

FIRST REGULAR SESSION

# SENATE BILL NO. 291

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 23, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1139S.06I

## 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.

*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2 repealed and four new sections enacted in lieu thereof, to be known as sections  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  
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 county

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

19 sales tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose  
20 of providing central dispatching of fire protection, emergency  
21 ambulance service, including emergency telephone services, and  
22 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 for each item that provides 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 county  
19       sales tax of \_\_\_\_\_ (insert rate of percent) percent for the purpose  
20       of providing central dispatching of fire protection, emergency  
21       ambulance service, including emergency telephone services, and  
22       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, shall not submit to the voters of the  
146 county for approval any proposal authorized under this section that is greater  
147 than the amount at the time of reduction. **This subsection shall not apply to**  
148 **a county of the first classification without a charter form of**  
149 **government and with less than five percent of its population living in**  
150 **any home rule city with more than four hundred thousand inhabitants**  
151 **and located in more than one county.**

152 14. If a county has imposed a county sales tax under this section  
153 and the county has an elected emergency services board, such board  
154 shall be the governing body that takes the vote set forth in subsection  
155 7 of section 190.460.

156 15. A purchase for each item that provides wireless  
157 telecommunications service, as such term is defined in section 190.460,  
158 is specifically exempted from the tax imposed under this section or  
159 section 190.292 if such county did not prohibit the prepaid wireless  
160 emergency telephone service charge as allowed in subsection 6 of  
161 section 190.460 or takes a vote to impose the prepaid wireless  
162 emergency telephone service charge as allowed under subsection 7 of  
163 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] **five dollars or ten minutes** is minimal. **The**  
31 **first fifteen dollars of each retail transaction shall not be subject to the**  
32 **service charge.**

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

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

42 (b) **If the seller can identify the portion of the price that is**  
43 **attributable to the prepaid wireless telecommunications service by**  
44 **reasonable and verifiable standards from the seller's books and records**

45 **that are kept in the regular course of business for other purposes**  
46 **including, but not limited to non-tax purposes, such portion;**

47       **(3)** The prepaid wireless emergency telephone service charge shall be  
48 collected by the seller from the consumer with respect to each retail transaction  
49 occurring in this state. The amount of the prepaid wireless emergency telephone  
50 service charge shall be either separately stated on an invoice, receipt, or other  
51 similar document that is provided to the consumer by the seller or otherwise  
52 disclosed to the consumer.

53       **[(3)] (4)** For purposes of this subsection, a retail transaction that is  
54 effected in person by a consumer at a business location of the seller shall be  
55 treated as occurring in this state if that business location is in this state, and any  
56 other retail transaction shall be treated as occurring in this state if the retail  
57 transaction is treated as occurring **[in this state under state]** **under chapter**  
58 **144 or under the compensating use tax** law.

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

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

70       3. (1) Prepaid wireless emergency telephone service charges collected by  
71 sellers shall be remitted to the department at the times and in the manner  
72 provided by state law with respect to sales and use taxes. The department shall  
73 establish registration and payment procedures that substantially coincide with  
74 the registration and payment procedures that apply under state law. **On or**  
75 **after the effective date of the service charge imposed under the**  
76 **provisions of this section, the director of the department of revenue**  
77 **shall perform all functions incident to the administration, collection,**  
78 **enforcement, and operation of the service charge, and the director shall**  
79 **collect, in addition to the sales tax for the state of Missouri, all**  
80 **additional service charges imposed in this section. All service charges**

81 **imposed under this section together with all taxes imposed under the**  
82 **sales tax law of the state of Missouri shall be collected together and**  
83 **reported upon such forms and under such administrative rules and**  
84 **regulations as may be prescribed by the director. All applicable**  
85 **provisions contained in sections 144.010 to 144.525 governing the state**  
86 **sales tax and section 32.057, the uniform confidentiality provision, shall**  
87 **apply to the collection of any service charges imposed under this**  
88 **section except as modified.**

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

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

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

114       (5) The board shall set a rate between twenty-five and one hundred  
115 percent of the prepaid wireless emergency telephone service charges deposited in  
116 the Missouri 911 service trust fund collected in counties without a charter form

117 of government, less the deductions authorized in subdivision (4) of this  
118 subsection, that shall be remitted to such counties in direct proportion to the  
119 amount of charges collected in each county. The board shall set a rate between  
120 sixty-five and one hundred percent of the prepaid wireless emergency telephone  
121 service charges deposited in the Missouri 911 service trust fund collected in  
122 counties with a charter form of government and any city not within a county, less  
123 the deductions authorized in subdivision (4) of this subsection, that shall be  
124 remitted to each such county or city not within a county in direct proportion to  
125 the amount of charges collected in each such county or city not within a  
126 county. The initial percentage rate set by the board for counties with and  
127 without a charter form of government and any city not within a county **shall be**  
128 **set by June thirtieth of each applicable year and** may be adjusted [after  
129 three years, and thereafter the rate may be adjusted every two] **annually for**  
130 **the first three years, and thereafter the rate may be adjusted every**  
131 **three** years; however, at no point shall the board set rates that fall below  
132 twenty-five percent for counties without a charter form of government and  
133 sixty-five percent for counties with a charter form of government and any city not  
134 within a county.

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

141 4. (1) A seller that is not a provider shall be entitled to the immunity and  
142 liability protections under section 190.455, notwithstanding any requirement in  
143 state law regarding compliance with Federal Communications Commission Order  
144 05-116.

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

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

153           5. The prepaid wireless emergency telephone service charge imposed by  
154 this section **for each item that provides prepaid wireless**  
155 **telecommunications service** shall be in addition to any other tax, fee,  
156 surcharge, or other charge imposed by this state, any political subdivision of this  
157 state, or any intergovernmental agency for 911 funding purposes[, except that  
158 such prepaid wireless emergency telephone service charge shall be charged in lieu  
159 of, and not imposed in addition to, any tax imposed under section 190.292 or  
160 190.335].

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

173           7. **Any county or city which prohibited the prepaid wireless**  
174 **emergency telephone service charge pursuant to the provisions of**  
175 **subsection 6 of this section may take a vote of the governing body, and**  
176 **notify the department of revenue of the result of such vote, by**  
177 **November 15, 2019, to impose such charge effective January 1, 2020. A**  
178 **vote of at least two-thirds of the governing body is required in order to**  
179 **impose such charge. The department shall notify the board of these**  
180 **changes by December 1, 2019.**

181           8. **The prepaid wireless emergency telephone service charge**  
182 **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.

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

134 6. The board shall promulgate rules and regulations that are reasonable  
135 and necessary to implement and administer the provisions of **sections 190.300**  
136 **to 190.304, sections 190.400 to 190.475, and** sections 650.320 to 650.340. Any  
137 rule or portion of a rule, as that term is defined in section 536.010, shall become  
138 effective only if it has been promulgated pursuant to the provisions of chapter  
139 536. This section and chapter 536 are nonseverable and if any of the powers  
140 vested with the general assembly pursuant to chapter 536 to review, to delay the  
141 effective date or to disapprove and annul a rule are subsequently held  
142 unconstitutional, then the grant of rulemaking authority and any rule proposed  
143 or adopted after August 28, 2017, shall be invalid and void.

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