

FIRST REGULAR SESSION

# HOUSE BILL NO. 1086

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALLINGFORD.

2290H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 650.335, RSMo, and to enact in lieu thereof one new section relating to emergency services.

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

Section A. Section 650.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 650.335, to read as follows:

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

58           13. The board shall not approve any application made under this section if the applicant  
59 has failed to return the board's annual survey of public safety answering points as required by the  
60 board under section 650.330.

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