

FIRST REGULAR SESSION

HOUSE BILL NO. 750

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HINSON (Sponsor), FALLERT, NANCE, JOHNSON,
BLACK AND LASATER (Co-sponsors).

1735L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.430 and 190.440, RSMo, and to enact in lieu thereof two new sections relating to wireless enhanced 911 service.

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

Section A. Sections 190.430 and 190.440, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 190.430 and 190.440, to read as follows:

190.430. 1. The commissioner of the office of administration is authorized to establish
2 a fee, if approved by the voters pursuant to section 190.440, not to exceed [fifty] **seventy-five**
3 cents per wireless telephone number per month to be collected by wireless service providers from
4 wireless service customers.

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10 and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity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

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.

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

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

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

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

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

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

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

33 (3) For the reimbursement of actual expenditures for equipment for implementation of
34 wireless enhanced 911 service by public safety answering points to the extent that funds are
35 available, provided that ten percent of funds distributed to public safety answering points shall
36 be distributed in equal amounts to each public safety answering point participating in enhanced
37 911 service;

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

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

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

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

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

53 8. Notwithstanding any other provision of the law, in no event shall any wireless service
54 provider, its officers, employees, assigns or agents, be liable for any form of civil damages or
55 criminal liability which directly or indirectly result from, or is caused by, an act or omission in
56 the development, design, installation, operation, maintenance, performance or provision of 911
57 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or
58 omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any
59 wireless service provider, its officers, employees, assigns, or agents be liable for any form of
60 civil damages or criminal liability which directly or indirectly result from, or is caused by, the
61 release of subscriber information to any governmental entity as required under the provisions of
62 this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

190.440. 1. The office of administration shall not be authorized to establish a fee
2 pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and
3 approved by the voters of this state. The ballot measure shall be submitted by the secretary of
4 state for approval or rejection at the general election held and conducted on the Tuesday
5 immediately following the first Monday in November, [1998] **2012**, or at a special election to
6 be called by the governor on the ballot measure. If the measure is rejected at such general or
7 special election, the measure may be resubmitted at each subsequent general election, or may be
8 resubmitted at any subsequent special election called by the governor on the ballot measure, until
9 such measure is approved.

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

12 Shall the Missouri Office of Administration be authorized to establish a fee of up to
13 [fifty] **seventy-five** cents per month to be charged every wireless telephone number for the
14 purpose of funding wireless enhanced 911 service?

15 G YES

G NO

16

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

19 3. If a majority of the votes cast on the ballot measure by the qualified voters voting
20 thereon are in favor of such measure, then the office of administration shall be authorized to
21 establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, [1999]
22 **2013**, or the first day of the month occurring at least thirty days after the approval of the ballot
23 measure. If a majority of the votes cast on the ballot measure by the qualified voters voting

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

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