

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 84.400, Line 14, by inserting after said section and line the following:

3
4 "190.307. 1. No public agency or public safety agency, nor any officer, agent or employee
5 of any public agency, shall be liable for any civil damages as a result of any act or omission except
6 willful and wanton misconduct or gross negligence, in connection with developing, adopting,
7 operating or implementing any plan or system required by sections 190.300 to 190.340.

8 2. No person who gives emergency instructions through a system established pursuant to
9 sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor
10 any persons following such instructions in rendering such services, shall be liable for any civil
11 damages as a result of issuing or following the instructions, unless issuing or following the
12 instructions constitutes willful and wanton misconduct, or gross negligence.

13 3. Nothing in this section shall be deemed to abrogate any immunity that would exist in the
14 absence of this section including, but not limited to, sovereign immunity, official immunity, or the
15 public duty doctrine."; and

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17 Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and
18 line the following:

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20 "650.335. 1. (1) Any county or any home rule city with more than fifteen thousand but
21 fewer than seventeen thousand inhabitants and partially located in any county of the third
22 classification without a township form of government and with more than thirty-seven thousand but
23 fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service
24 charge is collected in the county or city, may submit an application for loan funds or other financial
25 assistance to the board for the purpose of financing all or a portion of the costs incurred in
26 implementing a 911 communications service project. If a county has an elected emergency services
27 board, the elected emergency service board shall be eligible for loan funds or other financial
28 assistance under this section.

29 (2) The application shall be accompanied by a technical assistance report. The application
30 and the technical assistance report shall be in such form and contain such information, financial or
31 otherwise, as prescribed by the board.

32 (3) This section shall not preclude any applicant or borrower from joining in a cooperative
33 project with any other political subdivision or with any state or federal agency or entity in a 911
34 communications service project, provided that all other requirements of this section have been met.

35 2. Applications may be approved for loans only in those instances where the applicant has
36 furnished the board information satisfactory to assure that the project cost will be recovered during

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1 the repayment period of the loan. In no case shall a loan be made to an applicant unless the
2 approval of the governing body of the applicant to the loan agreement is obtained and a written
3 certification of such approval is provided, where applicable. Repayment periods are to be
4 determined by the board.

5 3. The board shall approve or disapprove all applications for loans which are sent by
6 certified or registered mail or hand delivered and received by the board upon a schedule as
7 determined by the board.

8 4. Each applicant to whom a loan has been made under this section shall repay such loan,
9 with interest. The rate of interest shall be the rate required by the board. The number, amounts, and
10 timing of the payments shall be as determined by the board.

11 5. Any applicant who receives a loan under this section shall annually budget an amount
12 which is at least sufficient to make the payments required under this section.

13 6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service
14 trust fund established under section 190.420.

15 7. If a loan recipient fails to remit a payment to the board in accordance with this section
16 within sixty days of the due date of such payment, the board shall notify the director of the
17 department of revenue to deduct such payment amount from first, the prepaid wireless emergency
18 telephone service charge remitted to the county or city under section 190.460; and if insufficient to
19 affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that
20 county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust
21 fund and credited to the loan recipient.

22 8. All applicants having received loans under this section shall remit the payments required
23 by subsection 4 of this section to the board or such other entity as may be directed by the board.
24 The board or such other entity shall immediately deposit such payments in the Missouri 911 service
25 trust fund.

26 9. Loans made under this section shall be used only for the purposes specified in an
27 approved application or loan agreement. In the event the board determines that loan funds have
28 been expended for purposes other than those specified in an approved application or loan agreement
29 or any event of default of the loan agreement occurs without resolution, the board shall take
30 appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or
31 other available remedies.

32 10. Upon failure of a borrower to remit repayment to the board within sixty days of the date
33 a payment is due, the board may initiate collection or other appropriate action through the
34 provisions outlined in subsection 7 of this section, if applicable.

35 11. If the borrower is an entity not covered under the collection procedures established in
36 this section, the board, with the advice and consent of the attorney general, may initiate collection
37 procedures or other appropriate action pursuant to applicable law.

38 12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure
39 made or the computation of any payments made.

40 13. The board shall not approve any application made under this section if the applicant has
41 failed to return the board's annual survey of public safety answering points as required by the board
42 under section 650.330."; and

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