

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 291, Page 12, Section 190.335, Line 18,

2 of said page, by inserting immediately after said line the  
3 following:

4 "190.455. 1. Except as provided under subsection [9] 10 of  
5 this section, in lieu of the tax levy authorized under section  
6 190.305 or 190.325, or the sales tax imposed under section  
7 190.292 or 190.335, the governing body of any county, city not  
8 within a county, or home rule city with more than fifteen  
9 thousand but fewer than seventeen thousand inhabitants and  
10 partially located in any county of the third classification  
11 without a township form of government and with more than  
12 thirty-seven thousand but fewer than forty-one thousand  
13 inhabitants may impose, by order or ordinance, a monthly fee on  
14 subscribers of any communications service that has been enabled  
15 to contact 911. The monthly fee authorized in this section shall  
16 not exceed one dollar and shall be assessed to the subscriber of  
17 the communications service, regardless of technology, based upon  
18 the number of active telephone numbers, or their functional  
19 equivalents or successors, assigned by the provider and capable  
20 of simultaneously contacting the public safety answering point;  
21 provided that, for multiline telephone systems and for facilities  
22 provisioned with capacity greater than a voice-capable grade  
23 channel or its equivalent, regardless of technology, the charge

1 shall be assessed on the number of voice-capable grade channels  
2 as provisioned by the provider that allow simultaneous contact  
3 with the public safety answering point. Only one fee may be  
4 assessed per active telephone number, or its functional  
5 equivalent or successor, used to provide a communications  
6 service. No fee imposed under this section shall be imposed on  
7 more than one hundred voice-grade channels or their equivalent  
8 per person per location. Notwithstanding any provision of this  
9 section to the contrary, the monthly fee shall not be assessed on  
10 the provision of broadband internet access service. The fee  
11 shall be imposed solely for the purpose of funding 911 service in  
12 such county or city. The monthly fee authorized in this section  
13 shall be limited to one fee per device. The fee authorized in  
14 this section shall be in addition to all other taxes and fees  
15 imposed by law and may be stated separately from all other  
16 charges and taxes. The fee shall be the liability of the  
17 subscriber, not the provider, except that the provider shall be  
18 liable to remit all fees that the provider collects under this  
19 section.

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

27 "Shall \_\_\_\_\_ (insert name of county or city) impose a  
28 monthly fee of \_\_\_\_\_ (insert amount) on a subscriber of any  
29 communications service that has been enabled to contact 911 for

1 the purpose of funding 911 service in the \_\_\_\_\_ (county or  
2 city)?".

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

14 3. Notwithstanding any provisions of this section to the  
15 contrary, the governing body of a county with a charter form of  
16 government and with more than six hundred thousand but fewer than  
17 seven hundred thousand inhabitants shall put the question set  
18 forth in subsection 2 of this section before the voters of the  
19 county no later than the general election in 2020.

20 4. Except as modified in this section, all provisions of  
21 sections 32.085 and 32.087 and subsection 7 of section 144.190  
22 shall apply to the fee imposed under this section.

23 [4.] 5. All revenue collected under this section by the  
24 director of the department of revenue on behalf of the county or  
25 city, except for two percent to be withheld by the provider for  
26 the cost of administering the collection and remittance of the  
27 fee, and one percent for the cost of collection which shall be  
28 deposited in the state's general revenue fund, shall be deposited  
29 in the Missouri 911 service trust fund created under section

1 190.420. The director of the department of revenue shall remit  
2 such funds to the county or city on a monthly basis. The  
3 governing body of any such county or city shall control such  
4 funds remitted to the county or city unless the county or city  
5 has established an elected board for the purpose of administering  
6 such funds. In the event that any county or city has established  
7 a board under any other provision of state law for the purpose of  
8 administering funds for 911 service, such existing board may  
9 continue to perform such functions after the county or city has  
10 adopted the monthly fee under this section.

11 [5.] 6. Nothing in this section imposes any obligation upon  
12 a provider of a communications service to take any legal action  
13 to enforce the collection of the tax imposed in this section.  
14 The tax shall be collected in compliance, as applicable, with the  
15 federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections  
16 116 to 124, as amended.

17 [6.] 7. Notwithstanding any other provision of law to the  
18 contrary, proprietary information submitted under this section  
19 shall only be subject to subpoena or lawful court order.  
20 Information collected under this section shall only be released  
21 or published in aggregate amounts that do not identify or allow  
22 identification of numbers of subscribers or revenues attributable  
23 to an individual communications service provider.

24 [7.] 8. Notwithstanding any other provision of law to the  
25 contrary, in no event shall any communications service provider,  
26 its officers, employees, assigns, agents, vendors, or anyone  
27 acting on behalf of such persons, be liable for any form of civil  
28 damages or criminal liability that directly or indirectly results  
29 from, or is caused by:

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

6           (2) The release of subscriber information to any  
7 governmental entity under this section unless such act, release  
8 of subscriber information, or omission constitutes gross  
9 negligence, recklessness, or intentional misconduct.

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

28           [8.] 9. The fee imposed under this section shall not be  
29 imposed on customers who pay for service prospectively, including

1 customers of prepaid wireless telecommunications service.

2 [9.] 10. The fee imposed under this section shall not be  
3 imposed in conjunction with any tax imposed under section  
4 190.292, 190.305, 190.325, or 190.335. No county or city shall  
5 simultaneously impose more than one tax authorized in this  
6 section or section 190.292, 190.305, 190.325, or 190.335. No fee  
7 imposed under this section shall be imposed on more than one  
8 hundred exchange access facilities or their equivalent per person  
9 per location. The fee imposed under this section shall not be  
10 imposed in conjunction with any tax imposed for central  
11 dispatching of emergency services in any home rule city with more  
12 than four hundred thousand inhabitants and located in more than  
13 one county or any county containing a portion of such city, and  
14 such city or counties shall not simultaneously impose more than  
15 one tax or fee for central dispatching of emergency services;  
16 provided however, if any such county approves the fee authorized  
17 under this section, collection of such fee shall be in lieu of  
18 any tax authorized for central dispatching of emergency services  
19 in the county and any portion of the city within the county.

20 [10.] 11. No county or legally authorized entity shall  
21 submit a proposal to the voters of the county under this section  
22 or section 190.335 until either:

23 (1) All providers of emergency telephone service as defined  
24 in section 190.300 and public safety answering point operations  
25 within the county are consolidated into one public agency as  
26 defined in section 190.300 that provides emergency telephone  
27 service for the county, or such providers and the public safety  
28 answering point have entered into a shared services agreement for  
29 such services;

1           (2) The county develops a plan for consolidation of  
2 emergency telephone service, as defined in section 190.300, and  
3 public safety answering point operations within the county are  
4 consolidated into one public agency, as defined in section  
5 190.300, that provides emergency telephone service for the  
6 county; or

7           (3) The county emergency services board, as defined in  
8 section 190.290, develops a plan for consolidation of emergency  
9 telephone service, as defined in section 190.300, and public  
10 safety answering point operations within the county that includes  
11 either consolidation or entering into a shared services agreement  
12 for such services, which shall be implemented on approval of the  
13 fee by the voters.

14           [11.] 12. Any plan developed under subdivision (2) or (3)  
15 of subsection [10] 11 of this section shall be filed with the  
16 Missouri 911 service board under subsection 4 of section 650.330.  
17 Any plan that is filed under this subsection shall provide for  
18 the establishment of a joint emergency communications board as  
19 described in section 70.260 unless a joint emergency  
20 communication board or emergency services board for the area in  
21 question has been previously established. The director of the  
22 department of revenue shall not remit any funds as provided under  
23 this section until the department receives notification from the  
24 Missouri 911 service board that the county has filed a plan that  
25 is ready for implementation. If, after one year following the  
26 enactment of the fee described in subsection 1 of this section,  
27 the county has not complied with the plan that the county  
28 submitted under subdivision (2) or (3) of subsection [10] 11 of  
29 this section, but the county has substantially complied with the

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

11 [12.] 13. Each county that does not have a public agency,  
12 as defined in section 190.300, that provides emergency telephone  
13 service as defined in section 190.300 for the county shall  
14 either:

15 (1) Enter into a shared-services agreement for providing  
16 emergency telephone services with a public agency that provides  
17 emergency telephone service, if such an agreement is feasible; or

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

26 [13.] 14. A county operating joint or shared emergency  
27 telephone service, as defined in section 190.300, may submit to  
28 the voters of the county a proposal to impose the fee to support  
29 joint operations and further consolidation under this section.



1           [14.] 15. All 911 fees shall be imposed as provided in the  
2 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to  
3 124, as amended.

4           [15.] 16. Nothing in subsections [10,] 11, 12, [and] 13,  
5 and 14 of this section shall apply to a county with a charter  
6 form of government where all public safety answering points  
7 within the county utilize a common 911 communication service as  
8 implemented by the appropriate local and county agencies prior to  
9 August 28, 2018.

10          [16.] 17. Any home rule city with more than four hundred  
11 thousand inhabitants and located in more than one county and any  
12 county in which it is located shall establish an agreement  
13 regarding the allocation of anticipated revenue created upon  
14 passage of a ballot proposition submitted to the voters as  
15 provided for in sections 190.292, 190.305, 190.325, 190.335, and  
16 190.455, as well as revenue provided based upon section 190.460  
17 and the divided costs related to regional 911 services. The  
18 allocation and actual expenses of the regional 911 service shall  
19 be determined based upon the percentage of residents of each  
20 county who also reside in the home rule city. The agreement  
21 between the counties and the home rule city may either be between  
22 the individual counties and the home rule city or jointly between  
23 all entities. The agreement to divide costs and revenue as  
24 required in this section shall not take effect until the passage  
25 of a ballot proposition as provided for in section 190.292,  
26 190.305, 190.325, 190.335, or 190.455. The population shall be  
27 determined based upon the most recent decennial census. This  
28 subsection shall not apply to a county of the first  
29 classification without a charter form of government and with less

1       than five percent of its population living in any home rule city  
2       with more than four hundred thousand inhabitants and located in  
3       more than one county."; and

4               Further amend the title and enacting clause accordingly.