivision of the state and shall be known as the "_____ Emergency

88 Services Board".

89 12. This section shall only apply to any county of the third classification
90 without a township form of government and with more than twenty-four thousand
91 five hundred but less than twenty-four thousand six hundred inhabitants.

92 **13. A purchase that provides prepaid wireless**
93 **telecommunications service, as such term is defined in section 190.460,**
94 **is specifically exempted from the tax imposed under this section or**
95 **section 190.335 if such county did not prohibit the prepaid wireless**
96 **emergency telephone service charge as allowed in subsection 6 of**
97 **section 190.460 or takes a vote to impose the prepaid wireless**
98 **emergency telephone service charge as allowed under subsection 7 of**
99 **section 190.460.**

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

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

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

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

23 ☐ YES ☐ NO

24 If a majority of the votes cast on the proposal by the qualified voters voting

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

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

38 5. Except as modified in this section, all provisions of sections 32.085 and
39 32.087 shall apply to the tax imposed under this section.

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

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

55 8. Immediately upon the affirmative vote of voters of such a county on the
56 ballot proposal to establish a county sales tax pursuant to the provisions of this
57 section, the county commission shall appoint the initial members of a board to
58 administer the funds and oversee the provision of emergency services in the
59 county. Beginning with the general election in 1994, all board members shall be
60 elected according to this section and other applicable laws of this state. At the

61 time of the appointment of the initial members of the board, the commission shall
62 relinquish and no longer exercise the duties prescribed in this chapter with
63 regard to the provision of emergency services and such duties shall be exercised
64 by the board.

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

73 10. Beginning in 1994, three members shall be elected from each district
74 of the county commission and one member shall be elected at large, such member
75 to be the chairman of the board. Of those first elected, four members from
76 districts of the county commission shall be elected for terms of two years and two
77 members from districts of the county commission and the member at large shall
78 be elected for terms of four years. In 1996, and thereafter, all terms of office
79 shall be four years; provided that, if a board established under this section
80 consolidates with a board established under this section, section 190.327, or
81 section 190.328, under the provisions of section 190.470, the term of office for the
82 existing board members shall end on the thirtieth day following the appointment
83 of the initial board of directors for the consolidated district. Notwithstanding any
84 other provision of law, if there is no candidate for an open position on the board,
85 then no election shall be held for that position and it shall be considered vacant,
86 to be filled pursuant to the provisions of section 190.339, and, if there is only one
87 candidate for each open position, no election shall be held and the candidate or
88 candidates shall assume office at the same time and in the same manner as if
89 elected.

90 11. Notwithstanding the provisions of subsections 8 to 10 of this section
91 to the contrary, in any county of the first classification with more than two
92 hundred forty thousand three hundred but fewer than two hundred forty
93 thousand four hundred inhabitants or in any county of the third classification
94 with a township form of government and with more than twenty-eight thousand
95 but fewer than thirty-one thousand inhabitants or in any county of the third
96 classification without a township form of government and with more than

97 thirty-seven thousand but fewer than forty-one thousand inhabitants and with a
98 city of the fourth classification with more than four thousand five hundred but
99 fewer than five thousand inhabitants as the county seat, any emergency
100 telephone service 911 board appointed by the county under section 190.309 which
101 is in existence on the date the voters approve a sales tax under this section shall
102 continue to exist and shall have the powers set forth under section 190.339. Such
103 boards which existed prior to August 25, 2010, shall not be considered a body
104 corporate and a political subdivision of the state for any purpose, unless and until
105 an order is entered upon an unanimous vote of the commissioners of the county
106 in which such board is established reclassifying such board as a corporate body
107 and political subdivision of the state. The order shall approve the transfer of the
108 assets and liabilities related to the operation of the emergency telephone service
109 911 system to the new entity created by the reclassification of the board.

110 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
111 section to the contrary, in any county of the second classification with more than
112 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
113 inhabitants or any county of the first classification with more than fifty thousand
114 but fewer than seventy thousand inhabitants that has approved a sales tax under
115 this section, the county commission shall appoint the members of the board to
116 administer the funds and oversee the provision of emergency services in the
117 county.

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

121 (a) The head of any of the county's fire protection districts, or a designee;
122 (b) The head of any of the county's ambulance districts, or a designee;
123 (c) The county sheriff, or a designee;
124 (d) The head of any of the police departments in the county, or a designee;
125 and

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

128 (3) Upon the appointment of the board under this subsection, the board
129 shall have the power provided in section 190.339 and shall exercise all powers
130 and duties exercised by the county commission under this chapter, and the
131 commission shall relinquish all powers and duties relating to the provision of
132 emergency services under this chapter to the board.

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

137 (5) In any county with more than fifty thousand but fewer than seventy
138 thousand inhabitants and with a county seat with more than two thousand one
139 hundred but fewer than two thousand four hundred inhabitants, the entities
140 listed in subdivision (2) of this subsection shall be represented by one member,
141 and two members shall be residents of the county not affiliated with any of the
142 entities listed in subdivision (2) of this subsection and shall be known as public
143 members.

144 13. Any county that has authorized a tax levy under this section, and such
145 levy is reduced automatically [in future years] **ten years after approval of**
146 **such levy**, shall not submit to the voters of the county for approval any proposal
147 authorized under this section that is greater than the amount at the time of
148 reduction.

149 **14. A purchase that provides prepaid wireless**
150 **telecommunications service, as such term is defined in section 190.460,**
151 **is specifically exempted from the tax imposed under this section or**
152 **section 190.292 if such county did not prohibit the prepaid wireless**
153 **emergency telephone service charge as allowed in subsection 6 of**
154 **section 190.460 or takes a vote to impose the prepaid wireless**
155 **emergency telephone service charge as allowed under subsection 7 of**
156 **section 190.460.**

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

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

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

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

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

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

13 amount;

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

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

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

23 2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid
24 wireless emergency telephone service charge on each retail transaction. The
25 amount of such charge shall be equal to three percent of the amount of each retail
26 transaction [over the minimal amount. However, if a minimal amount of prepaid
27 wireless telecommunications service is sold with a prepaid wireless device for a
28 single nonitemized price, the seller may elect not to apply such service charge to
29 such transaction. For purposes of this subdivision, an amount of service
30 denominated as less than fifteen dollars is minimal]. **The first fifteen dollars**
31 **of each retail transaction shall not be subject to the service charge.**

32 (2) **When prepaid wireless telecommunications service is sold**
33 **with one or more products or services for a single, non-itemized price,**
34 **the prepaid wireless emergency telephone service charge set forth in**
35 **subdivision (1) of this subsection shall apply to the entire non-itemized**
36 **price unless the seller elects to apply such service charge in the**
37 **following way:**

38 (a) **If the amount of the prepaid wireless telecommunications**
39 **service is disclosed to the consumer as a dollar amount, such dollar**
40 **amount; or**

41 (b) **If the seller can identify the portion of the price that is**
42 **attributable to the prepaid wireless telecommunications service by**
43 **reasonable and verifiable standards from the seller's books and records**
44 **that are kept in the regular course of business for other purposes**
45 **including, but not limited to non-tax purposes, such portion;**

46 (3) The prepaid wireless emergency telephone service charge shall be
47 collected by the seller from the consumer with respect to each retail transaction
48 occurring in this state. The amount of the prepaid wireless emergency telephone

49 service charge shall be either separately stated on an invoice, receipt, or other
50 similar document that is provided to the consumer by the seller or otherwise
51 disclosed to the consumer.

52 [(3)] (4) For purposes of this subsection, a retail transaction that is
53 effected in person by a consumer at a business location of the seller shall be
54 treated as occurring in this state if that business location is in this state, and any
55 other retail transaction shall be treated as occurring in this state if the retail
56 transaction is treated as occurring [in this state under state] **under chapter**
57 **144 or under the compensating use tax** law.

58 [(4)] (5) The prepaid wireless emergency telephone service charge is the
59 liability of the consumer and not of the seller or of any provider; except that, the
60 seller shall be liable to remit all charges that the seller **collects or** is deemed to
61 collect [if the amount of the charge has not been separately stated on an invoice,
62 receipt, or other similar document provided to the consumer by the seller].

63 [(5)] (6) The amount of the prepaid wireless emergency telephone service
64 charge that is collected by a seller from a consumer, if such amount is separately
65 stated on an invoice, receipt, or other similar document provided to the consumer
66 by the seller, shall not be included in the base for measuring any tax, fee,
67 surcharge, or other charge that is imposed by this state, any political subdivision
68 of this state, or any intergovernmental agency.

69 3. (1) Prepaid wireless emergency telephone service charges collected by
70 sellers shall be remitted to the department at the times and in the manner
71 provided by state law with respect to sales and use taxes. The department shall
72 establish registration and payment procedures that substantially coincide with
73 the registration and payment procedures that apply under state law. **On or**
74 **after the effective date of the service charge imposed under the**
75 **provisions of this section, the director of the department of revenue**
76 **shall perform all functions incident to the administration, collection,**
77 **enforcement, and operation of the service charge, and the director shall**
78 **collect, in addition to the sales tax for the state of Missouri, all**
79 **additional service charges imposed in this section. All service charges**
80 **imposed under this section together with all taxes imposed under the**
81 **sales tax law of the state of Missouri shall be collected together and**
82 **reported upon such forms and under such administrative rules and**
83 **regulations as may be prescribed by the director. All applicable**
84 **provisions contained in sections 144.010 to 144.525 governing the state**

85 **sales tax and section 32.057, the uniform confidentiality provision, shall**
86 **apply to the collection of any service charges imposed under this**
87 **section except as modified.**

88 (2) Beginning on January 1, 2019, and ending on January 31, 2019, when
89 a consumer purchases prepaid wireless telecommunications service in a retail
90 transaction from a seller under this section, the seller shall be allowed to retain
91 one hundred percent of the prepaid wireless emergency telephone service charges
92 that are collected by the seller from the consumer. Beginning on February 1,
93 2019, a seller shall be permitted to deduct and retain three percent of prepaid
94 wireless emergency telephone service charges that are collected by the seller from
95 consumers.

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

101 (4) The department shall deposit all remitted prepaid wireless emergency
102 telephone service charges into the general revenue fund for the department's use
103 until eight hundred thousand one hundred fifty dollars is collected to reimburse
104 its direct costs of administering the collection and remittance of prepaid wireless
105 emergency telephone service charges. From then onward, the department shall
106 deposit all remitted prepaid wireless emergency telephone service charges into
107 the Missouri 911 service trust fund created under section 190.420 within thirty
108 days of receipt for use by the board. After the initial eight hundred thousand one
109 hundred fifty dollars is collected, the department may deduct an amount not to
110 exceed one percent of collected charges to be retained by the department to
111 reimburse its direct costs of administering the collection and remittance of
112 prepaid wireless emergency telephone service charges.

113 (5) The board shall set a rate between twenty-five and one hundred
114 percent of the prepaid wireless emergency telephone service charges deposited in
115 the Missouri 911 service trust fund collected in counties without a charter form
116 of government, less the deductions authorized in subdivision (4) of this
117 subsection, that shall be remitted to such counties in direct proportion to the
118 amount of charges collected in each county. The board shall set a rate between
119 sixty-five and one hundred percent of the prepaid wireless emergency telephone
120 service charges deposited in the Missouri 911 service trust fund collected in

121 counties with a charter form of government and any city not within a county, less
122 the deductions authorized in subdivision (4) of this subsection, that shall be
123 remitted to each such county or city not within a county in direct proportion to
124 the amount of charges collected in each such county or city not within a
125 county. The initial percentage rate set by the board for counties with and
126 without a charter form of government and any city not within a county **shall be**
127 **set by June thirtieth of each applicable year and** may be adjusted [after
128 three years, and thereafter the rate may be adjusted every two] **annually for**
129 **the first three years, and thereafter the rate may be adjusted every**
130 **three** years; however, at no point shall the board set rates that fall below
131 twenty-five percent for counties without a charter form of government and
132 sixty-five percent for counties with a charter form of government and any city not
133 within a county.

134 (6) Any amounts received by a county or city under subdivision (5) of this
135 subsection shall be used only for purposes authorized in sections 190.305,
136 190.325, and 190.335. Any amounts received by any county with a charter form
137 of government and with more than six hundred thousand but fewer than seven
138 hundred thousand inhabitants under this section may be used for emergency
139 service notification systems.

140 4. (1) A seller that is not a provider shall be entitled to the immunity and
141 liability protections under section 190.455, notwithstanding any requirement in
142 state law regarding compliance with Federal Communications Commission Order
143 05-116.

144 (2) A provider shall be entitled to the immunity and liability protections
145 under section 190.455.

146 (3) In addition to the protection from liability provided in subdivisions (1)
147 and (2) of this subsection, each provider and seller and its officers, employees,
148 assigns, agents, vendors, or anyone acting on behalf of such persons shall be
149 entitled to the further protection from liability, if any, that is provided to
150 providers and sellers of wireless telecommunications service that is not prepaid
151 wireless telecommunications service under section 190.455.

152 5. The prepaid wireless emergency telephone service charge imposed by
153 this section **for each item that provides prepaid wireless**
154 **telecommunications service** shall be in addition to any other tax, fee,
155 surcharge, or other charge imposed by this state, any political subdivision of this
156 state, or any intergovernmental agency for 911 funding purposes[, except that

157 such prepaid wireless emergency telephone service charge shall be charged in lieu
158 of, and not imposed in addition to, any tax imposed under section 190.292 or
159 190.335].

160 6. The provisions of this section shall become effective unless the
161 governing body of a county or city adopts an ordinance, order, rule, resolution, or
162 regulation by at least a two-thirds vote prohibiting the charge established under
163 this section from becoming effective in the county or city at least forty-five days
164 prior to the effective date of this section. If the governing body does adopt such
165 ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the
166 charge shall not be collected and the county or city shall not be allowed to obtain
167 funds from the Missouri 911 service trust fund that are remitted to the fund
168 under the charge established under this section. The Missouri 911 service board
169 shall, by September 1, 2018, notify all counties and cities of the implementation
170 of the charge established under this section, and the procedures set forth under
171 this subsection for prohibiting the charge from becoming effective.

172 7. **Any county or city which prohibited the prepaid wireless**
173 **emergency telephone service charge pursuant to the provisions of**
174 **subsection 6 of this section may take a vote of the governing body, and**
175 **notify the department of revenue of the result of such vote, by**
176 **November 15, 2019, to impose such charge effective January 1, 2020. A**
177 **vote of at least two-thirds of the governing body is required in order to**
178 **impose such charge. The department shall notify the board of notices**
179 **received by December 1, 2019. If a county has imposed a county sales**
180 **tax under section 190.335 and the county has an elected emergency**
181 **services board, such board shall be the governing body that takes the**
182 **vote set forth in this subsectionn.**

183 8. **The prepaid wireless emergency telephone service charge**
184 **imposed by this section shall expire on January 1, [2023] 2024.**

650.330. 1. The board shall consist of fifteen members, one of which shall
2 be chosen from the department of public safety, and the other members shall be
3 selected as follows:

4 (1) One member chosen to represent an association domiciled in this state
5 whose primary interest relates to municipalities;

6 (2) One member chosen to represent the Missouri 911 Directors
7 Association;

8 (3) One member chosen to represent emergency medical services and

9 physicians;

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

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

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

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

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

22 (9) One member chosen to represent counties of the second, third, and
23 fourth classification;

24 (10) One member chosen to represent counties of the first classification,
25 counties with a charter form of government, and cities not within a county;

26 (11) One member chosen to represent telecommunications service
27 providers;

28 (12) One member chosen to represent wireless telecommunications service
29 providers;

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

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

34 2. Each of the members of the board shall be appointed by the governor
35 with the advice and consent of the senate for a term of four years. Members of
36 the committee may serve multiple terms. No corporation or its affiliate shall
37 have more than one officer, employee, assign, agent, or other representative
38 serving as a member of the board. Notwithstanding subsection 1 of this section
39 to the contrary, all members appointed as of August 28, 2017, shall continue to
40 serve the remainder of their terms.

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

45 meetings of the board.

46 4. The board shall:

47 (1) Organize and adopt standards governing the board's formal and
48 informal procedures;

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

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

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

57 (5) Provide assistance to the governor and the general assembly regarding
58 911 services;

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

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

63 (8) Perform other duties as necessary to promote successful development,
64 implementation and operation of 911 systems across the state, including
65 monitoring federal and industry standards being developed for next-generation
66 911 systems;

67 (9) Designate a state 911 coordinator who shall be responsible for
68 overseeing statewide 911 operations and ensuring compliance with federal grants
69 for 911 funding;

70 (10) Elect the chair from its membership;

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

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

75 (13) Conduct and review an annual survey of public safety answering
76 points in Missouri to evaluate potential for improved services, coordination, and
77 feasibility of consolidation;

78 (14) Make and execute contracts or any other instruments and agreements
79 necessary or convenient for the exercise of its powers and functions, including for
80 the development and implementation of an emergency services internet protocol

81 network that can be shared by all public safety agencies;

82 (15) Develop a plan and timeline of target dates for the testing,
83 implementation, and operation of a next-generation 911 system throughout
84 Missouri. The next-generation 911 system shall allow for the processing of
85 electronic messages including, but not limited to, electronic messages containing
86 text, images, video, or data;

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

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

98 (b) Promotion of consolidation where appropriate;

99 (c) Mapping and addressing all county locations;

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

102 (e) Implementation of initial emergency medical dispatch services,
103 including prearrival medical instructions in counties where those services are not
104 offered as of July 1, 2019; and

105 (f) Development and implementation of an emergency services internet
106 protocol network that can be shared by all public safety agencies;

107 (17) Develop an application process including reporting and accountability
108 requirements, withholding a portion of the grant until completion of a project,
109 and other measures to ensure funds are used in accordance with the law and
110 purpose of the grant, and conduct audits as deemed necessary;

111 (18) Set the percentage rate of the prepaid wireless emergency telephone
112 service charges to be remitted to a county or city as provided under subdivision
113 (5) of subsection 3 of section 190.460;

114 (19) Retain in its records proposed county plans developed under
115 subsection 10 of section 190.455 and notify the department of revenue that the
116 county has filed a plan that is ready for implementation;

117 (20) Notify any communications service provider, as defined in section
118 190.400, that has voluntarily submitted its contact information when any update
119 is made to the centralized database established under section 190.475 as a result
120 of a county or city establishing or modifying a tax or monthly fee no less than
121 ninety days prior to the effective date of the establishment or modification of the
122 tax or monthly fee;

123 (21) Establish criteria for consolidation prioritization of public safety
124 answering points; [and]

125 (22) In coordination with existing public safety answering points, by
126 December 31, 2018, designate no more than eleven regional 911 coordination
127 centers which shall coordinate statewide interoperability among public safety
128 answering points within their region through the use of a statewide 911
129 emergency services network; **and**

130 **(23) Establish an annual budget, retain records of all revenue**
131 **and expenditures made, retain minutes of all meetings and**
132 **subcommittees, post records, minutes, and reports on the board's web**
133 **page on the department of public safety website.**

134 5. The department of public safety shall provide staff assistance to the
135 board as necessary in order for the board to perform its duties pursuant to
136 sections 650.320 to 650.340. The board shall have the authority to hire
137 consultants to administer the provisions of sections 650.320 to 650.340.

138 6. The board shall promulgate rules and regulations that are reasonable
139 and necessary to implement and administer the provisions of **sections 190.455,**
140 **190.460, 190.465, 190.470, 190.475, and** sections 650.320 to 650.340. Any rule
141 or portion of a rule, as that term is defined in section 536.010, shall become
142 effective only if it has been promulgated pursuant to the provisions of chapter
143 536. This section and chapter 536 are nonseverable and if any of the powers
144 vested with the general assembly pursuant to chapter 536 to review, to delay the
145 effective date or to disapprove and annul a rule are subsequently held
146 unconstitutional, then the grant of rulemaking authority and any rule proposed
147 or adopted after August 28, 2017, shall be invalid and void.

Section B. Because immediate action is necessary to provide funding for
2 emergency services in this state, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and

6 approval.

✓

Unofficial

Bill

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