

February 17, 2010

**Local Government Omnibus Bill -- SB 580 (Griesheimer)**

- (1) Increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for first class counties is increased from \$600 million to \$900 million. The assessed valuation for second class counties is increased from \$450 million to \$600 million. All counties with an assessed valuation of less than \$600 million will be third class counties. However, second class counties, which on Aug. 28, 2010, have had an assessed valuation of at least \$600 million for at least one year may, by resolution, instead choose to be a first class county. The required assessed valuation for each classification shall be increased annually by an amount equal to any percentage change in the annual average of the consumer price index for all urban consumers or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties. This provision contains an emergency clause.
- (2) Allows all third class counties to establish a jail or holding facility outside of the county seat. Currently, Moniteau County is the only third class county that may establish such a jail. This provision has an emergency clause.
- (3) Allows counties to amend the annual budget during a fiscal year to reflect any decrease in funds that were not estimated or anticipated when the original budget was adopted. Currently, the county may amend the budget during a fiscal year when the county receives additional funds which could not be estimated when the budget was adopted.
- (4) Requires first class counties to advertise contracts and purchases for bid on their websites for at least 30 days. The provision also requires the county commission of any first class county to post notice of a "single feasible source" purchase that does not require bidding on its website for at least 30 days. In such counties, any prospective bidder or offeror may file a written challenge, prior to approval of the contract by the commission, that such supply has a single feasible source. Upon receiving the challenge, the commission shall take testimony on the subject at a public meeting and vote on whether to proceed with the purchase or accept bids for such supply. Under this provision, a county is not required to obtain bids on purchases of \$5,000 or less. Currently, such amount is set at \$4,500.
- (5) 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 ten days in advance (under current law, counties may waive competitive bidding when the county commission determines that there is only one feasible source for the supply). 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.
- (6) 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 Feb. 1, and county collectors must provide the information by March 1. Currently, in counties without a charter form of government the collector collects a seven percent fee for the collection of delinquent taxes. In counties with a charter form of government and St. Louis City, the collector collects a two percent fee for the collection of such taxes. Under these provisions, in counties adopting a charter form of government after January 1, 2008, the collector shall collect a seven percent fee for the collection of delinquent taxes, while the collector in counties adopting a charter form of government before Jan. 1, 2008, shall collect a two percent fee. The provisions contained in a county's charter authorizing the collection of a fee for the collection of back taxes which conflict with state law will control. Currently, all counties, except counties with a charter form of government excluding St. Charles County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under these provisions, counties adopting a charter form of government after Jan. 1, 2008, shall be required to establish such a fund as well. In the event a county of the third or fourth classification abolishes its township organization or the county collector becomes a collector-treasurer, the collector treasurer shall assume all duties, compensation, and requirements of the collector-treasurer.
- (7) Requires the auditor of any county with a charter form of government to annually take an inventory of county property with an original value of \$2500 or more, rather than \$250.

(8) Establishes that the county counselor of Boone County shall receive \$15,000 for duties relating to mental health and mental health facilities and an additional amount not to exceed \$15,000 for investigative and clerical personnel assisting with such duties. The sums shall be paid out of the state treasury from funds appropriated for such purposes and received in the form of a reimbursement to county general revenue funds.

(9) Requires all county coroners or deputy coroners to complete the training within six months of their election or appointment (currently, certain county coroners and deputy coroners are required to complete educational training on an annual basis).

(10) Requires requests for records filed by the recorder of deeds dated after Dec. 31, 1969, be made to the office of the recorder of deeds in which the record was originally recorded.

(11) Allows Boone County to adopt, by order or ordinance, regulations to control the minimum standards of occupancy for residential units rented or leased and also to develop a program for licensing and inspecting the units. The county may recover the costs to administer the program through establishing reasonable fees.

(12) Requires political subdivisions located at least partially within a charter county or the City of St. Louis to set their property tax rates by Oct. 1 each year.

(13) Allows Boone County to establish curfews for persons under the age of 17. Any minor who violates such curfew is guilty of a class C misdemeanor. If the minor's parent or guardian has knowledge of such violation, he or she is also guilty of a class C misdemeanor.

(14) Creates the "Political Subdivision Construction Bidding Standards Act":

- Except for certain violations, this act does not apply to political subdivisions that have specific state or local competitive bidding requirements that are equivalent or stricter than the ones contained in this act. If a political subdivision is not covered by a specific federal, state, or local law that is equivalent or stricter in its requirements, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts of \$6,000 or more.
- Contract for construction shall be advertised in advance of the acceptance of bids. Bids shall be advertised through publication in a central repository developed by the office of administration or for a minimum of two days in an area newspaper, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. The office of administration shall develop procedures for bids to be placed in a central repository. Ads and solicitations must include the project name, submission deadline, and the time, date, and location of where the bids shall be received and opened. Political subdivisions shall not be required to comply with these advertising requirements until the office of administration develops such central repository at no cost to the state.
- Unless otherwise specified by law, a contract shall be awarded to the lowest and best bidder. However, the political subdivision may reject the low bidder based on the bidder's failure to provide a performance or payment bond, nonperformance on previous contracts, or other reasons specified as to the bidder's inability to adequately perform the contract.
- Under no circumstances shall construction contracts for any political subdivision be awarded in violation of certain requirements, including opening bids in advance of the advertising deadline, accepting bids that are unwritten, accepting bids after the advertised deadline, and failing to hold bids confidential.
- A person submitting a bid, or who would have submitted a bid except for violations, may seek equitable relief and monetary damages for monetary losses.
- Electronic bidding shall be allowed if it meets the standards of confidentiality. Nothing in this provision shall require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Also, political subdivisions may award contracts without competitive bidding when there is an immediate public danger, to prevent loss to property, or to prevent or restore essential public services. Under such circumstances, the political subdivision must produce a written public record documenting the need to contract without competitive bidding.

(15) Allows Andrews, Buchanan, and Livingston counties to enact nuisance abatement ordinances regarding the condition of real property. It also allows the counties covered by the statute to adopt nuisance abatement ordinances involving land with fires or storm water runoff conditions resulting in damage to buildings. No county shall have the power to adopt ordinances under this provision governing any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility.

(16) Increases the maximum levy for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval. Under current law, Jefferson City and various other cities and counties are allowed to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels).

(17) Authorizes the City of Sugar Creek and Montgomery County, upon voter approval, to impose a transient guest tax upon charges for all sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds for the purpose of promoting tourism. The tax must be at least two percent, but may not exceed five percent per occupied room per night.

(18) Under current law, the City of St. Joseph and Buchanan County are authorized to seek voter approval to impose a tax of no less than two nor more than eight percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. The proceeds from the tax must be used for funding the promotion of tourism and convention facilities. Provisions in the bill would permit the city and county to use the proceeds from the tax for capital expenditures incurred in funding the promotion of tourism and convention facilities. The provisions also allow the City of St. Joseph and Buchanan County to contract with one another to share transient guest tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities.

(19) 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 one-quarter of one percent sales tax, for a period not to exceed 25 years, to fund the district.

(20) For any public meeting where a vote of the governing body is required on issues regarding a tax increase, eminent domain, certain types of improvement or development districts, or tax increment financing, the governing body of such county, city, town or village must give at least four days notice before the entity may vote on such issues. Each such public meeting must include time for public comment. If proper notice is not given, no vote shall be taken until proper notice has been provided.

(21) Establishes 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.

(22) Allows for the creation of law enforcement districts to fund, plan, construct, maintain and operate projects relating to law enforcement. Such districts may be created in Camden County.

- Ten percent of the voters within the proposed district area must file a petition containing certain information with the court to create such district. A copy of the petition must be served on the owners and registered voters in the area that did not joint the petition or waive service.
- If the court finds the proposed district and plans of operation are not unconstitutional, it shall declare the district organized. Any party that filed a petition or answer may appeal the court's order. Costs of filing and defending the petition and publication costs shall be paid by the petitioners, who may be reimbursed from district revenues if the district is formed.
- The district will have a board consisting of five members to be elected by the registered voters. After initially staggered terms, the board members shall serve for three years. They must be at least twenty-one years of age. This act describes the administrative duties of the board and states that the district may receive and use funds for law enforcement projects.
- Upon approval of four-sevenths of the voters, the district may impose a property tax of .3 percent. The county collector shall collect the taxes and transfer them to the district treasurer. Upon a petition of 10 percent of the voters, the question of repealing the tax shall be presented to the voters.
- The law enforcement districts shall have the following powers: contracting, entering lease agreements, borrowing money, entering labor agreements, establishing bid conditions, awarding and paying contracts, and supervising the district. They have other general powers of a political subdivision. The district may obtain insurance with needed and require contractors to obtain liability insurance with the district and employees as named insureds.
- The district may self-insure if it is unable to obtain liability insurance coverage at a economical rate; however, it shall not attempt to do so unless it has sufficient funds to cover anticipated judgments and still complete its projects.

(23) Establishes the Port Improvement District Act:

- Under the terms of the act, a port authority may establish a port improvement district within its boundaries for the purpose of funding qualified project costs. However, port authorities located within Clay County shall not have the authority to establish port improvement districts.

The port authority board must hold public hearings on whether to create a port improvement district. After the public hearing, the board may approve the petition to create a district by resolution. The port authority board must file a petition in circuit court requesting the creation of a port improvement district. Within 30 days of the circuit court's certification of the petition and establishment of the district, the board must file a copy of the board's resolution approving the petition, the certified petition and the court's judgment certifying and establishing the district with the Missouri Highways and Transportation Commission.

- **CONTENTS OF PETITION TO CREATE A DISTRICT** - These provisions set forth what information the petition must contain in order to be certified by the circuit court. For example, the petition must set forth a legal description of the district, the district's name, the maximum rate and duration of any proposed real property or sales tax, and the estimated revenues projected to be generated from such taxes. To be considered by the board and court, the petition must be signed by property owners owning more than 60 percent of property within the district.
- **PUBLIC HEARING ON PROPOSED PETITION** - These provisions establish the notice requirements the port authority board must follow prior to submitting the petition to the circuit court. A public hearing must be held on the proposed projects, proposed real property or sales taxes, and the establishment of the district. The act requires notice to be provided by both publication and mailing and contain certain information.
- **CIRCUIT COURT HEARING PROCEDURE** - These provisions establish the procedure in which the circuit court must conduct certification hearings. A copy of the petition must be served on all of the respondents (property owners, political subdivisions, etc.). The respondents will have 30 days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. The court will hear the case without a jury. The parties may appeal a circuit court's order in the same manner provided for other appeals.
- **NOTICE TO PUBLIC FOR CIRCUIT COURT HEARING** - These provisions also establish how the circuit clerk must provide notice to the public of the circuit court hearing. The statutory notice shall be published in a newspaper of general circulation once a week for four consecutive weeks.
- **TERMINATION OF DISTRICT** - These provisions establish a procedure in which a port improvement district may be terminated. The district may be terminated by a board resolution provided that there are no outstanding obligations secured by district revenues. Public hearings must be held before a district is terminated.
- **REAL PROPERTY TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS** - Under the terms of the act, the port authority may levy a real property tax provided the qualified voters approve the tax by mail-in ballot, except that a port improvement district cannot impose a real property tax on railroad property unless the owner agrees to such tax in writing. These provisions set forth the sample ballot language. They also establish the procedure in which the real property taxes are collected and distributed.
- **SALES AND USE TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS** - Under the terms of the act, the port authority may levy sales and use taxes within the district in increments of one-eighth of one percent, up to a maximum of one percent provided the sales and use tax is approved by the qualified voters in a mail-in ballot election. These provisions establish a procedure for collecting and distributing the sales and use tax. Revenues generated from the sales and use tax must be deposited into a special trust fund. Port authorities may repeal by resolution any sales and use tax unless the repeal would impair the port authority's ability to repay any obligations the port authority has incurred to pay qualified project costs of the district.
- **ELECTION PROCEDURE FOR REAL PROPERTY AND SALES TAX** - These provisions set forth an election procedure that must be followed for any proposed real property tax or sales and use tax. After the board has passed a resolution approving the levying of a tax, the board must provide written notice of the resolution, along with the circuit court's certified question regarding the tax, to the election authority. After receiving the written notice of the resolution and the court's certified question, the election authority must specify a date upon which the election shall occur. In addition, the election authority must publish notice of the election in a newspaper of general circulation. The election authority must mail ballots to the qualified voters. Each qualified voter shall have one vote. These provisions require the port authority to reimburse the election authority for the costs incurred to conduct an election. A port authority may propose a real property tax and a sales and use tax question to the district's qualified voters in the same election.
- **STATUTE OF LIMITATIONS FOR CHALLENGING VALIDITY OF DISTRICT'S CREATION OR VALIDITY OF TAXES** - Under the terms of the act, no lawsuit to set aside an established district or a tax shall be brought after the expiration of 90 days from the effective date of the resolution establishing such district in question or the effective date of the resolution levying such real property or sales tax.

- ANNUAL REPORTS BY PORT AUTHORITIES - These provisions require port authorities that have formed port improvement districts to file reports with the Department of Transportation and the local political subdivision in which the district was formed stating the services provided, the revenues collected and expenditures made by the district during the fiscal year. The port authority must submit an annual report of the district's financial transactions to the State Auditor.
- COMPETITIVE BIDS - Under these provisions, expenditures made by port authorities over \$25,000, including professional service contracts, must be competitively bid.
- NONSEVERABILITY - These provision are nonseverable.

(24) Currently, certain cities, including specific third class cities, are allowed to remove weeds and trash at the owner's expense, as a special tax bill, if the property is in violation of the city ordinances more than once during the year. This provision would allow any city of the third classification to have such power.

(25) Allows the city council of a third class city to submit a question to a vote of the people as an advisory referendum. If a majority of the voters vote in favor of the question, it shall be used only to indicate the preference of the voters and shall not have the force and effect of law.

(26) Authorizes the City of Grandview to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promoting tourism. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

(27) Currently, under the general city sales tax law, cities may impose a sales tax, upon voter approval, at a rate of one-half of 1 percent, seven-eighths of 1 percent, or 1 percent; and the City of St. Louis may impose the tax at a rate not to exceed one and three-eighths percent, for the benefit of the city. These provisions specify that the combined rate of sales taxes adopted under the city sales tax law cannot exceed 2 percent. Currently, under the capital improvements city sales tax law, cities not in St. Louis County may impose a sales tax, upon voter approval, at a rate of one-eighth, one-fourth, three-eighths, or one-half of 1 percent for the purpose of funding, operating, and maintaining capital improvements. Municipalities in charter counties are authorized to impose a capital improvements tax under Section 94.890, *RSMo*. These provisions specify that the combined rate of sales taxes adopted under the capital improvement city sales tax law cannot exceed one percent. These changes are not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of the Hancock Amendment which requires voter approval. Cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city.

(28) Authorizes the City of Raytown to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promotion, operation, and development of tourism and convention facilities. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

(29) Authorizes the governing body of the City of Peculiar and Blue Springs to seek voter approval for the imposition of a sales tax to fund public safety improvements. The amount of the tax cannot exceed one-half of one percent and will be in addition to all other sales taxes authorized by law.

(30) Authorizes the City of Grandview to seek voter approval to levy a sales tax of up to one-half percent to fund public safety improvements for the city. Such improvements may include expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers.

(31) Allows Waynesville, upon voter approval, impose a transient guest tax of not more than three percent per room per night for funding a multipurpose conference and convention center.

(32) Establishes that candidates for public office cannot be in arrears for unpaid city taxes or municipal user fees. Upon receiving a complaint that a candidate is delinquent in payment, the department of revenue shall notify the candidate, who shall have 30 days to pay the amount owed before being disqualified.

(33) Currently, assessors in counties without a charter form of government must provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value effective Jan. 1, 2011. This provision would require all assessors in counties without a charter form of government and Jefferson County to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed valued may impact the record owner's tax liability, and provide processes and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes. This requirement

shall apply for all calendar years prior to the first day of Jan. of the year following receipt of the necessary software from the state tax commission. Effective Jan. 1st of the year following receipt of the software, assessors in all counties without a charter form of government and Jefferson County must provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value. Effective Jan. 1, 2011, in St. Louis County, the assessor shall also provide notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address. Such notification shall provide the assessor's contract information so taxpayers without internet access can request and received such information.

(34) Allows the governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality to impose a property tax to fund cemetery maintenance. The tax authorized under this provision shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the city, town village or county.

(35) Allows one change of hearing officer for each party to an appeal heard by the State Tax Commission. A party to an appeal need not show cause to receive a change of hearing officer, but must file a written application to disqualify the assigned hearing officer within thirty days of such assignment. Assignment of a hearing officer will be deemed to have occurred when the first scheduling order is issued by the commission and signed by the hearing officer assigned, unless otherwise stated in the order.

(36) Establishes that no interest shall be charged against a person who fails to pay taxes due to the collector because an illness prevents him or her from being present at home, provided that within 60 days following the due date, the person pays the full amount and gives the collector a written request for a waiver of interest containing a notarized letter from the person's doctor stating the person's medical reason for not being able to pay in a timely manner.

(37) These provisions change the laws regarding the sale of real property for the collection of delinquent taxes:

- The collector is required to send up to three notices to the publicly recorded owner of record of the real property prior to the publishing of a tax sale. The first notice is to be by first class mail. If the assessed valuation of the property is greater than \$1,000, a second notice must be sent by certified mail. A third notice is required to the owner of record and the occupant of the real property if the second notice is returned unsigned.
- If the county collector determines that an adequate legal description of tax sale property cannot be obtained from documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the property. Costs of the survey will be taxed as part of the sale costs. The assessed valuation of property that can be listed without a legal description or the name of the record owner is increased from \$500 to \$1,000.
- The certificate of purchase will be conveyed to an agent if the purchaser is a nonresident, and the agent must convey the property to the nonresident. These provisions require that the highest bid at a sale on the third successive year must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs as it is required when it was initially offered and at the second successive year it was offered. 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. The purchaser is required to pay a fee to the collector to record the certificate of purchase in the office of the county recorder.
- 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. 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 and the required certified mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus 8 percent interest.
- Within 120 days prior to receiving a collector's deed, a tax sale purchaser must obtain a title search report from a licensed attorney or title company detailing the ownership and encumbrances on the property. Requirements for service of the 90 days' notice of the right of redemption that a tax sale purchaser must send to the owner of record and other persons who hold publicly recorded claims on the property are revised. The contents of the affidavit that a tax sale purchaser must provide to the collector before receiving a collector's deed to

the property are revised to include the required title search and the 90 days' notice service requirements.

(38) Establishes that no school district in Chesterfield shall operate a recycling center within 500 feet of a residential property.

(39) Authorizes public library districts at least partially within Franklin, Warren, Gasconade, or Butler County to seek voter approval for a sales tax of not more than one half of one cent to fund the operation, and maintenance of libraries within the boundaries of such library district. Public library districts are defined as any city library district, county library district, city-county library district, municipal library district, consolidated library district or urban library district. These provisions also provide that state appropriations to public library districts will not be affected by voluntary reductions in property tax levies, resulting from the enactment of a district sales tax, provided the proceeds from such sales tax equal or exceed the amount of the reduction in property tax revenue.

(40) Allows institutions of metropolitan zoological park and museum districts to impose admission fees on nonresidents of the district. Each of the respective commissions of the subdistricts of the zoological park and museum district may, by a majority vote of the commission, provide for exemptions from the fee for admission to facilities of such commission.

Establishes provisions regarding ambulance district recall elections:

- Under this provision, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.
- The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.
- Within seven days, the board member may file a statement answering the statement of the proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.
- A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.
- The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25 percent of the number of voters who voted in the most recent gubernatorial election in the election district.
- The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.
- If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.
- Any time prior to 42 days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

(41) Under current law, the board of trustees for a common sewer district located in Jackson and Cass counties consists of 8 members. This provision increases the membership to 10 by adding 2 additional city mayors on the board.

(42) Provides an alternate procedure to approve the issuing of bonds for a common sewer subdistrict that is partially or completely located in Cass County. Bonds may be issued for such a subdistrict if the subdistrict receives the written assent of 75 percent of the political subdivisions that do business with the subdistrict.

(43) Requires the state, if it would otherwise be liable for costs, to reimburse counties for housing prisoners on its behalf, regardless of the final disposition of the case.

(44) Increases the penalties for unscreened junkyard violations. Under the current law, no person or corporation may maintain a junkyard within 200 feet of a state or county road unless the junkyard is screened by a fence. A failure to screen such a junkyard from the motoring public is a misdemeanor. This provision increases the penalties for junkyard screening violation by making the first violation a Class C misdemeanor and a 2nd or subsequent violation a Class A misdemeanor. In addition to the penalties, the violators shall be ordered to remove the junk or build a fence to screen the junk from the public.

(45) Establishes that it shall be unlawful to operate any solid waste processing facility constructed in an unincorporated portion of St. Louis County that is within 800 feet of a church, school, child care facility, or residentially zoned property, outside of the days and hours of Monday to Friday between 9:00 a.m. and 2:30 p.m. Such facilities shall be closed on state and federal holidays and noise levels shall not exceed 55 decibels at the perimeter. Any violation will result in revocation of a state operating permit.

(46) Establishes that persons contracting to provide professional services for a fire protection district shall not receive compensation after termination of the contract by the governing body of such political subdivision, except for services actually rendered.

(47) States that any fire protection district director who is found guilty of or pleads guilty to a felony shall immediately forfeit such office.

(48) Currently, the number of signatures required on a petition to have an election to recall a fire protection district board member is at least 25 percent of the number of voters who voted in the most recent gubernatorial election in that district. This provision changes the number of signatures needed to 20 percent.

(49) Specifies that the required continuing instruction for certain public administrators in first class counties does not have to be "classroom" instruction. Public administrators from second, third, or fourth class counties or St. Louis City who choose to receive an annual salary shall receive \$2,000 of such salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of the county public administrators of Missouri. The professional association approving the program shall provide a certificate of completion for the training and send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the public administrator in the same manner as other expenses.

(50) Authorizes the governor to convey state property in St. Francois County to the City of Farmington.