

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE

SENATE BILL NO. 781

96TH GENERAL ASSEMBLY

4499L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.660, 50.783, 67.4505, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 302.291, 320.202, 321.130, 321.162, 321.241, 321.460, 321.711, 650.320, 650.325, 650.330, and 650.340, RSMo, and to enact in lieu thereof sixteen new sections relating to emergency services with a penalty provision.

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

Section A. Sections 50.660, 50.783, 67.4505, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 302.291, 320.202, 321.130, 321.162, 321.241, 321.460, 321.711, 650.320, 650.325, 650.330, and 650.340, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 50.660, 50.783, 67.4505, 190.335, 190.411, 190.415, 190.445, 302.291, 320.202, 321.130, 321.162, 321.228, 321.241, 321.460, 321.711, and 1, to read as follows:

50.660. 1. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five
18 hundred copies per issue, if there is one, except that the advertising is not required in case of
19 contracts or purchases involving an expenditure of less than six thousand dollars. It is not
20 necessary to obtain bids on any purchase in the amount of four thousand five hundred dollars or
21 less made from any one person, firm or corporation during any period of ninety days, **or, if the**
22 **county is any county of the first classification with more than one hundred fifty thousand**
23 **but fewer than two hundred thousand inhabitants or any county of the second**
24 **classification with more than seventy-five thousand but fewer than one hundred thousand**
25 **inhabitants or any county of the first classification with more than two hundred sixty**
26 **thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain**
27 **bids on such purchases in the amount of six thousand dollars or less.** All bids for any
28 contract or purchase may be rejected and new bids advertised for. Contracts which provide that
29 the person contracting with the county or township shall, during the term of the contract, furnish
30 to the county or township at the price therein specified the supplies, materials, equipment or
31 services other than personal therein described, in the quantities required, and from time to time
32 as ordered by the officer in charge of purchasing during the term of the contract, need not bear
33 the certification of the accounting officer, as herein provided; but all orders for supplies,
34 materials, equipment or services other than personal shall bear the certification. In case of such
35 contract, no financial obligation accrues against the county or township until the supplies,
36 materials, equipment or services other than personal are so ordered and the certificate furnished.

37 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
38 advertising shall not be required in any county in the case of contracts or purchases involving an
39 expenditure of less than six thousand dollars.

50.783. 1. The county commission may waive the requirement of competitive bids or
2 proposals for supplies when the commission has determined in writing and entered into the
3 commission minutes that there is only a single feasible source for the supplies. Immediately
4 upon discovering that other feasible sources exist, the commission shall rescind the waiver and
5 proceed to procure the supplies through the competitive processes as described in this chapter.
6 A single feasible source exists when:

7 (1) Supplies are proprietary and only available from the manufacturer or a single
8 distributor; or

9 (2) Based on past procurement experience, it is determined that only one distributor
10 services the region in which the supplies are needed; or

11 (3) Supplies are available at a discount from a single distributor for a limited period of
12 time.

13 2. On any single feasible source purchase where the estimated expenditure is three
14 thousand dollars or over, the commission shall post notice of the proposed purchase. Where the
15 estimated expenditure is five thousand dollars or over, the commission shall also advertise the
16 commission's intent to make such purchase in at least one daily and one weekly newspaper of
17 general circulation in such places as are most likely to reach prospective bidders or offerors and
18 may provide such information through an electronic medium available to the general public at
19 least ten days before the contract is to be let.

20 **3. Notwithstanding subsection 2 of this section to the contrary, on any single**
21 **feasible service purchase by any county of the first classification with more than one**
22 **hundred fifty thousand but fewer than two hundred thousand inhabitants or any county**
23 **of the first classification with more than two hundred sixty thousand but fewer than three**
24 **hundred thousand inhabitants or any county of the second classification with more than**
25 **seventy-five thousand but fewer than one hundred thousand inhabitants where the**
26 **estimated expenditure is six thousand dollars or over, the commission shall post notice of**
27 **the proposed purchase and advertise the commission's intent to make such purchase in at**
28 **least one daily and one weekly newspaper of general circulation in such places as are most**
29 **likely to reach prospective bidders or offertory and may provide such information through**
30 **an electronic medium available to the general public at least ten days before the contract**
31 **is to be let.**

67.4505. 1. There is hereby created within any county of the third classification with a
2 township form of government and with more than seven thousand two hundred but fewer than
3 seven thousand three hundred inhabitants **and any county of the second classification with**
4 **more than seventy-five thousand but fewer than one hundred thousand inhabitants a**
5 county drinking water supply lake authority, which shall be a body corporate and politic and a
6 political subdivision of this state.

7 2. The authority may exercise the powers provided to it under section 67.4520 over the
8 reservoir area encompassing any drinking water supply lake of one thousand five hundred acres
9 or more, as measured at its conservation storage level, and within the lake's watershed.

10 3. It shall be the purpose of each authority to promote the general welfare and a safe
11 drinking water supply through the construction, operation, and maintenance of a drinking water
12 supply lake.

13 4. The income of the authority and all property at any time owned by the authority shall
14 be exempt from all taxation or any assessments whatsoever to the state or of any political
15 subdivision, municipality, or other governmental agency thereof.

16 5. No county in which an authority is organized shall be held liable in connection with
17 the construction, operation, or maintenance of any project or program undertaken pursuant to
18 sections 67.4500 to 67.4520, including any actions taken by the authority in connection with such
19 project or program.

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

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

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

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

20 YES NO

21

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

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

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

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

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

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

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

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be

65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years.

68 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
69 in any county of the first classification with more than two hundred forty thousand three hundred
70 but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone
71 service 911 board appointed by the county under section 190.309 which is in existence on the
72 date the voters approve a sales tax under this section shall continue to exist and shall have the
73 powers set forth under section 190.339.

74 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
75 contrary, in any county **that has approved a sales tax under this section and is** of the second
76 classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand
77 three hundred inhabitants [that has approved a sales tax under this section] **or is of the first**
78 **classification with more than fifty thousand but fewer than seventy thousand inhabitants,**
79 the county commission shall appoint the members of the board to administer the funds and
80 oversee the provision of emergency services in the county.

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

- 84 (a) The head of any of the county's fire protection districts, or a designee;
- 85 (b) The head of any of the county's ambulance districts, or a designee;
- 86 (c) The county sheriff, or a designee;
- 87 (d) The head of any of the police departments in the county, or a designee; and
- 88 (e) The head of any of the county's emergency management organizations, or a designee.

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

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

[650.325.] **190.411.** There is hereby established within the department of public safety
2 the "[Advisory Committee for] 911 Service Oversight **Board**" which is charged with assisting
3 and advising the state in ensuring the availability, implementation and enhancement of a
4 statewide emergency telephone number common to all jurisdictions through research, planning,
5 training and education. The [committee for] 911 service oversight **board** shall represent all

6 entities and jurisdictions before appropriate policy-making authorities and the general assembly
7 and shall strive toward the immediate access to emergency services for all citizens of this state.

8 [650.330.] **190.415.** 1. The [committee for] 911 service oversight **board** shall consist
9 of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of the**
10 department of public safety **or the director's designee**, who shall serve as chair of the
11 [committee] **board** and only vote in the instance of a tie vote among the other members, and the
12 other members shall be selected as follows:

- 13 (1) [One member chosen to represent an association domiciled in this state whose
14 primary interest relates to counties;
- 15 (2) One member chosen to represent the Missouri public service commission;
- 16 (3) One member chosen to represent emergency medical services;
- 17 [(4)] **(2)** One member chosen to represent an association with a chapter domiciled in this
18 state whose primary interest relates to a national emergency number;
- 19 [(5)] **(3)** One member chosen to represent an association whose primary interest relates
20 to issues pertaining to fire chiefs;
- 21 [(6)] **(4)** One member chosen to represent an association with a chapter domiciled in this
22 state whose primary interest relates to issues pertaining to public safety communications officers;
- 23 [(7)] **(5)** One member chosen to represent an association whose primary interest relates
24 to issues pertaining to [police chiefs] **law enforcement officials; and**
- 25 [(8) One member chosen to represent a league or association domiciled in this state
26 whose primary interest relates to issues pertaining to municipalities;
- 27 (9) One member chosen to represent an association domiciled in this state whose primary
28 interest relates to issues pertaining to sheriffs;
- 29 (10) One member chosen to represent 911 service providers in counties of the second,
30 third and fourth classification;
- 31 (11) One member chosen to represent 911 service providers in counties of the first
32 classification, with and without charter forms of government, and cities not within a county;
- 33 [(12)] **(6)** One member chosen to represent telecommunications service providers with
34 at least one hundred thousand access lines located within Missouri[;
- (13) One member chosen to represent telecommunications service providers with less
than one hundred thousand access lines located within Missouri;
- (14) One member chosen to represent a professional association of physicians who
conduct with emergency care; and
- (15) One member chosen to represent the general public of Missouri who represents an
association whose primary interest relates to education and training, including that of 911, police
and fire dispatchers].

35 2. Each of the members of the [committee for] 911 service oversight **board** shall be
36 appointed by the governor with the advice and consent of the senate for a term of four years];
37 except that, of those members first appointed, four members shall be appointed to serve for one
38 year, four members shall be appointed to serve for two years, four members shall be appointed
39 to serve for three years and four members shall be appointed to serve for four years]. Members
40 of the [committee] **board** may serve multiple terms.

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

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

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

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

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

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

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

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

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

62 (8) Perform other duties as necessary to promote successful development,
63 implementation and operation of 911 systems across the state; and

64 (9) Advise the department of public safety on establishing rules and regulations
65 necessary to administer the provisions of sections [650.320 to 650.340] **190.400 to 190.445**.

66 5. The department of public safety shall provide staff assistance to the [committee for]
67 911 service oversight **board** as necessary in order for the [committee] **board** to perform its
68 duties pursuant to sections [650.320 to 650.340] **190.400 to 190.445**.

69 6. The department of public safety is authorized to adopt those rules that are reasonable
70 and necessary to accomplish the limited duties specifically delegated within section [650.340]

71 **190.445.** Any rule or portion of a rule, as that term is defined in section 536.010, shall become
 72 effective only if it has been promulgated pursuant to the provisions of chapter 536. This section
 73 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 74 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
 75 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
 76 proposed or adopted after August 28, 1999, shall be invalid and void.

[650.340.] **190.445.** 1. The provisions of this section may be cited and shall be known
 2 as the "911 Training and Standards Act".

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

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

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

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

22 5. The training requirements as provided in subsection 2 of this section shall be waived
 23 for any person who furnishes proof to the [committee] **board** that such person has completed
 24 training in another state which are at least as stringent as the training requirements of subsection
 25 2 of this section.

26 6. The department of public safety shall determine by administrative rule the persons or
 27 organizations authorized to conduct the training as required by subsection 2 of this section.

28 7. This section shall not apply to an emergency medical dispatcher or **dispatch** agency
 29 as defined in section 190.100, or a person trained by an entity accredited or certified under

30 section 190.131, or a person who provides prearrival medical instructions who works for [an]
31 **a dispatch** agency which meets the requirements set forth in section 190.134.

302.291. 1. The director, having good cause to believe that an operator is incompetent
2 or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail
3 directed to such person's present known address, may require the person to submit to an
4 examination as prescribed by the director. Upon conclusion of the examination, the director may
5 allow the person to retain his or her license, may suspend, deny or revoke the person's license,
6 or may issue the person a license subject to restrictions as provided in section 302.301. If an
7 examination indicates a condition that potentially impairs safe driving, the director, in addition
8 to action with respect to the license, may require the person to submit to further periodic
9 examinations. The refusal or neglect of the person to submit to an examination within thirty days
10 after the date of such notice shall be grounds for suspension, denial or revocation of the person's
11 license by the director, an associate circuit or circuit court. Notice of any suspension, denial,
12 revocation or other restriction shall be provided by certified mail. As used in this section, the
13 term "denial" means the act of not licensing a person who is currently suspended, revoked or
14 otherwise not licensed to operate a motor vehicle. Denial may also include the act of
15 withdrawing a previously issued license.

16 2. The examination provided for in subsection 1 of this section may include, but is not
17 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if
18 appropriate, a physical and/or mental examination as provided in section 302.173.

19 3. The director shall have good cause to believe that an operator is incompetent or
20 unqualified to retain such person's license on the basis of, but not limited to, a report by:

21 (1) Any certified peace officer;

22 (2) Any physician, physical therapist or occupational therapist licensed pursuant to
23 chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse
24 licensed pursuant to chapter 335; any psychologist, social worker or professional counselor
25 licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any**
26 **emergency medical technician licensed under chapter 190; or**

27 (3) Any member of the operator's family within three degrees of consanguinity, or the
28 operator's spouse, who has reached the age of eighteen, except that no person may report the
29 same family member pursuant to this section more than one time during a twelve-month period.
30 The report must state that the person reasonably and in good faith believes the driver cannot
31 safely operate a motor vehicle and must be based upon personal observation or physical evidence
32 which shall be described in the report, or the report shall be based upon an investigation by a law
33 enforcement officer. The report shall be a written declaration in the form prescribed by the

34 department of revenue and shall contain the name, address, telephone number, and signature of
35 the person making the report.

36 4. Any physician, physical therapist or occupational therapist licensed pursuant to
37 chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed
38 pursuant to chapter 335, any psychologist, social worker or professional counselor licensed
39 pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, **or any emergency**
40 **medical technician licensed under chapter 190** may report to the department any patient
41 diagnosed or assessed as having a disorder or condition that may prevent such person from safely
42 operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the
43 condition is permanent or temporary. The existence of a physician-patient relationship shall not
44 prevent the making of a report by such medical professionals.

45 5. Any person who makes a report in good faith pursuant to this section shall be immune
46 from any civil liability that otherwise might result from making the report. Notwithstanding the
47 provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and
48 maintained by the department of revenue pursuant to this section shall be kept confidential
49 except upon order of a court of competent jurisdiction or in a review of the director's action
50 pursuant to section 302.311.

51 6. The department of revenue shall keep records and statistics of reports made and
52 actions taken against driver's licenses pursuant to this section.

53 7. The department of revenue shall, in consultation with the medical advisory board
54 established by section 302.292, develop a standardized form and provide guidelines for the
55 reporting of cases and for the examination of drivers pursuant to this section. The guidelines
56 shall be published and adopted as required for rules and regulations pursuant to chapter 536. The
57 department of revenue shall also adopt rules and regulations as necessary to carry out the other
58 provisions of this section. The director of revenue shall provide health care professionals and
59 law enforcement officers with information about the procedures authorized in this section. The
60 guidelines and regulations implementing this section shall be in compliance with the federal
61 Americans with Disabilities Act of 1990.

62 8. Any person who knowingly violates a confidentiality provision of this section or who
63 knowingly permits or encourages the unauthorized use of a report or reporting person's name in
64 violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages
65 which proximately result.

66 9. Any person who intentionally files a false report pursuant to this section shall be guilty
67 of a class A misdemeanor and shall be liable for damages which proximately result.

68 10. All appeals of license revocations, suspensions, denials and restrictions shall be made
69 as required pursuant to section 302.311 within thirty days after the receipt of the notice of
70 revocation, suspension, denial or restriction.

71 11. Any individual whose condition is temporary in nature as reported pursuant to the
72 provisions of subsection 4 of this section shall have the right to petition the director of the
73 department of revenue for total or partial reinstatement of his or her license. Such request shall
74 be made on a form prescribed by the department of revenue and accompanied by a statement
75 from a health care provider with the same or similar license as the health care provider who made
76 the initial report resulting in the limitation or loss of the driver's license. Such petition shall be
77 decided by the director of the department of revenue within thirty days of receipt of the petition.
78 Such decision by the director is appealable pursuant to subsection 10 of this section.

320.202. 1. There is hereby established within the department of public safety a
2 "Division of Fire Safety", which shall have as its chief executive officer the fire marshal
3 appointed under section 320.205. The fire marshal and the division shall be responsible for:

4 (1) The voluntary training of firefighters, investigators, inspectors, and public or private
5 employees or volunteers in the field of emergency response, rescue, fire prevention or
6 preparedness;

7 (2) Establishing and maintaining a statewide reporting system, which shall, as a
8 minimum, include the records required by section 320.235 and a record of all fires occurring in
9 Missouri showing:

10 (a) The name of all owners of personal and real property affected by the fire;

11 (b) The name of each occupant of each building in which a fire occurred;

12 (c) The total amount of insurance carried by, the total amount of insurance collected by,
13 and the total amount of loss to each owner of property affected by the fire; and

14 (d) All the facts, statistics and circumstances, including, but not limited to, the origin of
15 the fire, which are or may be determined by any investigation conducted by the division or any
16 local firefighting agency under the laws of this state. All records maintained under this
17 subdivision shall be open to public inspections during all normal business hours of the division;

18 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

19 (4) Conducting all fire inspections required of any private premises in order for any
20 license relating to such private premises to be issued under any licensing law of this state, except
21 those organizations and institutions licensed pursuant to chapter 197;

22 (5) Establishing and maintaining a voluntary training and certification program based
23 upon nationally recognized standards. A certification testing fee and recertification fee shall be
24 established by promulgated rules and regulations by the state fire marshal under the provisions
25 of section 536.024.

26 Fees collected shall be deposited into the [general revenue] **fire education fund established in**
27 **section 320.094.**

28 2. The state fire marshal shall exercise and perform all powers and duties necessary to
29 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
30 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
31 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
32 section.

33 3. The state fire marshal shall have the authority to promulgate rules and regulations
34 under the provisions of section 536.024 to carry out the provisions of this section.

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least one year before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of
4 such fire protection district. In the event the person is no longer a resident of the district, the
5 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.
6 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection
7 district by paying a ten dollar filing fee and filing a statement under oath that such person
8 possesses the required qualifications.

9 2. In any fire protection district located in more than one county one of which is a first
10 class county without a charter form of government having a population of more than one hundred
11 ninety-eight thousand and not adjoining any other first class county or located wholly within a
12 first class county as described herein, a resident shall have been a resident of the district for more
13 than one year to be qualified to serve as a director.

14 3. In any fire protection district located in a county of the third or fourth classification,
15 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
16 be a voter of the district for more than one year before the election or appointment, except that
17 for the first board of directors in such district, a person need only be a voter of the district for one
18 year before the election or appointment.

19 4. A person desiring to become a candidate for the first board of directors of the
20 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
21 shall file with the election authority a statement under oath that such person possesses all of the
22 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
23 candidate shall have the candidate's name placed on the ballot as a candidate for director.

24 **5. Any director who has been found guilty of or pled guilty to any felony offense**
25 **shall immediately forfeit his or her office.**

26 **6. No person shall be qualified to serve as a director, nor shall such person's name**
27 **appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid**
28 **or past due county taxes.**

 321.162. 1. **In addition to the qualifications prescribed by law**, all members of the
2 board of directors of a fire protection district first elected **or appointed** on or after January 1,
3 2008, shall attend and complete an educational seminar or conference or other suitable training
4 on the role and duties of a board member of a fire protection district. The training required under
5 this section shall be conducted by an entity approved by the office of the state fire marshal. The
6 office of the state fire marshal shall determine the content of the training to fulfill the
7 requirements of this section. Such training shall include, at a minimum:

- 8 (1) Information relating to the roles and duties of a fire protection district director;
- 9 (2) A review of all state statutes and regulations relevant to fire protection districts;
- 10 (3) State ethics laws;
- 11 (4) State sunshine laws, chapter 610;
- 12 (5) Financial and fiduciary responsibility;
- 13 (6) State laws relating to the setting of tax rates; and
- 14 (7) State laws relating to revenue limitations.

15 2. If any fire protection district board member fails to attend a training session within
16 twelve months after taking office, the board member shall not be compensated for attendance at
17 meetings thereafter until the board member has completed such training session.

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

2 **(1) "Residential construction", new construction and erection of detached single-**
3 **family or two-family dwellings or the development of land to be used for detached single-**
4 **family or two-family dwellings;**

5 **(2) "Residential construction regulatory system", any bylaw, ordinance, order,**
6 **rule, or regulation adopted, implemented, or enforced by any city, town, village, or county**
7 **that pertains to residential construction, to any permitting system, or program relating to**
8 **residential construction, including but not limited to the use or occupancy by the initial**
9 **occupant thereof, or to any system or program for the inspection of residential**
10 **construction. Residential construction regulatory system also includes the whole or any**
11 **part of a nationally recognized model code, with or without amendments specific to such**
12 **city, town, village, or county.**

13 2. **Notwithstanding the provisions of any other law to the contrary, if a city, town,**
14 **village, or county adopts or has adopted, implements, and enforces a residential**
15 **construction regulatory system applicable to residential construction within its jurisdiction,**
16 **any fire protection districts wholly or partly located within such city, town, village, or**

17 **county shall be without power, authority, or privilege to enforce or implement a residential**
18 **construction regulatory system purporting to be applicable to any residential construction**
19 **within such city, town, village, or county. Any such residential construction regulatory**
20 **system adopted by a fire protection district or its board shall be treated as advisory only**
21 **and shall not be enforced by such fire protection district or its board.**

22 **3. Notwithstanding the provisions of any other law to the contrary, fire protection**
23 **districts:**

24 **(1) Shall have final regulatory authority regarding the location and specifications**
25 **of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential**
26 **construction; and**

27 **(2) May inspect the alteration, enlargement, replacement or repair of a detached**
28 **single-family or two-family dwelling; and**

29 **(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this**
30 **subsection.**

321.241. 1. The board of directors of any fire protection district may levy, if a majority
2 of the voters of the district voting thereon approve, in addition to all other taxes heretofore
3 approved, an additional tax of not more than twenty-five cents per one hundred dollars of
4 assessed valuation to be used for the support of the district. The proposition to levy the tax
5 authorized by this subsection may be submitted by the board of directors at the next annual
6 election of the members of the board or at any regular municipal or school election conducted
7 by the county clerk or board of election commissioners in such district or at a special election
8 called for the purpose, or upon petition of five hundred registered voters of the district. A
9 separate ballot containing the question shall read as follows:

10 Shall the board of directors of the Fire Protection District be authorized to
11 levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed
12 valuation to provide funds for the support of the district?

13 FOR THE PROPOSITION

14 AGAINST THE PROPOSITION

15 (Place an X in the square opposite the one for which you wish to vote.)

16
17 If a majority of the qualified voters casting votes thereon be in favor of the question, the board
18 of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but
19 if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this
20 subsection, any levy previously authorized shall remain in effect.

21 2. After August 13, 1982, the board of directors of any fire protection district may levy,
22 if a majority of the voters of the district voting thereon approve, in addition to all other taxes

23 heretofore approved, an additional tax of not more than ten cents per one hundred dollars of
 24 assessed valuation to be used for the support of the district. The proposition to levy the tax
 25 authorized by this subsection may be submitted by the board of directors at the next annual
 26 election of the members of the board or at any regular municipal or school election conducted
 27 by the county clerk or board of election commissioners in such district or at a special election
 28 called for the purpose, or upon petition of five hundred registered voters of the district. A
 29 separate ballot containing the question shall read as follows:

30 Shall the board of directors of the Fire Protection District be authorized
 31 to levy an additional tax of not more than ten cents on the one hundred dollars assessed valuation
 32 to provide funds for the support of the district?

- 33 FOR THE PROPOSITION
- 34 AGAINST THE PROPOSITION

35 (Place an X in the square opposite the one for which you wish to vote.)

36

37 If a majority of the qualified voters casting votes thereon be in favor of the question, the board
 38 of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but
 39 if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this
 40 subsection, any levy previously authorized shall remain in effect.

41 3. In addition to all other taxes authorized on or before September 28, 1985, the board
 42 of directors of any fire protection district may, if a majority of the voters of the district voting
 43 thereon approve, levy an additional tax of not more than twenty-five cents per one hundred
 44 dollars of assessed valuation to be used for the support of the district. The proposition to levy
 45 the tax authorized by this subsection may be submitted by the board of directors at the next
 46 annual election of the members of the board or at any regular municipal or school election
 47 conducted by the county clerk or board of election commissioners in such district or at a special
 48 election called for the purpose, or upon petition of five hundred registered voters of the district.
 49 A separate ballot containing the question shall read as follows:

50 Shall the board of directors of the Fire Protection District be authorized to levy
 51 an additional tax of not more than twenty-five cents on the one hundred dollars assessed
 52 valuation to provide funds for the support of the district?

- 53 FOR THE PROPOSITION
- 54 AGAINST THE PROPOSITION

55 (Place an X in the square opposite the one for which you wish to vote.)

56

57 If a majority of the qualified voters casting votes thereon be in favor of the question, the board
 58 of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but

59 if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this
60 subsection, any levy previously authorized shall remain in effect.

61 4. The board of directors of any fire protection district may levy, if a majority of the
62 voters of the district voting thereon approve, in addition to all other taxes heretofore approved,
63 an additional tax of not more than fifty cents per one hundred dollars of assessed valuation to be
64 used for the support of the district. The proposition to levy the tax authorized by this subsection
65 may be submitted by the board of directors at the next annual election of the members of the
66 board or at any regular municipal or school election conducted by the county clerk or board of
67 election commissioners in such district or at a special election called for that purpose, or upon
68 petition of five hundred registered voters of the district. A separate ballot containing the
69 question shall read as follows:

70 Shall the board of directors of the Fire Protection District be
71 authorized to levy an additional tax of not more than fifty cents on the one hundred dollars
72 assessed valuation to provide funds for the support of the district?

- 73 FOR THE PROPOSITION
- 74 AGAINST THE PROPOSITION

75 (Place an X in the square opposite the one for which you wish to vote.)

76

77 If a majority of the qualified voters casting votes thereon be in favor of the question, the board
78 of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but
79 if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this
80 subsection, any levy previously authorized shall remain in effect.

81 **5. The board of directors of any fire protection district with an assessed valuation**
82 **of two hundred fifty million dollars or less may levy, if a majority of the voters of the**
83 **district voting thereon approve, in addition to all other taxes heretofore approved, an**
84 **additional tax of not more than fifty cents per one hundred dollars of assessed valuation**
85 **to be used for the support of the district. The proposition to levy the tax authorized by this**
86 **subsection may be submitted by the board of directors at the next annual election of the**
87 **members of the board or at any regular municipal or school election conducted by the**
88 **county clerk or board of election commissioners in such district or at a special election**
89 **called for that purpose, or upon petition of five hundred registered voters of the district.**
90 **A separate ballot containing the question shall read as follows:**

91 Shall the board of directors of the Fire Protection District be
92 authorized to levy an additional tax of not more than fifty cents on the one hundred dollars
93 assessed valuation to provide funds for the support of the district?

94 **FOR THE PROPOSITION**

95 **AGAINST THE PROPOSITION**

96 **(Place an X in the square opposite the one for which you wish to vote.)**

97

98 **If a majority of the qualified voters casting votes thereon be in favor of the question, the**
99 **board of directors shall accordingly levy a tax in accordance with the provisions of this**
100 **subsection, but if a majority of the voters casting votes thereon do not vote in favor of the**
101 **levy authorized by this subsection, any levy previously authorized shall remain in effect.**

321.460. 1. Two or more fire protection districts may consolidate with each other in the
2 manner hereinafter provided, and only if the districts have one or more common boundaries, in
3 whole or in part, **or are located within the same county, in whole or in part**, as to any
4 respective two of the districts which are so consolidating.

5 2. By a majority vote of each board of directors of each fire protection district included
6 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan
7 shall include the name of the proposed consolidated district, the legal description of the
8 boundaries of each district to be consolidated, and a legal description of the boundaries of the
9 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be
10 consolidated, a listing of the firehouses within each district, and the names of the districts to be
11 consolidated.

12 3. Each board of the districts approving the plan for proposed consolidation shall duly
13 certify and file in the office of the clerk of the circuit court of the county in which the district is
14 located a copy of the plan of consolidation, bearing the signatures of those directors who vote
15 in favor thereof, together with a petition for consolidation. The petition may be made jointly by
16 all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall
17 be deposited with the clerk, on the filing of the petition, against the costs of court.

18 4. The circuit court sitting in and for any county to which the petition is presented is
19 hereby vested with jurisdiction, power and authority to hear the same, and to approve the
20 consolidation and order such districts consolidated, after holding an election, as hereinafter
21 provided.

22 5. If the circuit court finds the plan for consolidation to have been duly approved by the
23 respective boards of directors of the fire protection districts proposed to be consolidated, then
24 the circuit court shall enter its order of record, directing the submission of the question.

25 6. The order shall direct publication of notice of election, and shall fix the date thereof.
26 The order shall direct that the elections shall be held to vote on the proposition of consolidating
27 the districts and to elect three persons, having the qualifications declared in section 321.130 and

28 being among the then directors of the districts proposed to be consolidated, to become directors
29 of the consolidated district.

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

31 Shall the Fire Protection Districts and the Fire Protection District be consolidated
32 into one fire protection district to be known as the Fire Protection District, with tax levies not
33 in excess of the following amounts: maintenance fund cents per one hundred dollars
34 assessed valuation; ambulance service cents per one hundred dollars assessed valuation;
35 pension fund cents per one hundred dollars assessed valuation; and dispatching fund
36 cents per one hundred dollars assessed valuation?

37 8. If, upon the canvass and declaration, it is found and determined that a majority of the
38 voters of the districts voting on the proposition or propositions have voted in favor of the
39 proposition to incorporate the consolidated district, then the court shall then further, in its order,
40 designate the first board of directors of the consolidated district, who have been elected by the
41 voters voting thereon, the one receiving the third highest number of votes to hold office until the
42 first Tuesday in April which is more than one year after the date of election, the one receiving
43 the second highest number of votes to hold office until two years after the first Tuesday
44 aforesaid, and the one receiving the highest number of votes until four years after the first
45 Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the
46 court, in its order, shall also declare the results of the votes thereon. If the court shall find and
47 determine, upon the canvass and declaration, that a majority of the voters of the consolidated
48 district have not voted in favor of the proposition to incorporate the consolidated district, then
49 the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss
50 the same at the cost of petitioners.

321.711. 1. A recall petition shall be filed with the election authority not more than one
2 hundred eighty days after the filing of the notice of intention.

3 2. The number of qualified signatures required in order to recall an officer shall be equal
4 in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most
5 recent gubernatorial election in that district.

6 3. Within twenty days from the filing of the recall petition the election authority shall
7 determine whether or not the petition was signed by the required number of qualified signatures.
8 The election authority shall file with the petition a certificate showing the results of the
9 examination. The authority shall give the proponents a copy of the certificate upon their request.

10 4. If the election authority certifies the petition to be insufficient, it may be supplemented
11 within ten days of the date of certificate by filing additional petition sections containing all of
12 the information required by section 321.709 and this section. Within ten days after the

13 supplemental copies are filed, the election authority shall file with it a certificate stating whether
14 or not the petition as supplemented is sufficient.

15 5. If the certificate shows that the petition as supplemented is insufficient, no action shall
16 be taken on it; however, the petition shall remain on file.

**Section 1. 1. For purposes of this act, the term "anemometer" means an instrument
2 for measuring and recording the speed of the wind, and the term "anemometer tower"
3 means a structure, including all guy wires and accessory facilities, on which an
4 anemometer is mounted for the purposes of documenting whether a site has wind resources
5 sufficient for the operation of a wind turbine generator.**

6 **2. Any anemometer tower that is fifty feet in height above the ground or higher,
7 that is located outside the exterior boundaries of any municipality, and whose appearance
8 is not otherwise mandated by state or federal law shall be marked, painted, flagged, or
9 otherwise constructed to be recognizable in clear air during daylight hours. Any
10 anemometer tower that was erected before the effective date of this act shall be marked as
11 required in this section within one year after the effective date of this act. Any
12 anemometer tower that is erected on or after the effective date of this act shall be marked
13 as required in this section at the time it is erected. Marking required under this section
14 includes marking the anemometer tower, guy wires, and accessory facilities as follows:**

15 **(1) The top one-third of the anemometer tower shall be painted in equal,
16 alternating bands of aviation orange and white, beginning with orange at the top of the
17 tower and ending with orange at the bottom of the marked portion of the tower;**

18 **(2) Two marker balls shall be attached to and evenly spaced on each of the outside
19 guy wires;**

20 **(3) The area surrounding each point where a guy wire is anchored to the ground
21 shall have a contrasting appearance with any surrounding vegetation. If the adjacent land
22 is grazed, the area surrounding the anchor point shall be fenced. For purposes of this
23 section, the term, area surrounding the anchor point, means an area not less than sixty-
24 four square feet whose outer boundary is at least four feet from the anchor point; and**

25 **(4) One or more seven-foot safety sleeves shall be placed at each anchor point and
26 shall extend from the anchor point along each guy wire attached to the anchor point. A
27 violation of this section is a class C misdemeanor.**

28 [190.400. As used in sections 190.400 to 190.440, the following words
29 and terms shall mean:

30 (1) "911", the primary emergency telephone number within the wireless
31 system;

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

33 (3) "Public safety agency", a functional division of a public agency which
34 provides fire fighting, police, medical or other emergency services. For the
35 purpose of providing wireless service to users of 911 emergency services, as
36 expressly provided in this section, the department of public safety and state
37 highway patrol shall be considered a public safety agency;

38 (4) "Public safety answering point", the location at which 911 calls are
39 initially answered;

40 (5) "Wireless service provider", a provider of commercial mobile service
41 pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47
42 U.S.C. Section 151 et seq).]
43

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

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

8 (2) The chairperson of the public service commission or the chairperson's
9 designee; except that such designee shall be a commissioner of the public service
10 commission or hold a position of authority in the commission of at least a
11 division director;

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

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

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

30 3. The board shall do the following:

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

- 32 (2) Meet at least one time per year for the purpose of discussing the
33 implementation of Federal Communications Commission order 94-102;
- 34 (3) Advise the office of administration regarding implementation of
35 Federal Communications Commission order 94-102; and
- 36 (4) Provide any requested mediation service to a political subdivision
37 which is involved in a jurisdictional dispute regarding the providing of wireless
38 911 services. The board shall not supersede decision-making authority of any
39 political subdivision in regard to 911 services.
- 40 4. The director of the department of public safety shall provide and
41 coordinate staff and equipment services to the board to facilitate the board's
42 duties.]
43

- 2 [190.420. 1. There is hereby established in the state treasury a fund to be
3 known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees
4 collected pursuant to sections 190.400 to 190.440 by wireless service providers
5 shall be remitted to the director of the department of revenue. The director shall
6 remit such payments to the state treasurer.
- 7 2. The state treasurer shall deposit such payments into the wireless
8 service provider enhanced 911 service fund. Moneys in the fund shall be used
9 for the purpose of reimbursing expenditures actually incurred in the
10 implementation and operation of the wireless service provider enhanced 911
11 system.
- 12 3. Any unexpended balance in the fund shall be exempt from the
13 provisions of section 33.080, relating to the transfer of unexpended balances to
14 the general revenue fund, and shall remain in the fund. Any interest earned on
15 the moneys in the fund shall be deposited into the fund.]

- 2 [190.430. 1. The commissioner of the office of administration is
3 authorized to establish a fee, if approved by the voters pursuant to section
4 190.440, not to exceed fifty cents per wireless telephone number per month to be
5 collected by wireless service providers from wireless service customers.
- 6 2. The office of administration shall promulgate rules and regulations to
7 administer the provisions of sections 190.400 to 190.440. Any rule or portion of
8 a rule, as that term is defined in section 536.010, that is promulgated pursuant to
9 the authority delegated in sections 190.400 to 190.440 shall become effective
10 only if it has been promulgated pursuant to the provisions of chapter 536. All
11 rulemaking authority delegated prior to July 2, 1998, is of no force and effect and
12 repealed; however, nothing in this section shall be interpreted to repeal or affect
13 the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied
14 with the provisions of chapter 536. This section and chapter 536 are
15 nonseverable and if any of the powers vested with the general assembly pursuant
16 to chapter 536 to review, to delay the effective date or to disapprove and annul
a rule are subsequently held unconstitutional, then the grant of rulemaking

17 authority and any rule proposed or adopted after July 2, 1998, shall be invalid and
18 void.

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

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

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

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

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

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

33 (d) Any other criteria found to be valid by the office of administration
34 provided that of the total amount of the funds used to subsidize and assist the
35 public safety answering points, at least ten percent of said funds shall be
36 distributed equally among all said public safety answering points providing said
37 services under said section;

38 (3) For the reimbursement of actual expenditures for equipment for
39 implementation of wireless enhanced 911 service by public safety answering
40 points to the extent that funds are available, provided that ten percent of funds
41 distributed to public safety answering points shall be distributed in equal amounts
42 to each public safety answering point participating in enhanced 911 service;

43 (4) Notwithstanding any other provision of the law, no proprietary
44 information submitted pursuant to this section shall be subject to subpoena or
45 otherwise released to any person other than to the submitting wireless service
46 provider, without the express permission of said wireless service provider.
47 General information collected pursuant to this section shall only be released or
48 published in aggregate amounts which do not identify or allow identification of
49 numbers of subscribers or revenues attributable to an individual wireless service
50 provider.

51 4. Wireless service providers are entitled to retain one percent of the
52 surcharge money they collect for administrative costs associated with billing and
53 collection of the surcharge.

54 5. No more than five percent of the moneys in the fund, subject to
55 appropriation by the general assembly, shall be retained by the office of
56 administration for reimbursement of the costs of overseeing the fund and for the
57 actual and necessary expenses of the board.

58 6. The office of administration shall review the distribution formula once
59 every year and may adjust the amount of the fee within the limits of this section,
60 as determined necessary.

61 7. The provisions of sections 190.307 and 190.308 shall be applicable to
62 programs and services authorized by sections 190.400 to 190.440.

63 8. Notwithstanding any other provision of the law, in no event shall any
64 wireless service provider, its officers, employees, assigns or agents, be liable for
65 any form of civil damages or criminal liability which directly or indirectly result
66 from, or is caused by, an act or omission in the development, design, installation,
67 operation, maintenance, performance or provision of 911 service or other
68 emergency wireless two- and three-digit wireless numbers, unless said acts or
69 omissions constitute gross negligence, recklessness or intentional misconduct.
70 Nor shall any wireless service provider, its officers, employees, assigns, or agents
71 be liable for any form of civil damages or criminal liability which directly or
72 indirectly result from, or is caused by, the release of subscriber information to any
73 governmental entity as required under the provisions of this act unless the release
74 constitutes gross negligence, recklessness or intentional misconduct.]
75

2 [190.440. 1. The office of administration shall not be authorized to
3 establish a fee pursuant to the authority granted in section 190.430 unless a ballot
4 measure is submitted and approved by the voters of this state. The ballot measure
5 shall be submitted by the secretary of state for approval or rejection at the general
6 election held and conducted on the Tuesday immediately following the first
7 Monday in November, 1998, or at a special election to be called by the governor
8 on the ballot measure. If the measure is rejected at such general or special
9 election, the measure may be resubmitted at each subsequent general election, or
10 may be resubmitted at any subsequent special election called by the governor on
11 the ballot measure, until such measure is approved.

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

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

17 YES NO

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

20 3. If a majority of the votes cast on the ballot measure by the qualified
21 voters voting thereon are in favor of such measure, then the office of
22 administration shall be authorized to establish a fee pursuant to section 190.430,
23 and the fee shall be effective on January 1, 1999, or the first day of the month
24 occurring at least thirty days after the approval of the ballot measure. If a
25 majority of the votes cast on the ballot measure by the qualified voters voting

26 thereon are opposed to the measure, then the office of administration shall have
27 no power to establish the fee unless and until the measure is approved.]

28

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

4 (1) "Committee", the advisory committee for 911 service oversight
5 established in section 650.325;

6 (2) "Public safety answering point", the location at which 911 calls are
7 initially answered;

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

✓