

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

Offered By

1 AMEND House Committee Substitute for House Bill No. 1016, Page 2, Section 190.053, Line 21,  
2 by inserting after all of said section and line the following:

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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

16  
17 Further amend said bill, Page 3, Section 321.223, Line 24, by inserting after all of said section and  
18 line the following:

19  
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.

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

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

4       2. Applications may be approved for loans only in those instances where the applicant has  
5 furnished the board information satisfactory to assure that the project cost will be recovered during  
6 the repayment period of the loan. In no case shall a loan be made to an applicant unless the  
7 approval of the governing body of the applicant to the loan agreement is obtained and a written  
8 certification of such approval is provided, where applicable. Repayment periods are to be  
9 determined by the board.

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

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

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

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

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

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

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

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

40       11. If the borrower is an entity not covered under the collection procedures established in  
41 this section, the board, with the advice and consent of the attorney general, may initiate collection

1 procedures or other appropriate action pursuant to applicable law.

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

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

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.