

LEGISLATIVE BILL SUMMARY



The 95th General Assembly – First Regular Session

Members of the Missouri Legislature have introduced approximately 2,000 bills and/or joint resolutions during the 2009 legislative session. The bills below represent those that are of special interest to county officials and are most prominent at this time.

MAC's website – www.mocounties.com -- offers a number of governmental Internet links including the Missouri House and Senate home pages. Bills, summaries, hearing schedules, committee rosters, etc., are all available to online users under [Missouri Government](#) and [Bill Search](#) in the left-hand menu.

Property Tax:

SS/SCS/SB 174 (Griesheimer) modifies laws regarding property taxation by requiring tax rate roll-backs by school districts in reassessment years. For tax year 2009, political subdivisions are authorized to levy a property tax rate sufficient to generate as much revenue as was realized in the 2007 tax year, excluding new construction and improvements as long as such rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved rate. The timeline for the assessment, levy and appeal of property taxes is changed with regard to certain counties. The bill modifies laws regarding the payment of taxes in dispute. Under current law, for the homestead preservation tax credit the homestead exemption limit will be based on the increase in tax liability from the base year to the year prior to the application year for all applications for credits filed between December 31, 2008, and December 31, 2011. This bill modifies the term base year with regard to new homeowners who are approved for the first time after satisfying the three year ownership requirement so that the base year for such taxpayers will be the year following the first year in which such taxpayer acquired ownership of the homestead. All charter counties are allowed to opt-out of the requirement that they must provide taxpayers with notices of projected tax liability for the 2011 reassessment year. The effective date for all other counties for the projected tax liability notice requirement is moved back to January 1, 2013. Assessors and

collectors are required to submit estimates of the costs necessary to comply with the projected tax liability notice requirement to the state tax commission. The bill creates a fund to receive appropriations and allocate moneys to assessors and collectors to offset the costs of implementing the projected tax liability notice requirements. The bill repeals the duty of the state tax commission to develop software programs to produce projected tax liability notices.

Status: 3/10/09 -- Placed on the Senate informal calendar for perfection

HCS/HB 591 (Sutherland) authorizes voters to petition for an election to lower the tax rate ceiling of a political subdivision when at least 10 percent of the registered voters within the taxing authority's boundaries sign the petition. If at least 60 percent of the votes cast are in favor of lowering the ceiling, the lowered tax rate ceiling will become effective. The petition to lower the tax rate ceiling cannot include debt service levies. This bill contains most of the provisions of SB 174 as well.

Status: 4/7/09 -- Referred to the House Rules Committee

SCS/HCS/HB 148 (Franz) allows certain first and second class counties to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. Taxing authorities will be required to request notification of current taxes paid under protest

by February 1, and county collectors must provide the information by March 1.

Status: 4/15/09 -- Passed the House and voted "Do Pass by Consent" by the Senate Jobs, Economic Development & Local Government Committee. It has been placed on the Senate consent calendar for third reading

Enhanced 9-1-1:

SB 119 (Griesheimer) changes the law regarding enhanced 9-1-1 funding. It limits the number of public safety answering points which may receive funding based upon the classification of the county in which they are located. This bill also authorizes the Office of Administration, upon voter approval, to establish a fee of up to 25 cents per month on every wireless telephone number to fund wireless enhanced 9-1-1 services.

Status: 3/3/09 -- Heard by the Senate Commerce, Consumer Protection, Energy and the Environment Committee

HB 1156 (Bruns), along with creating a 25 cent user fee for enhanced 9-1-1 services upon voter approval, creates the Enhanced 9-1-1 Communications Provider Advisory Board. The board will be responsible for providing coordination, support, and a schedule for implementing enhanced 9-1-1 across the state. Another provision of the bill states that counties must consolidate to receive state enhanced 9-1-1 funding; third

class counties must consolidate to one PSAP, second class counties must consolidate to two PSAPs, and first class counties must consolidate to three PSAPs.

Status: 4/1/09 -- Introduction before the House

County Planning Act:

SS/SCS/SB 5 (Griesheimer) establishes the Missouri County Planning Act, which would allow counties to create a county planning commission. The commission, formed by county commission appointment or petition vote and approval, would be able to recommend subdivision and zoning regulations, as well as adopt street plans for unincorporated areas. It also requires counties to appoint a board of zoning adjustment to hear appeals to zoning decisions. Nothing in the bill affects the existence or validity of a county ordinance or order adopted prior to August 28, 2009. A senate substitute was adopted on March 25 which, among several other provisions, makes the formation of a planning commission contingent upon voter approval.

Status: 4/16/09 -- Passed the Senate and sent to the House

Local Government Omnibus Bills:

SS/SB 7 (Griesheimer) is one of this year's local government omnibus bills. It contains several sections pertinent to county government. **County Classifications:** Section 48.030 allows a county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body. This provision is identical to language in **SB 38 (Rupp)** and **HB 257 (Schieffer)**.

Caldwell County Holding Facility: Section 49.310 allows Caldwell County to establish a jail or holding facility outside of the county seat. This section is identical to **SB 457 (Lager)**. **Brush Ordinance:** Under section 49.710, the county commission of any county without a charter form of government shall have the power to adopt ordinances requiring property owners to control brush on county right-of-ways or county maintenance easements that are part of the property owner's land that is adjacent to the county road. Any property owner in violation of such a county ordinance may be ordered to pay a civil fine of not more than ten dollars per day. **Bid Requirements:** Under sections 50.660 and 50.783, a county is not required to obtain bids on purchases of \$6,000 or less. Currently, such amount is set at \$4,500. Under current law, counties may waive competitive bidding when the county commission determines that there is only one feasible source for the supply. This act requires counties to post notice on such proposed purchases of over \$6,000 and advertise the commission's intent to make such purchase in the newspaper at least 10 days in advance. Currently, the commission must post notice for such proposed purchases of at least \$3,000 and also advertise in the newspaper for such purchases of at least \$5,000. This section is identical to language in **SB 256 (Schaefer)** and **HB 376 (Hobbs)**. **Delinquent Tax Fees/Tax Maintenance Fund:** Under sections 52.290, 52.312 and 54.010, any counties that have adopted a charter form of government after January 1, 2008, shall collect a seven percent fee for the collection of delinquent taxes, as well as adopt a Tax Maintenance Fund; these procedures match current non-charter county procedures. Section 141.160 specifies that in Jackson and St. Louis Counties, the collector shall collect an additional five percent fee for delinquent and back taxes that will be deposited into the counties' general funds. Sections 140.150, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420 change the provisions regarding the sale of real property for the collection of delinquent taxes. The collector is required to send up to three notices prior to a tax sale to the publicly recorded owner of record of the real property. The first notice is by first class mail, the second by certified mail,

and a third notice is sent if the certified mail is returned unsigned to both the owner of record and the occupant of the real property at least 15 days before the fourth Monday in August. The purchase price of the property at a third offering must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs. The certificate of purchase will be issued to an agent if the purchaser is a nonresident. The purchaser is required to pay a fee to the collector to record the certificate of purchase. After the third offering, the collector's deed or trustee's deed will have priority over all the other liens or encumbrances on the property sold except for real property taxes or federal liens. If the delinquent land tax sale results in an amount greater than the amount of debt, taxes, interest, and costs, the excess proceeds must be held in trust in the county treasury for three years for the publicly recorded owner or owners of the property sold or their legal representatives. After three years, any amount not called for will be deposited into the county's school fund. The redemption periods for the owner of record to redeem tax sale property are revised; and the owner must reimburse the purchaser for all costs of sale, including the cost for recording the certificate of purchase, the fee to record the release of the certificate, the cost of the title search, the cost of the required certified mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus 8 percent interest. These sections are identical to **HB 261 (Franz)**. **Recorders' User Fees:** Section 59.319 increases certain user fees collected by county recorders from \$4 to \$7 (\$3 shall be deposited in the recorders' fund, \$2 goes to the Secretary of State for preserving local records, and \$2 goes to support land surveying). **Township Abolishment:** Section 65.610 allows the county commission, upon a majority vote, to put the issue of abolishing the county's township organization to a vote of the people. Currently, it requires a petition by 10 percent of the voters to submit the issue to a vote. **Technical Codes:** Section 67.280 re-

quires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies. **Transient Guest Tax:** Section 67.1360 authorizes the governing body of Montgomery County to seek voter approval for the imposition of a transient guest tax. Also, section 67.1361 states that the revenue derived from the transient guest tax for Buchanan County will be used for capital expenditures incurred in connection with tourism and convention facilities. **Exhibition Center And Recreation Districts:** Section 67.2000 allows real property owners in Caldwell, Clinton, Daviess and DeKalb Counties to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a .25 percent sales tax, for a period not to exceed 25 years, to fund the district. This section is identical to **SB 386 (Lager)**. **Caldwell County Water Contracts:** Section 67.3000 states that it shall be lawful for Caldwell County to enter into a contract with private corporations engaged in delivering water at wholesale for domestic consumption. The county may also acquire, own, and hold, with private corporations, water mains. **Cemetery Maintenance:** Section 137.1040 states that a political subdivision must submit a proposal to the voters if proposing to impose a property tax to fund cemetery maintenance. The tax authorized under this bill shall not exceed .25 percent per \$100 assessed valuation and shall not become effective until approved by the voters. **Cass County Sewer Districts:** Section 204.569 states that bonds may be issued for a subdistrict that is partially or fully located in Cass County if the subdistrict receives the written assent of 75 percent of the political subdivisions that do business with the subdistrict. This section is identical to language in **HCS/SCS/SB 242 (Pearce)**. **Emergency Communications Tax:** Sections 650.396 and 650.399 allow counties that collect an emergency communications system property tax to impose, upon voter approval, a sales tax (not to exceed .1 percent) to fund an emergency communications system. The Department of Revenue will collect the sales tax revenues and deposit

them into the newly created county emergency communications fund for distribution to the counties from which they were collected. This provision is identical to **SB 494 (Griesheimer)**.

Status: 3/3/09 - Placed on the Senate informal calendar for perfection

HCS/SB 386 (Lager) and HCS/HB 881 (Flook) contain many of the same provisions as SB 7 but differ in some aspects.

Status: 4/16/09 -- HCS/SB 386 was voted "Do Pass" by the House Local Government Committee. HCS/HB 881 was voted "Do Pass" by the House Local Government Committee on April 6.

Sunshine Law:

HCS/HB 316 (Jones, Timothy) changes the Sunshine Law to require the minutes to reflect a general account of the discussions that occurred at a closed meeting; specify that only members of a public governmental body, their attorneys and staff assistants, and any necessary witnesses will be permitted in any closed meeting of the governmental body; specify the criteria for the litigation exception to the open record disclosure (an actual lawsuit, a threat of a lawsuit, or a substantial likelihood of litigation must exist in order to close information regarding a cause of action); require information to be made available in an electronic format if a public body keeps records in an electronic format (data must be available in a format accessible to the public if it is stored in a data-processing program); reduce from \$1,000 to \$100 the maximum civil penalty for any violation of Sections 610.010 - 610.026, *RSMo*, and increases the maximum penalty for a purposeful violation of these sections from \$5,000 to \$8,000 (the court may require the public official or county to pay all attorneys fees); and require any public meeting of a public governmental body addressing issues regarding a fee or tax increase, eminent domain, zoning, transportation development districts, or tax increment financing to give at least five days' notice prior to the meeting, exclusive of weekends and holidays when the facility is closed (The meetings must allow time for public comment. If proper notice is not given, discussion on the issue will be

postponed and no vote will be taken for at least 30 days).

Status: 4/7/09 -- Voted "Do Pass" by the House Rules Committee

Elections:

HCS/HJR 9 (Cox) proposes a constitutional amendment authorizing the General Assembly to require a person to provide a photo identification in order to vote in elections. It also provides for advance voting and requires state reimbursement of costs.

Status: 4/14/09 - Voted "Do Pass" by the House Rules Committee

HCS/HB 613 (Diehl) establishes the Andrew Jackson Vote Restoration Act which requires certain elections to be held even if the number of candidates filing for a position is equal to the number of positions available. It also establishes the following: makes it a class three election offense to use an electronic recording device to record, photograph, copy, or transmit the content of a voted ballot to any unauthorized person; allows county commissioners of a third or fourth class county to appoint a land surveyor if no candidate has filed; prohibits anyone convicted of a felony from running for state or local office; and requires the Secretary of State to establish a secure system for overseas service members to vote absentee via the Internet.

Status: 4/8/09 -- HCS/HB 613 was voted "Do Pass" by the House Elections Committee and referred to the House Rules Committee.

County Classification Changes:

There are currently three bills that deal directly with county classification changes. **SB 38 (Rupp)** allows a county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a

first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body. This provision is identical to **SCS/HB 257 (Schieffer)** and section 48.030 of **SS/SB 7 (Griesheimer)**. Also, the language in **SB 358 (Purgason)** was rolled into SB 38, which increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for counties of the first classification is increased from \$600 million to \$750 million. The assessed valuation for counties of the second classification is increased from \$450 million to \$600 million. All counties with an assessed valuation of less than \$600 million will be counties of the third classification. The required assessed valuation for each classification shall be increased by an amount equal to any percentage increase in the consumer price index.

Status: 4/8/09 -- SB 38 passed the Senate and was heard by the House Local Government Committee. SCS/HB 257 passed the House and was voted "Do Pass by Consent" by the Senate Jobs, Economic Development & Local Government Committee on April 15. It was placed on the Senate consent calendar for third reading.

Limits On State Appropriations:

Upon voter approval, **HCS/HJR 23 (Icet)** prohibits appropriations in any fiscal year from exceeding the total state general revenue appropriations from the previous year by more than the appropriations growth limit. The appropriations growth limit will be the greater of zero or the sum of the annual rate of inflation and the annual Missouri population growth. The provisions of the resolution will expire five years from the effective date.

Status: 3/25/09 - Passed the House and referred to the Senate Ways and Means Committee.

Competitive Bids:

Under current law, counties may waive competitive bidding when the County Commission determines that there is only one feasible source for the supply. **SB 256 (Schaefer)** and **SCS/HB 376 (Hobbs)** require counties to post notice on such proposed purchases of over \$6,000 and advertise the commission's intent to make such purchase in the newspaper at least 10 days in advance. Currently, the commission must post notice for such proposed purchases of at least \$3,000 and advertise in the newspaper for such purchases of at least \$5,000.

SB 256 also creates the "Political Subdivision Services Bidding Standards Act". Contracts for services by any political subdivision shall be advertised and bids solicited and awarded in compliance with any federal, state, and local law specifically written for such political subdivision. If a political subdivision is not covered by a specific federal, state, or local law, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts. Contracts for services shall be advertised in advance of the acceptance of bids, once per week for four consecutive weeks, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. For contracts worth over \$50,000, bids shall also be advertised by providing information to at least one organization that regularly provides information to contractors providing the service needed. Ads and solicitations must include the submission deadline.

Status: 4/8/09 -- SB 256 passed the Senate and was heard by the House Local Government Committee. SCS/HB 376 passed the House and was voted "Do Pass" by the Senate Jobs, Economic Development & Local Government Committee on April 15.

Linked Deposit Loan Program:

SCS/SB 542 (Pearce) and **HCS/HB 883 (Flook)** expand the State Treasurer's linked deposit loan program to include as participants individuals who want to produce their own energy from renewable resources, and political subdivisions or other public entities

seeking to finance capital improvements or other significant programs.

Status: 4/16/09 -- SCS/SB 542 passed the Senate and was sent to the House. HCS/HB 883 was voted "Do Pass" by the House Rules Committee on April 7.

Financial Interest Statements:

Current law requires elected officials, candidates for elective office, and certain other officials of a political subdivision with an operating budget of over \$1 million to file financial interest statements. **SB 66 (Scott)** changes the operating budget floor to those over \$2 million.

Status: 4/7/09 - Passed the Senate by consent and voted "Do Pass by Consent" by the House Rules Committee. It has been placed on the House consent calendar.

Fair Influence In Government Act:

HB 1188 (Schoeller) establishes that no state agency, political subdivision, or private entity that receives any amount of funding appropriated by the state or any amount collected from any local tax authorized by statute shall use any public resources to pay the costs of employing or contracting for the services of any person who lobbies on behalf of said agency, subdivision, private entity or association. Any person who accepts public funds for payment will be prohibited from registering as a lobbyist for a period of up to two years. Any violation of this section by any state agency, political subdivision, or private entity that receives state funds shall result in a fine of not less than \$1,000 but not more than \$5,000. The director of such agency shall be held liable.

Status: 4/2/09 -- Second reading before the House

Independence Day Sales Tax Holiday:

HCS/HB 952 (Sutherland) establishes the Independence Day Sales Tax Holiday which, beginning January 1, 2009, authorizes a state sales and use tax exemption on the purchase of all tangible personal property in the state and all taxable retail services rendered in the state every year during the period of July 4 through July 31. Retailers may offer a sales tax refund in lieu of the sales tax holiday when less than 2 percent of their sales qualifies for the holiday. Any political subdivision may adopt an ordinance or order to opt into the holiday.

Status: 4/16/09 -- Passed by the House and sent to the Senate

Missouri Fair Tax Amendment:

HCS/HJR 36 (Emery) amends the Constitution and replaces the state individual and corporate income tax and state sales and use tax with a fair sales tax of 5.11 percent on retail sales of new tangible personal property and taxable services beginning January 1, 2012. The General Assembly can make one adjustment to the rate after the imposition of the tax to adjust the amount of revenue received to make the tax revenue-neutral and to provide continued funding for programs. A component part or ingredient of a new tangible personal property to be sold at retail, federal government purchases, and business-to-business transactions including agriculture will be exempt from the new sales tax while all other exemptions and tax credits will be eliminated. Any new exemptions will require a 2/3 affirmative vote by the General Assembly and approval by the Governor. The conservation sales tax, the soil and parks sales tax, and local sales taxes will be recalculated to produce substantially the same amount of revenue. Each qualified family will receive a sales tax rebate based on the federal poverty level guidelines to offset the sales tax on basic necessities.

Status: 4/16/09 -- Passed the House and sent to the Senate

Court Procedures:

HCS/HB 187 (Flook) contains several provisions revising court procedures. Among them, it requires a three dollar fee be collected on all court cases and distributed into the corresponding circuit clerk's record preservation fund in the following distribution: two dollars of each fee collected shall be allotted to storage, microfilming, preservation, and public access of circuit court records; and one dollar shall be forwarded to the Secretary of State for additional preservation of local records. This bill also repeals the Uniform Child Custody Jurisdiction Act and establishes the Uniform Child Custody Jurisdiction and Enforcement Act in its place. It requires circuit clerks remove any information from court records filed after January 1, 2010, that could be used to identify or locate the victim of a sexual crime. In addition, the bill contains language from HB 235 (Jones) which removes the Statewide Court Automation Fund and allows it to function indefinitely.

Status: 4/9/09 -- Passed the House and sent to the Senate

Nonpartisan Judicial Commission:

HCS/HJR 10 (Cox) is a proposed constitutional amendment that would increase from three to four the number of judicial candidates nominated by the Nonpartisan Judicial Commission for a vacancy in the office of judge of specified courts from which the Governor may make appointments. It also changes the composition of nonpartisan judicial commissions. There will be eight members of the Appellate Judicial Commission chosen as follows: A justice of the Missouri Supreme Court and three members of the Missouri Bar, each a resident from a different court of appeals district, selected by the members of the Missouri Bar; three citizens who are not members of the bar and are each a resident from a different court of appeals district, appointed by the Governor; and one citizen, from anywhere in the state, appointed by the Governor. Each circuit judicial commission will consist of six members to be composed of the chief judge of the requisite district, two attorney members elected by the Missouri Bar members

residing in the judicial circuit and three citizens residing in the judicial circuit and appointed by the Governor. All hearings, debates, and votes of the commissions must be open to the public and to the press with no less than 72 hours public notice given before each meeting. The list of applicants for any judicial vacancy must be open to the public with their names posted on the website of the Missouri Supreme Court and all information available to the respective commissions on the judicial candidates must be made available to the Governor. It also transfers the responsibility for the approval of expenses incurred in the administration of the judicial selection plan from the Missouri Supreme Court to the Commissioner of the Office of Administration.

Status: 4/8/09 -- Passed the House and sent to the Senate