

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 1573, Section A, Page 1, Line 4, by inserting the following after all of said  
2 Line:

3  
4 "92.077. As used in sections 92.074 to 92.095, unless the context clearly requires otherwise,  
5 the following terms mean:

6 (1) "Business license tax", any tax, including any fee, charge, or assessment in the nature of a  
7 tax, assessed by a municipality on a telecommunications company for the privilege of doing business  
8 within the borders of such municipality, and specifically includes any tax assessed on a  
9 telecommunications company by a municipality under section 66.300 and section 80.090, section  
10 92.073, section 94.110, 94.270, or 94.360, or under authority granted in its charter, as well as an  
11 occupation license tax, gross receipts tax, franchise tax, or similar tax, but shall not include:

12 (a) Any state or municipal sales tax imposed under sections 144.010 to 144.525; or

13 (b) Any municipal right-of-way usage fee imposed under the authority of a municipality's  
14 police powers under Section 253(c) of the Federal Telecommunications Act of 1996, or under  
15 sections 67.1830 to 67.1846; or

16 (c) Any tax or fee levied for emergency services under section 190.292, 190.305, 190.325,  
17 or 190.335, [or 190.430,] or any tax authorized by the general assembly after August 28, 2005, for  
18 emergency services;

19 (d) Any flat tax duly imposed on or before August 28, 2005;

20 (2) "Director", the director of the department of revenue;

21 (3) "Municipal", of or relating to a municipality;

22 (4) "Municipality", any city, county, town, or village in Missouri entitled by authority of  
23 section 66.300, section 80.090, section 92.073, section 94.110, 94.270, or 94.360, or under authority  
24 granted in its charter to assess a business license tax on telecommunications companies;

25 (5) "Telecommunications company", any company doing business in this state that provides  
26 telecommunications service;

27 (6) "Telecommunications service", the same meaning as such term is defined in section  
28 144.010. The term telephone company, as used in sections 94.110, 94.270, and 94.360, shall have the  
29 same meaning as telecommunications company as defined in this section."; and

30  
31 FURTHER AMEND said Bill, Section 190.420, Page 3, Line 3, by deleting all of said Line and  
32 inserting in lieu thereof the following:

33  
34 "pursuant to sections 190.400 to [190.440] 190.451 by wireless service"; and

35  
36 FURTHER AMEND said Section and Page, Line 16, by deleting all of said Line and inserting in lieu  
37 thereof the following:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       "sections 190.400 to 190.451, and the records shall be open"; and  
2

3 FURTHER AMEND said Bill, Section 190.451, Page 8, Line 87, by deleting "190.305, 190.335, and  
4 190.430" and inserting in lieu thereof "190.305 and 190.335"; and  
5

6 FURTHER AMEND said Bill, Section 190.410, Page 14, Line 42, by inserting after all of said Line  
7 the following:  
8

9       "[190.430. 1. The commissioner of the office of administration is authorized to establish a  
10 fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless  
11 telephone number per month to be collected by wireless service providers from wireless service  
12 customers.

13       2. The office of administration shall promulgate rules and regulations to administer the  
14 provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in  
15 section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to  
16 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter  
17 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed;  
18 however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or  
19 adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536. This section  
20 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
21 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
23 adopted after July 2, 1998, shall be invalid and void.

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

27       (1) For the reimbursement of actual expenditures for implementation of wireless enhanced  
28 911 service by wireless service providers in implementing Federal Communications Commission  
29 order 94-102; and

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

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

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

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

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

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

45       (4) Notwithstanding any other provision of the law, no proprietary information submitted  
46 pursuant to this section shall be subject to subpoena or otherwise released to any person other than to  
47 the submitting wireless service provider, without the express permission of said wireless service  
48 provider. General information collected pursuant to this section shall only be released or published

1 in aggregate amounts which do not identify or allow identification of numbers of subscribers or  
 2 revenues attributable to an individual wireless service provider.

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

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

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

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

12 8. Notwithstanding any other provision of the law, in no event shall any wireless service  
 13 provider, its officers, employees, assigns or agents, be liable for any form of civil damages or  
 14 criminal liability which directly or indirectly result from, or is caused by, an act or omission in the  
 15 development, design, installation, operation, maintenance, performance or provision of 911 service  
 16 or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions  
 17 constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service  
 18 provider, its officers, employees, assigns, or agents be liable for any form of civil damages or  
 19 criminal liability which directly or indirectly result from, or is caused by, the release of subscriber  
 20 information to any governmental entity as required under the provisions of this act unless the release  
 21 constitutes gross negligence, recklessness or intentional misconduct.]

22  
 23 [190.440. 1. The office of administration shall not be authorized to establish a fee pursuant  
 24 to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the  
 25 voters of this state. The ballot measure shall be submitted by the secretary of state for approval or  
 26 rejection at the general election held and conducted on the Tuesday immediately following the first  
 27 Monday in November, 1998, or at a special election to be called by the governor on the ballot  
 28 measure. If the measure is rejected at such general or special election, the measure may be  
 29 resubmitted at each subsequent general election, or may be resubmitted at any subsequent special  
 30 election called by the governor on the ballot measure, until such measure is approved.

31 2. The ballot of the submission shall contain, but is not limited to, the following language:  
 32 Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty  
 33 cents per month to be charged every wireless telephone number for the purpose of funding wireless  
 34 enhanced 911 service?

35 ☐ YES ☐ NO

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

38 3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon  
 39 are in favor of such measure, then the office of administration shall be authorized to establish a fee  
 40 pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the  
 41 month occurring at least thirty days after the approval of the ballot measure. If a majority of the  
 42 votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure,  
 43 then the office of administration shall have no power to establish the fee unless and until the measure  
 44 is approved.]; and

45  
 46 Further amend said bill by amending the title, enacting clause, and intersectional references  
 47 accordingly.