

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

CITY OF OVERLAND, MISSOURI,

and

MARK GIROUX,

Plaintiffs,

v.

STATE OF MISSOURI,

Serve: Eric Schmitt,
Missouri Attorney General
Supreme Court Building
207 W. High Street
Jefferson City, Missouri 65102

Defendant.

Case No.:

Div. No.:

**VERIFIED PETITION FOR DECLARATORY JUDGMENT,
INJUNCTION, AND OTHER RELIEF**

A recent Missouri law, HB 271 (2021) (the “Bill”) is among the latest of a long line of constitutionally defective bills omnibus routinely passed by the state legislature and signed by the Governor. This law, which promotes a startling variety of disparate special interests, from telecommunication companies, state agencies, rural electric cooperatives and private electric corporations, judicial employees, and others, violates the Original Purpose, Single Subject, Clear Title, Unfunded Mandate, and Special Law provisions of the Missouri Constitution. Indeed, the Bill’s Original Purpose was limited only to the establishment of a local government expenditure database, but before passage, the Bill ballooned in size due to the addition of numerous other provisions, virtually none of which are germane to that objective. Moreover, the final Bill ostensibly attempted to utilize a broad umbrella subject of “Local

Government” to its maximum possible effect, but in fact it exceeded the boundaries of the Single Subject rule by amending 25 separate statutory chapters impacting subjects plainly outside of that category, such as private electric corporations, state agencies, scrap metal dealers, and the criminal offense of stealing. The Missouri Supreme Court has provided repeated and increasingly frequent warnings to the General Assembly and the Governor of the impropriety of enacting similarly flawed laws. This Bill reflects that these admonishments continue to go largely unheeded, and it once again falls to the courts to ensure the integrity of the legislative process established by the people in the Missouri Constitution. This Court should reject HB 271, enjoin and stay its effectiveness and implementation, and declare the law unconstitutional in its entirety.

Parties

1. The Plaintiff City of Overland, Missouri (“City”) is a municipal corporation and political subdivision of the State of Missouri. It is organized and operating as a city of the third class and is located in St. Louis County, Missouri. Through its duly enacted ordinances, resolutions and policies, Overland exercises regulatory and/or proprietary control over public rights-of-way and collects a linear foot fee for use of its public rights-of-way by entities that install facilities underground therein. Overland also contracts with the St. Louis County Collector of Revenue for the collection of Overland’s real and personal property taxes.

2. Plaintiff Mark Giroux (“Taxpayer”) is a resident of the City of Overland and the County of St. Louis in the State of Missouri. Taxpayer also serves as the City Treasurer of Overland, and he is an individual that has paid and will continue to pay taxes in the State of Missouri, St. Louis County, and the City of Overland and other Missouri political subdivisions in various forms, such as non-dedicated state and local sales taxes and income

taxes. Those taxes are deposited to the state or local general revenue funds by operation of law.

3. Defendant State of Missouri (the “State”) is a political body organized and existing under the Missouri Constitution and the United States Constitution.

4. A copy of this Petition is to be served on the Attorney General pursuant to Rule 87.04.

Jurisdiction and Venue

5. Jurisdiction is proper in this Court pursuant to Article V, Sections 1 and 14 of the Missouri Constitution and § 478.070 RSMo.

6. Venue is proper in Cole County, in the 19th Judicial Circuit of Missouri, because the Attorney General’s Office is located in Cole County, the legislative acts complained of herein occurred in Cole County, and this action is against the State of Missouri whose capital is located in and whose principal duties are performed in Cole County.

Standing

7. The City has direct standing because they have a legally protectable interest at stake and will be directly affected by the outcome of this action, in that (a) City collects revenue from telecommunications companies for use of public rights-of-way in the City pursuant to a linear foot fee ordinance, and City will be harmed if it loses the authority to charge such fees in the future since the proposed substitute for such fees, namely a gross revenue fee, is inadequate; (b) City has property taxes collected and remitted to it by the St. Louis County Collector and, as of January 8, 2021, was entitled to have the Collector collect and remit all taxes received for it, including penalties and interest due on delinquent amounts; and (c) City’s duly enacted ordinances, resolutions, and policies exercising regulatory control

over public rights-of-ways are inconsistent with provisions of the Bill and will need to be amended or changed if the Bill is fully implemented. In addition, the City will incur substantial legal uncertainty and expenses in reviewing and drafting changes to ordinances, regulations, forms and other requirements and procedures necessary to conform to the requirements of the Bill and other unlawful provisions set forth herein.

8. Taxpayer has standing due to his “legally protectable interest in the proper use and expenditure of tax dollars.” *Lebeau v. Comm’rs of Franklin County*, 422 S.W.3d 284, 288 (Mo. 2014) (citation omitted). This interest “ultimately derives from the need to ensure that government officials conform to the law.” *Id.* (citation omitted). “Giving taxpayers a mechanism for enforcing the procedural provisions of Missouri’s constitution is of particular importance because these provisions are designed to assist the citizens of Missouri by providing legislative accountability and transparency.” *Id.* at 289. Taxpayer also pays property taxes in the City and St. Louis County. As Taxpayer pays property taxes in the City and St. Louis County, Taxpayer additionally has standing by virtue of HB 271’s illegal acts and expenditures of public funds. Taxpayer further has standing under Article X, § 23 of the Missouri Constitution to bring suit in this Court to enforce the provisions of sections 16 through 22, inclusive, of said Article.

9. The impending effectiveness and implementation of the Bill creates a justiciable controversy that presents a real, substantial, presently existing controversy as to which specific relief is sought that is ripe for judicial determination. Plaintiffs have no adequate remedy at law and will suffer irreparable harm because, among other reasons: (a) the vast majority of the numerous provisions in the Bill will go into effect on August 28, 2021 despite having been enacted in blatant disregard for the requirements of the Missouri Constitution, so any

expenditure of state or local funds made pursuant to such provisions will constitute an improper use of tax dollars that Plaintiffs are entitled to prevent; and (b) the Bill immediately purports to waive the rights of the City to simple, fee-based compensation for use of and impacts on the rights-of-way they control by telecommunications companies. Only injunctive relief can prevent these violations of the Missouri Constitution from coming to fruition on August 28, 2021. In addition, effectiveness of the Bill will require the City to modify ordinances, regulations, and/or permits and practices to comply with the statutory revisions, and such modifications will be in conflict with the City's regulatory and ownership rights necessary to protect the public.

General Allegations

10. Courts may take judicial notice of the records of the General Assembly.

11. HB 271 was introduced on January 6, 2021, entitled "An act to amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local Government expenditure database." A true and accurate copy of HB 271, as introduced, is attached as **Exhibit 1**. All exhibits referenced in this Verified Petition are incorporated herein by their reference.

12. On January 26, 2021, the Emerging Issues Committee in the House of Representatives held a public hearing on HB 271. True and accurate copies of Witness Appearance Forms for four people who testified regarding the Bill are attached as **Exhibit 2**. These are the only records of public testimony relating to the Bill during the legislative process in the General Assembly.

13. The House perfected a House Committee Substitute (HCS) for HB 271 on February 10, 2021, and the bill was read for the third time and passed on February 18, 2021.

A true and accurate copy of HB 327, as perfected, is attached as **Exhibit 3**. *House Journal*, 2/18/2021, at 616-17.

14. On February 22, 2021, HCS HB 271 was introduced and first read in the Senate, having the same title as when HB 271 was originally introduced. *Senate Journal*, 2/22/2021, at 288.

15. On April 27, 2021, the Senate took up HCS for HB 271, with a Senate Committee Substitute (SCS), for third reading. SCS HCS HB 271 was entitled “An act to repeal section 50.166, RSMo, and to enact in lieu thereof ten new sections relating to expenditures of local governments.” *Senate Journal*, 4/27/2021, at 924. A Senate Substitute (SS) for SCS HCS HB 271 was offered, and then 28 amendments to it were offered, all of which were either approved, or approved with further amendment. *Id.* at 924-80.

16. Later that same day, SS No. 2 for SCS HCS HB 271 was taken up for perfection. It was amended one more time, and then referred to the Committee on Governmental Accountability and Fiscal Oversight. *Id.* at 984-5.

17. The amendments offered to the Bill on April 27, 2021 included the following proposed statutory changes, among others: (a) modifying the offense of stealing in the criminal code (§ 570.030), (b) adding new requirements for scrap metal dealers in handling catalytic converter transactions (§ 407.300), (c) modifying regulation of retail electric suppliers (393.106), (d) modifying regulation of rural electric cooperatives (§ 394.020), (e) changing duties of circuit court marshals (§ 476.083), (f) mandating increases to compensation for court reporters for circuit court judges (§ 485.060), and (g) regulating speech of officials, employees, and agents of charter schools (§ 115.646). *Id.* at 930-84.

18. On May 12, 2021, after conducting various other proceedings related to the Bill, the 101st General Assembly of Missouri truly agreed to and finally passed a Conference Committee Substitute for SS No. 2 for SCS HCS HB 271, an act stating in its title that it repealed 36 statutory sections “to enact in lieu thereof fifty-one new sections relating to local government...” A true and accurate copy the Truly Agreed To and Finally Passed version of HB 271 is attached as **Exhibit 4**.

19. Despite the unconstitutionality of HB 271 as described herein, the Governor signed the bill on June 15, 2021, with limited emergency provisions going into effect immediately. The vast majority of the provisions in the Bill will go into effect on August 28, 2021, if not enjoined.

20. The last fiscal note for the final version of HB 271, dated June 9, 2021, included forecasts of substantial General Revenue Fund expenditures by the State, as well as unknown effects on other state and local funds. A true and accurate copy of said fiscal note is attached as **Exhibit 5** hereto.

21. Plaintiffs’ rights are affected by HB 271 as more fully set forth in this Petition.

Count I:

Declaratory Judgment that HB 271 Has Violated Procedural Requirements of the Missouri Constitution, and Injunctive Relief

22. Plaintiffs incorporate by reference the allegations made in each preceding paragraph as if each allegation was set forth herein.

23. Missouri Constitution Article III, Section 21 (“Original Purpose”) states, in relevant part, “No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.”

24. Missouri Constitution Article III, Section 23 (“Single Subject” and “Clear Title”) states, in relevant part, “No bill shall contain more than one subject which shall be clearly expressed in its title.”

25. HB 271 violates the Original Purpose, and Single Subject, and Clear Title procedural provisions of the Constitution.

Original Purpose Violations

26. As originally introduced and perfected, HB 271 was titled “An Act to amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.” The nine new sections related exclusively to the proposed database. *See* **Ex. 1**.

27. The Bill Summary for HB 271, as introduced, is about a half-page long and states it “establishes the ‘Missouri Local Government Expenditure Database’, to be maintained by the Office of Administration.” A true and accurate copy of the Bill Summary for HB 271, as introduced, is attached as **Exhibit 6**.

28. The original purpose of HB 271 was thus limited to the establishment of the Missouri Local Government Expenditure Database.

29. As Truly Agreed To and Finally Passed, HB 271 contains numerous sections, mostly added late in the legislative process, that are not germane to the object of the legislation and unrelated to its original purpose of establishing the “Missouri Local Government Expenditure Database,” in violation of Article III, § 21 of the Missouri Constitution.

30. One specific example of an Original Purpose violation is that HB 271, as Truly Agreed to and Finally Passed, contained the enactment of Section 67.1847 that prohibits political subdivisions from charging a linear foot fee for the use of their rights-of-way to

telecommunications companies. This provision is not germane to the original purpose of HB 271 as introduced. This provision is not even germane to a much more broadly stated purpose of providing additional transparency for local government expenditures.

31. Another specific example of an Original Purpose violation is that HB 271, as Truly Agreed to and Finally Passed, contained amendments to enable certain county collectors to enter into an agreement with a taxpayer to waive or reduce penalties due on delinquent property tax payments. This provision is not germane to the original purpose of HB 271 as introduced. This provision is not even germane to a much more broadly stated purpose of providing additional transparency for local government expenditures.

32. HB 271, as Truly Agreed to and Finally Passed, contained many other statutory changes, including to the following sections (with the purpose of each provision being related to the general subjects indicated in bold type):

- a. 393.106 (Title XXV Incorporation and Regulation of Certain Utilities and Carriers; Chapter 393 Gas, Electric, Water, Heating and Sewer Companies)—changes provisions applicable to **retail electric suppliers** (adding “in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”)
- b. 394.020 (Title XXV Incorporation and Regulation of Certain Utilities and Carriers; Chapter 394 Rural Electric Cooperatives)—revises the criteria of a “rural area” applicable to **rural electric cooperatives**.
- c. 407.297 (Title XXVI Trade and Commerce; Chapter 407 Merchandising Practices)—regulates **business of “copper property peddler”** in a city not within a county.
- d. 407.300—changes provisions applicable to **scrap metal dealers**; adds specific requirements to handling transactions of detached

catalytic converters and penalties for knowingly purchasing a stolen detached catalytic converter.

- e. 451.040 (Title XXX Domestic Relations; Chapter 451 Marriage, Marriage Contracts, and Rights of Married Women)—allows **applications for marriage licenses** to be submitted electronically through an online process, with certain restrictions.
- f. 476.083 (Title XXXII Courts; Chapter 476 Courts—General Provisions)—expands security responsibilities of **circuit court marshals**.
- g. 485.060 (Title XXXII Courts; Chapter 485 Court Reporters and Stenographers)—mandates salary increases based on years of service for **court reporters for circuit judges**.
- h. 84.400 (Title VII Cities, Towns and Villages; Chapter 84 Police Departments in St. Louis and Kansas City)—authorizes **members of the Kansas City Board of Police Commissioners** (a state agency whose board members are appointed by the Governor) to serve on other state or federal boards without compensation.
- i. 570.030 (Title XXXVIII Crimes and Punishment; Peace Officers and Public Defenders; Chapter 570 Robbery, Stealing and Related Offenses)—modifies the **criminal offense of stealing** by specifically referencing theft of catalytic converters.
- j. 67.265 (Title VI County, Township and Political Subdivision Government; Chapter 67 Political Subdivisions, Miscellaneous Powers)--The Missouri Attorney General has stated in recently-filed pleadings in another case that “HB 271 strikes a balance between the need for **public health orders to prevent the spread of communicable diseases, like COVID-19**, and the need for transparency and accountability in restricting Missourians’ fundamental freedoms.” *State v. Page*, et al., 21st Judicial Circuit Court, Case No. 21SL-CC03334, State’s Motion for Temporary Restraining Order and Preliminary Injunction Against the Enforcement of St. Louis County’s Mask Mandate, p. 4.

33. None of the provisions described in the previous paragraph are germane to the original purpose of HB 271 as introduced, nor are they even germane to a much more broadly stated purpose of providing additional transparency for such expenditures. These provisions therefore constitute numerous additional Original Purpose violations.

Single Subject Violations

34. The title of HB 271, as Truly Agreed To and Finally Passed, states it is “An act to repeal [36 statutory sections], and to enact in lieu thereof fifty-one new sections relating to local government....”¹ **Ex. 4.** The purported subject of the bill as passed, therefore, is a broad, overarching subject category of “local government.”

35. HB 271 amends the following twenty-five (25) separate statutory chapters:

- a. Chapter 37, Office of Administration
- b. Chapter 49, County Commissions and County Buildings
- c. Chapter 50, County Finances, Budget and Retirement Systems
- d. Chapter 59, County Recorder of Deeds
- e. Chapter 64, County Planning—Zoning—Recreation—Natural Streams and Waterways
- f. Chapter 67, Political Subdivisions, Miscellaneous Powers
- g. Chapter 71, Provisions Relative to All Cities and Towns
- h. Chapter 82, Constitutional Charter Cities (Home Rule)
- i. Chapter 84, Police Departments in St. Louis and Kansas City
- j. Chapter 91, Municipally Owned Utilities
- k. Chapter 115, Election Authorities and Conduct of Elections
- l. Chapter 137, Assessment and Levy of Property Taxes
- m. Chapter 139, Payment and Collection of Current Taxes

¹ While the full title of HB 271 is “To repeal sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to local government, with penalty provisions and an emergency clause for certain sections[.]” for ease of reference, the Plaintiffs will refer to the title of HB 271 as “relating to local government.”

- n. Chapter 192, Department of Health and Senior Services
- o. Chapter 204, Common Sewer Districts in Certain Areas
- p. Chapter 221, Jails and Jailers
- q. Chapter 386, Public Service Commission
- r. Chapter 393, Gas, Electric, Water, Heating and Sewer Companies
- s. Chapter 394, Rural Electric Cooperatives
- t. Chapter 407, Merchandising Practices
- u. Chapter 451, Marriage, Marriage Contracts...
- v. Chapter 476, Courts—General Provisions
- w. Chapter 485, Court Reporters and Stenographers
- x. Chapter 488, Court Costs
- y. Chapter 570, Robbery, Stealing and Related Offenses

36. Even if the title of HB 271, as Truly Agreed To and Finally Passed, is assumed to express its subject with reasonable precision, none of the ten statutory revisions described in Paragraph 32 above fairly relate to, have a natural connection with, or are a means to accomplish the subject of the bill as expressed in its title, namely, “local government.” Nor do all of the 25 separate statutory chapters amended by HB 271. The Bill therefore contains more than one subject in violation of Article III, Section 23 of the Missouri Constitution.

37. Alternatively, to the extent the title of HB 271, as Truly Agreed To and Finally Passed, fails to express its subject with reasonable precision, its subject may be determined by considering the titles of the articles to the Missouri Constitution. *See Hammerschmidt v. Boone County*, 877 S.W.2d 98, n.3 (Mo. 1994). The Bill, however, contains at least six separate subjects by this measure—in addition to Article VI entitled “Local Government,” it amends

statutory chapters that are plainly related to at least five other articles of the Missouri Constitution, namely:

- a. Article IV, Executive Department: Chapter 37, Office of Administration, Chapter 192, Department of Health and Senior Services, Chapter 221, Jails and Jailers, and Chapter 407, Merchandising Practices;
- b. Article V, Judicial Department: Chapter 476, Courts—General Provisions, and Chapter 485, Court Reporters and Stenographers;
- c. Article VIII, Suffrage and Elections: Chapter 115, Election Authorities and Conduct of Elections;
- d. Article X, Taxation: Chapter 137, Assessment and Levy of Property Taxes; and
- e. Article XI, Corporations: Chapter 386, Public Service Commission, Chapter 393, Gas, Electric, Water, Heating and Sewer Companies, and Chapter 394, Rural Electric Cooperatives.

Clear Title Violation

38. HB 271, as Truly Agreed To and Finally Passed, also fails to clearly express its subject in its title. The phrase “relating to local government” in the title of the Bill, along with its long list of repealed statutory sections, is (a) so general that it tends to obscure the contents of the act, (b) so broad as to render the single subject mandate meaningless, or (c) too broad or amorphous to identify a single subject. For example, the provisions within the bill range from everything to regulation of private electric companies, court reporters and marshals, and state agencies. How would the title “relating to Local Government” remotely give a legislator and the public fair appraisal of what is in the Bill based on this title?

39. HB 271 therefore fails to comply with the Clear Title requirement. Mo. Const. art. III, § 23.

40. The City and Taxpayer estimate that just the provisions of HB 271 § 67.1847 will result in a reduction of revenue of the City in excess of \$100,000 per year, even after accounting for the possible additional gross revenue fees provided for in the Bill.

41. The Legislature would not have passed HB 271 without the numerous provisions that violate the procedural requirements of the Missouri Constitution.

42. The numerous violating provisions are essential to the efficacy of HB 271 and the Bill is therefore not severable.

Count II:

Declaratory Judgment that § 67.1847 of HB 271 Violates Article X, § 21 (Unfunded Mandates) and Article III, § 40 of the Missouri Constitution (Prohibited Special Laws), and Injunctive Relief

43. Article X, § 21 of the Missouri Constitution (“Unfunded Mandates”) states, in relevant part: “A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.”

44. Article III, § 40 of the Missouri Constitution (“Prohibited Special Laws”) states, in relevant part: “The general assembly shall not pass any local or special law...(28) granting to any corporation, association or individual any special or exclusive right, privilege or immunity....”

45. HB 271 § 67.1847 violates the substantive provisions of the Missouri Constitution in Article X, § 21 (Unfunded Mandates) and Article III, § 40 (Prohibited Special Laws).

Violation of Mo. Const. art. X, § 21 (Unfunded Mandates)

46. HB 271 amends the statutes governing use of the public rights-of-way by public utilities contained in §§ 67.1830 to 67.1848 RSMo. (“ROW Management Regulations”) by adding a new statutory section, § 67.1847, which reads as follows:

67.1847. A political subdivision, including a grandfathered political subdivision as defined in subdivision (2) of subsection 1 of section 67.1846, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company, including one engaged in providing fiber networks, as defined in section 386.020; provided, however, that:

- (1) A political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than five percent of gross telecommunications service revenue in lieu of linear foot fees; and
- (2) Such gross revenue fee is in addition to any permit fees imposed to recover actual rights-of-way management costs, as defined in sections 67.1830 and 67.1840.

47. These ROW Management Regulations, as amended, now impose unfunded mandatory duties on the City. Section 67.1830(5) requires the City to incur attorneys’ fees, engineering fees, degradation expenses, and administration costs, among other costs, in connection with rights-of-way permits, applications, or agreements that expressly may not be recovered by the terms of § 67.1830(5) from application fees. HB 271 will now prohibit the City from recovering these costs through linear foot fees as it has historically done based on the legislature’s prior authorization, in violation of Mo. Const. art. X, § 21.

48. HB 271 § 67.1847, even if considered in isolation, violates Article X, § 21 (Unfunded Mandates) of the Missouri Constitution, in that it:

- a. Imposes a new unfunded mandatory activity on the City to undertake laborious research to determine which public utility rights-of-way users are telecommunications companies, such that those telecommunications company public utility

rights-of-way users may only be charged a five percent gross telecommunications service revenue from such users in lieu of a linear foot fee, while § 67.1842(2) RSMo. otherwise required that the City cannot “(2) Grant a preference to any public utility right-of-way user”;

b. Imposes a new unfunded mandatory activity on the City by requiring it to incur attorneys’ fees and costs in connection with review and revision of existing rights-of-way use ordinances and agreements, which agreements require compliance with the City’s ordinances as a material term; and

c. Imposes a new unfunded mandatory activity on the City to create a system to review and audit any telecommunications company public utility rights-of-way user to ensure that the five percent gross telecommunications service revenue is appropriately calculated in accordance with § 67.1847.

49. The City will incur more than *de minimis* increased costs as a result of these new unfunded mandates. These additional costs are specifically imposed on the City by creating a preference for telecommunications companies where the City previously had an obligation to avoid granting privileges in any amount to public utility rights-of-way users and where the compensation model dictated under 67.1847 will require auditing to confirm its accuracy. The State neither appropriated nor otherwise provided any funding mechanism to the City to pay for these new mandatory activities, resulting in costs that must be passed on to the Taxpayer and other local taxpayers.

50. HB 271 § 67.1847, further violates Article X, § 21 (Unfunded Mandates) of the Missouri Constitution, in that by removing or significantly reducing the funding mechanism, the City is now forced shoulder the costs to provide right-of-way management services in

compliance with the ROW Management Regulations with the only a 5% gross revenue fee and a permit fee that is estimated to be *de minimis* as applied to certain users.

51. The City has determined from past experience that the right-of-way management costs, pavement degradation costs, professional fees, and other costs for complying with the ROW Management Regulations, have far exceeded the permit fee amount and that without the linear foot fees, the City would have to use its general fund to pay for the costs.

52. The City has further determined that the 5% gross revenue fee—if it generates any funds at all—will be woefully short of covering the City’s right-of-way management costs, pavement degradation costs, professional fees, and other costs for complying with the ROW Management Regulations.

53. To the extent the State intended for the permit fees and 5% gross revenue fee to be an appropriation or otherwise provide funding to the City to pay for these new mandatory activities, such fees will be inadequate to cover the costs described herein and thus will result in costs that must be passed on to the Taxpayer and other local taxpayers.

54. The removal of the linear foot fee is an affirmative act by the state to reduce the state approved funding mechanism for the City’s costs of compliance with the ROW Management Regulations in violation of Article X, § 21.

Violation of Mo. Const. art. III, § 40 (Prohibited Special Laws)

55. HB 271 § 67.1847 is a special law in that it creates a classification of telecommunications companies which distribute their services within the public rights-of-way separate from the classification of all other companies or other users which engage in the same activity, without any rational basis.

56. HB 271 § 67.1847 further grants a special or exclusive right, privilege, or immunity to any “telecommunications company, including one engaged in providing fiber networks,” but it does not include and benefit all companies or other users which distribute their services within the public rights-of-way. This special grant violates the prohibition in Article III, § 40 (28) of the Missouri Constitution against “granting to any corporation, association or individual any special or exclusive right, privilege or immunity” in a special law.

57. HB 271 § 67.1847 is so essentially and inseparably connected with, and so dependent upon, all of the various statutory enactments and amendments contained in HB 271 that it cannot be presumed the legislature would have enacted any valid provisions without the numerous unlawful provisions, and the valid provisions, if any, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent. The Bill is therefore not severable.

Count III:

Declaratory Judgment that § 139.100 of HB 271 Violates Article III, § 40 of the Missouri Constitution (Prohibited Special Laws), and Injunctive Relief

58. Article III, § 40 of the Missouri Constitution (“Prohibited Special Laws”) states, in relevant part:

- (1) authorizing the creation, extension or impairment of liens...; [or]
- (25) legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality...

59. Section 139.100 of HB 271 also violates the Article III, § 40 (Prohibited Special Laws) substantive provision of the Missouri Constitution.

60. HB 271 amends § 139.100 pertaining to county collectors by adding the language shown in bold below to the statute:

- (1) If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing **and in the absence of an agreement entered into pursuant to subdivision (2) of this subsection,** to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.
- (2) For property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, the collector of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants may enter into an agreement with any taxpayer for the payment of any amount of tax not paid at the time required by law, including a waiver or reduction of penalties and interest on such taxes, provided that any such agreement shall require such taxes to be paid to the collector or postmarked by no later than January 8, 2021.
- (3) For any taxpayer that has paid penalties and interest on property tax liabilities not paid at the time required by law, and such penalties and interest are subsequently reduced or waived through an agreement entered into pursuant to subdivision (2) of this subsection, that portion of penalties and interest paid and subsequently reduced or waived may be credited to the taxpayer on such taxpayer's tax liability for the subsequent year. The county may reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties and interest from late payments from the 2020 tax year that were collected and distributed, but were then subsequently reduced or waived pursuant to subdivision (2) of this subsection.

61. The statutes pertaining to county collectors have stated since at least 1899 that, when property taxes were paid after the due date of December 31, the collector then had a duty to collect and account for an additional tax, as penalty, of a percentage of the delinquent amount.

62. The amendments to § 139.100 in HB 271, however, purport to ratify certain previously entered agreements between a taxpayer and a county collector of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants (in

other words, only in St. Louis County at present) in which executed agreements bound the Collector to waive or reduce certain incurred penalties, but only when such agreement requires the taxes to have been paid prior to January 8, 2021 (over four months before HB 271 was enacted, and over five months before the amendments to § 139.100 went into effect). If a taxpayer entered into one of these agreements having already paid the applicable penalties, then that amount may be credited to the taxpayer's property tax liability for the subsequent year, which will then result in pro rata reductions in remittances of collected taxes to taxing jurisdictions such as the City.

63. Any contract entered into by a county collector to waive penalties and interest prior to the passage of HB 271 § 139.100 was *ultra vires* and therefore void *ab initio*.

64. HB 271 § 139.100 is a special law since it creates a new classification of delinquent St. Louis County taxpayers that entered into an *ultra vires* contract with the St. Louis County Collector pledging to pay delinquent taxes on or before January 8, 2021, that is separate from the classification of those that did not, without any rational basis.

65. HB 271 § 139.100 purports to legalize the unauthorized or invalid acts of the St. Louis County Collector in entering into *ultra vires* contracts, which violates the prohibition in Article III, § 40 (1) of the Missouri Constitution against "legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality" in a special law.

66. HB 271 § 139.100 impairs liens that secure payment of real estate taxes that benefit various taxing authorities, including the City, in violation of the prohibition in Article III, § 40 (1) of the Missouri Constitution against "authorizing the...impairment of liens" in a special law.

67. HB 271 § 139.100 is so essentially and inseparably connected with, and so dependent upon, all of the various statutory enactments and amendments contained in HB 271 that it cannot be presumed the legislature would have enacted any valid provisions without the numerous unlawful provisions, and the valid provisions, if any, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent. The Bill is therefore not severable.

WHEREFORE, Plaintiffs request that this Court:

1. Declare HB 271 to be unconstitutional for the following reasons:
 - a. HB 271 was amended in such a way that changed its original purpose, in violation of Article III, Section 21 of the Missouri Constitution.
 - b. HB 271 contains multiple subjects, in violation of Article III, Section 23 of the Missouri Constitution.
 - c. HB 271's multiple subjects are not "clearly expressed" in its title, in violation of Article III, Section 23 of the Missouri Constitution.
2. Declare HB 271 § 67.1847 to impose mandatory, unfunded obligations on the City in managing its public rights-of-way in violation of Mo. Const. art. X, § 21.
3. Declare HB 271 § 67.1847 to be unconstitutional as a special law "granting to any corporation, association or individual any special or exclusive right, privilege or immunity," due to its grant of special privileges to any "telecommunications company," in violation of Mo. Const. art. III, § 40(28).

4. Declare § 139.100 as amended by HB 271 to be unconstitutional as a special law
“legalizing the unauthorized or invalid acts of any officer or agent of the state or
of any county or municipality” in violation of Mo. Const. art. III, § 40(25).
5. Declare § 139.100 as amended by HB 271 to be unconstitutional as a special law
“authorizing the...impairment of liens” in violation of Mo. Const. art. III, § 40(1).
6. Grant temporary, preliminary, and permanent injunctive relief preventing the
implementation, enforcement, or application of HB 271 since it is an
unconstitutional law.
7. Award Plaintiffs their costs and attorney’s fees.
8. Grant such other relief as the Court deems just.

Respectfully submitted,

CUNNINGHAM, VOGEL & ROST, P.C.

By: /s/ Greg H. Dohrman
Greg H. Dohrman, #55067

By: /s/ Joseph E. Bond
Joseph E. Bond, #69680

Cunningham, Vogel & Rost, P.C.
333 S. Kirkwood Road, Suite 300
St. Louis, Missouri 63122
Tel.: 314.446.0800
Fax: 314.446.0801
greg@municipalfirm.com
joe@municipalfirm.com

VERIFICATION OF PETITION

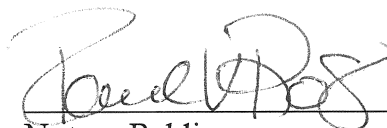
I hereby verify that I have read this Petition and that the facts alleged herein are true and accurate to the best of my knowledge and belief.



Mark Giroux

COUNTY OF ST. LOUIS)
)
STATE OF MISSOURI)

On this 20 day of August, 2021, before me, the undersigned notary, personally appeared Mark Giroux, personally known to me to be the person who signed the preceding Petition in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Notary Public

My commission expires:

SEAL:



PAUL V. ROST
My Commission Expires
October 7, 2021
St. Louis County
Commission #13771066

FIRST REGULAR SESSION

HOUSE BILL NO. 271**101ST GENERAL ASSEMBLY**

INTRODUCED BY REPRESENTATIVE WIEMANN.

0195H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.

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

Section A. Chapter 37, RSMo, is amended by adding thereto nine new sections, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, and 37.1098, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

(1) "Expenditure", any monetary payment from a municipality or county to any vendor including, but not limited to, a payment, distribution, loan, advance, reimbursement, deposit, or gift;

(2) "Municipality", a city, town, or village that is incorporated in accordance with the laws of this state;

(3) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, counties, institutions of higher education, and any public employee retirement system;

(4) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality or county; or

(b) Receives reimbursement from a municipality or county for any expense.

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.

EXHIBIT**1**

2 **37.1091. The "Missouri Local Government Expenditure Database" is hereby**
3 **created and shall be maintained on the Missouri accountability portal, established under**
4 **section 37.850, by the office of administration. The database shall be available on the office**
5 **of administration website and shall include information about expenditures made during**
6 **each fiscal year that begins after December 31, 2022. The database shall be publicly**
7 **accessible without charge.**

2 **37.1092. Foreach expenditure, the Missouri local government expenditure database**
3 **shall include the following information:**

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to whom the expenditure was paid, unless the disclosure of the
- 6 vendor's name would violate a confidentiality requirement, in which case the vendor may
- 7 be listed as confidential;
- 8 (4) The purpose of the expenditure; and
- 9 (5) The municipality or county that made the expenditure or requested the
- 10 expenditure be made.

2 **37.1093. The Missouri local government expenditure database shall provide:**

- 2 (1) A record of all expenditures; and
- 3 (2) The ability to download information.

2 **37.1094. 1. A municipality or county may choose to voluntarily participate in the**
3 **Missouri local government expenditure database, or, if a requisite number of residents of**
4 **a municipality or county request the municipality or county to participate, such**
5 **jurisdiction shall participate in the Missouri local government expenditure database. The**
6 **requisite number of residents requesting participation shall be five percent of the**
7 **registered voters of such jurisdiction voting in the last general municipal election, as**
8 **described under section 115.121. Residents may request participation by submitting a**
9 **written letter by certified mail to the governing body of the municipality or county and the**
10 **office of administration. Multiple residents may sign one letter, but the number of requests**
11 **from residents shall include all requests from all letters received. Upon receiving such a**
12 **letter, the municipality or county shall acknowledge receipt thereof to the resident and the**
13 **office of administration within thirty days. After receiving the requisite number of**
14 **requests, the municipality or county shall begin participating in the database but shall not**
15 **be required to report expenditures incurred before one complete six-month reporting**
16 **period described under subsection 2 of this section has elapsed.**

16 **2. Each municipality or county participating in the database shall provide**
17 **electronically transmitted information to the office of administration, in a format the office**

18 requires, for inclusion in the Missouri local government expenditure database regarding
19 each of the municipality's or county's expenditures biannually. Information regarding the
20 first half of the calendar year shall be submitted before July thirty-first of such year.
21 Information regarding the second half of the calendar year shall be submitted before
22 January thirty-first of the year immediately following such year.

23 3. Notwithstanding subsection 1 of this section, no submission shall be required for
24 any expenditures incurred before January 1, 2023.

25 4. The office of administration shall provide each municipality and county
26 participating in the database with a template, in the format described under section
27 37.1092, for the purpose of uploading the data. The office of administration shall have the
28 authority to grant the municipality or county access for the purpose of uploading data.

29 5. Upon appropriation, the office of administration shall provide financial
30 reimbursement to any participating municipality or county for actual expenditures
31 incurred for participating in the database.

37.1095. No later than one year after the Missouri local government expenditure
2 database is implemented, the office of administration shall provide, on the office of
3 administration website, an opportunity for public comment on the utility of the database.

37.1096. The Missouri local government expenditure database shall not include any
2 confidential information or any information that is not a public record under the laws of
3 this state. However, the state shall not be liable for the disclosure of a record in the
4 Missouri local government expenditure database that is confidential information or is not
5 a public record under the laws of this state.

37.1097. Each municipality or county that has a website shall display on its website
2 a prominent internet link to the Missouri local government expenditure database.

37.1098. The office of administration may adopt rules to implement the provisions
2 of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in
3 section 536.010, that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
6 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2021, shall be invalid and void.

✓



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 271		DATE: 1/26/2021	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ALEX EATON		PHONE NUMBER: 573-616-9860	
REPRESENTING: MISSOURI CENTURY FOUNDATION		TITLE:	
ADDRESS: 16 LOREN WOODS			
CITY: ST. LOUIS		STATE: MO	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 1/26/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

EXHIBIT

2



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 271		DATE: 1/26/2021	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATT CHOINKA		PHONE NUMBER: 573-751-4945	
BUSINESS/ORGANIZATION NAME: MISSOURI STATE TREASURERS OFFICE		TITLE: SENIOR POLICY ADVISOR	
ADDRESS: 201 WEST CAPITOL AVENUE, ROOM 229			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65201
EMAIL:	ATTENDANCE:	SUBMIT DATE: 1/26/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 271		DATE: 1/26/2021	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: PATRICK ISHMAEL		PHONE NUMBER: 314-454-0647	
BUSINESS/ORGANIZATION NAME: SHOW-ME INSTITUTE		TITLE:	
ADDRESS: 5297 WASHINGTON PLACE			
CITY: ST. LOUIS		STATE: MO	ZIP: 63108
EMAIL:	ATTENDANCE:	SUBMIT DATE: 1/26/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 271		DATE: 1/26/2021	
COMMITTEE: Emerging Issues			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input checked="" type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: PAT KELLY		PHONE NUMBER: 314-252-1800	
REPRESENTING: MUNICIPAL LEAGUE OF METRO ST. LOUIS		TITLE:	
ADDRESS: 11911 DORSETT ROAD			
CITY: MARYLAND HEIGHTS		STATE: MO	ZIP: 63043
EMAIL:	ATTENDANCE:	SUBMIT DATE: 1/26/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 271**101ST GENERAL ASSEMBLY**

0195H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.

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

Section A. Chapter 37, RSMo, is amended by adding thereto nine new sections, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, and 37.1098, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

(1) "Expenditure", any monetary payment from a municipality or county to any vendor including, but not limited to, a payment, distribution, loan, advance, reimbursement, deposit, or gift;

(2) "Municipality", a city, town, or village that is incorporated in accordance with the laws of this state;

(3) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, counties, institutions of higher education, and any public employee retirement system;

(4) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality or county; or

(b) Receives reimbursement from a municipality or county for any expense.

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.

EXHIBIT**3**

37.1091. The "Missouri Local Government Expenditure Database" is hereby
2 created and shall be maintained on the Missouri accountability portal, established under
3 section 37.850, by the office of administration. The database shall be available on the office
4 of administration website and shall include information about expenditures made during
5 each fiscal year that begins after December 31, 2022. The database shall be publicly
6 accessible without charge.

37.1092. For each expenditure, the Missouri local government expenditure database
2 shall include the following information:

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to whom the expenditure was paid, unless the disclosure of the
6 vendor's name would violate a confidentiality requirement, in which case the vendor may
7 be listed as confidential;
- 8 (4) The purpose of the expenditure; and
- 9 (5) The municipality or county that made the expenditure or requested the
10 expenditure be made.

37.1093. The Missouri local government expenditure database shall provide:

- 2 (1) A record of all expenditures; and
- 3 (2) The ability to download information.

37.1094. 1. A municipality or county may choose to voluntarily participate in the
2 Missouri local government expenditure database, or, if a requisite number of residents of
3 a municipality or county request the municipality or county to participate, such
4 jurisdiction shall participate in the Missouri local government expenditure database. The
5 requisite number of residents requesting participation shall be five percent of the
6 registered voters of such jurisdiction voting in the last general municipal election, as
7 described under section 115.121, but in no case shall the requisite number be fewer than
8 thirty residents. Residents may request participation by submitting a written letter by
9 certified mail to the governing body of the municipality or county and the office of
10 administration. Multiple residents may sign one letter, but the number of requests from
11 residents shall include all requests from all letters received. Upon receiving such a letter,
12 the municipality or county shall acknowledge receipt thereof to the resident and the office
13 of administration within thirty days. After receiving the requisite number of requests, the
14 municipality or county shall begin participating in the database but shall not be required
15 to report expenditures incurred before one complete six-month reporting period described
16 under subsection 2 of this section has elapsed.

17 2. Each municipality or county participating in the database shall provide
18 electronically transmitted information to the office of administration, in a format the office
19 requires, for inclusion in the Missouri local government expenditure database regarding
20 each of the municipality's or county's expenditures biannually. Information regarding the
21 first half of the calendar year shall be submitted before July thirty-first of such year.
22 Information regarding the second half of the calendar year shall be submitted before
23 January thirty-first of the year immediately following such year.

24 3. Notwithstanding subsection 1 of this section, no submission shall be required for
25 any expenditures incurred before January 1, 2023.

26 4. The office of administration shall provide each municipality and county
27 participating in the database with a template, in the format described under section
28 37.1092, for the purpose of uploading the data. The office of administration shall have the
29 authority to grant the municipality or county access for the purpose of uploading data.

30 5. Upon appropriation, the office of administration shall provide financial
31 reimbursement to any participating municipality or county for actual expenditures
32 incurred for participating in the database.

 37.1095. No later than one year after the Missouri local government expenditure
2 database is implemented, the office of administration shall provide, on the office of
3 administration website, an opportunity for public comment on the utility of the database.

 37.1096. The Missouri local government expenditure database shall not include any
2 confidential information or any information that is not a public record under the laws of
3 this state. However, the state shall not be liable for the disclosure of a record in the
4 Missouri local government expenditure database that is confidential information or is not
5 a public record under the laws of this state.

 37.1097. Each municipality or county that has a website shall display on its website
2 a prominent internet link to the Missouri local government expenditure database.

 37.1098. The office of administration may adopt rules to implement the provisions
2 of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in
3 section 536.010, that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
6 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2021, shall be invalid and void.

✓

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 271

101ST GENERAL ASSEMBLY

0195H.08T

2021

AN ACT

To repeal sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to local government, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and fifty-one new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, 49.266, 49.310,

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.

EXHIBIT
4

9 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 64.207, 67.265, 67.398, 67.990, 67.993,
 10 67.1153, 67.1158, 67.1847, 67.2680, 71.1000, 82.390, 84.400, 91.025, 91.450, 115.127,
 11 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315,
 12 407.297, 407.300, 451.040, 476.083, 485.060, 488.2235, 570.030, and 1, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

- 2 (1) "Expenditure", any monetary payment from a municipality or county to any
 3 vendor including, but not limited to, a payment, distribution, loan, advance,
 4 reimbursement, deposit, or gift;
- 5 (2) "Municipality", a city, town, or village that is incorporated in accordance with
 6 the laws of this state;
- 7 (3) "State entity", the general assembly; the supreme court of Missouri; the office
 8 of an elected state official; or an agency, board, commission, department, institution,
 9 instrumentality, office, or other governmental entity of this state, excluding municipalities,
 10 counties, institutions of higher education, and any public employee retirement system;
- 11 (4) "Vendor", any person, partnership, corporation, association, organization, state
 12 entity, or other party that:
- 13 (a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or
 14 services to a municipality or county; or
- 15 (b) Receives reimbursement from a municipality or county for any expense.

37.1091. The "Missouri Local Government Expenditure Database" is hereby
 2 **created and shall be maintained on the Missouri accountability portal, established under**
 3 **section 37.850, by the office of administration. The database shall be available on the office**
 4 **of administration website and shall include information about expenditures made during**
 5 **each fiscal year that begins after December 31, 2022. The database shall be publicly**
 6 **accessible without charge.**

37.1092. Foreach expenditure, the Missouri local government expenditure database
 2 **shall include the following information:**

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to whom the expenditure was paid, unless the disclosure of the
 6 vendor's name would violate a confidentiality requirement, in which case the vendor may
 7 be listed as confidential;
- 8 (4) The purpose of the expenditure; and
- 9 (5) The municipality or county that made the expenditure or requested the
 10 expenditure be made.

37.1093. The Missouri local government expenditure database shall provide:

- 2 (1) A record of all expenditures; and
3 (2) The ability to download information.

37.1094. 1. A municipality or county may choose to voluntarily participate in the
2 Missouri local government expenditure database, or, if a requisite number of residents of
3 a municipality or county request the municipality or county to participate, such
4 jurisdiction shall participate in the Missouri local government expenditure database. The
5 requisite number of residents requesting participation shall be five percent of the
6 registered voters of such jurisdiction voting in the last general municipal election, as
7 described under section 115.121, but in no case shall the requisite number be fewer than
8 fifty residents. Residents may request participation by submitting a written letter by
9 certified mail to the governing body of the municipality or county and the office of
10 administration. Multiple residents may sign one letter, but the number of requests from
11 residents shall include all requests from all letters received. Upon receiving such a letter,
12 the municipality or county shall acknowledge receipt thereof to the resident and the office
13 of administration within thirty days. After receiving the requisite number of requests, the
14 municipality or county shall begin participating in the database but shall not be required
15 to report expenditures incurred before one complete six-month reporting period described
16 under subsection 2 of this section has elapsed.

17 2. Each municipality or county participating in the database shall provide
18 electronically transmitted information to the office of administration, in a format the office
19 requires, for inclusion in the Missouri local government expenditure database regarding
20 each of the municipality's or county's expenditures biannually. Information regarding the
21 first half of the calendar year shall be submitted before July thirty-first of such year.
22 Information regarding the second half of the calendar year shall be submitted before
23 January thirty-first of the year immediately following such year.

24 3. Notwithstanding subsection 1 of this section, no submission shall be required for
25 any expenditures incurred before January 1, 2023.

26 4. The office of administration shall provide each municipality and county
27 participating in the database with a template, in the format described under section
28 37.1092, for the purpose of uploading the data. The office of administration shall have the
29 authority to grant the municipality or county access for the purpose of uploading data.

30 5. Upon appropriation, the office of administration shall provide financial
31 reimbursement to any participating municipality or county for actual expenditures
32 incurred for participating in the database.

2 **37.1095. No later than one year after the Missouri local government expenditure**
3 **database is implemented, the office of administration shall provide, on the office of**
3 **administration website, an opportunity for public comment on the utility of the database.**

2 **37.1096. The Missouri local government expenditure database shall not include any**
2 **confidential information or any information that is not a public record under the laws of**
3 **this state. However, the state shall not be liable for the disclosure of a record in the**
4 **Missouri local government expenditure database that is confidential information or is not**
5 **a public record under the laws of this state.**

2 **37.1097. Each municipality or county that has a website shall display on its website**
2 **a prominent internet link to the Missouri local government expenditure database.**

2 **37.1098. The office of administration may adopt rules to implement the provisions**
2 **of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in**
3 **section 536.010, that is created under the authority delegated in this section shall become**
4 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
5 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
6 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
7 **the effective date, or to disapprove and annul a rule are subsequently held**
8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
9 **after August 28, 2021, shall be invalid and void.**

2 **49.266. 1. The county commission in all [~~noncharter~~] counties of the first, second,**
2 **third, or fourth classification may by order or ordinance promulgate reasonable regulations**
3 **concerning the use of county property, the hours, conditions, methods and manner of such use**
4 **and the regulation of pedestrian and vehicular traffic and parking thereon.**

5 2. Violation of any regulation so adopted under subsection 1 of this section is an
6 infraction.

7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for
8 a county because:

9 (1) An actual or impending occurrence of a natural disaster of major proportions within
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and

11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for
14 fire management or suppression activities and persons conducting agricultural burning using best
15 management practices shall not be subject to the provisions of this subsection. The ability of an
16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or

18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American
 19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other
 20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public
 22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

2 ~~[49.266. 1. The county commission in all counties of the first, second or~~
 3 ~~fourth classification may by order or ordinance promulgate reasonable regulations~~
 4 ~~concerning the use of county property, the hours, conditions, methods and~~
 5 ~~manner of such use and the regulation of pedestrian and vehicular traffic and~~
 6 ~~parking thereon.~~

7 ~~2. Violation of any regulation so adopted under subsection 1 of this~~
 8 ~~section is an infraction.~~

9 ~~3. Upon a determination by the state fire marshal that a burn ban order~~
 10 ~~is appropriate for a county because:~~

11 ~~(1) An actual or impending occurrence of a natural disaster of major~~
 12 ~~proportions within the county jeopardizes the safety and welfare of the~~
 13 ~~inhabitants of such county; and~~

14 ~~(2) The U.S. Drought Monitor has designated the county as an area of~~
 15 ~~severe, extreme, or exceptional drought, the county commission may adopt an~~
 16 ~~order or ordinance issuing a burn ban, which may carry a penalty of up to a class~~
 17 ~~A misdemeanor. State agencies responsible for fire management or suppression~~
 18 ~~activities and persons conducting agricultural burning using best management~~
 19 ~~practices shall not be subject to the provisions of this subsection. The ability of~~
 20 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~
 21 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~
 22 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~
 23 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~
 24 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~
 25 ~~term "consumer fireworks" is defined under section 320.106.~~

26 ~~4. The regulations so adopted shall be codified, printed and made~~
 27 ~~available for public use and adequate signs concerning smoking, traffic and~~
 28 ~~parking regulations shall be posted.]~~

2 49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this
 3 section, the county commission in each county in this state shall erect and maintain at the
 4 established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings
 5 for the preservation of the records of the county; except that in counties having a special charter,
 6 the jail or workhouse may be located at any place within the county. In pursuance of the
 7 authority herein delegated to the county commission, the county commission may acquire a site,
 8 construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in
 counties wherein more than one place is provided by law for holding of court, the county

9 commission may buy and equip or acquire a site and construct a building or buildings to be used
10 as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places.
11 The county commission may issue bonds as provided by the general law covering the issuance
12 of bonds by counties for the purposes set forth in this section. In bond elections for these
13 purposes in counties wherein more than one place is provided by law for holding of court, a
14 separate ballot question may be submitted covering proposed expenditures in each separate site
15 described therein, or a single ballot question may be submitted covering proposed expenditures
16 at more than one site, if the amount of the proposed expenditures at each of the sites is
17 specifically set out therein.

18 2. The county commission in all counties of the fourth classification and any county of
19 the third, second, or first classification may provide for the erection and maintenance of a good
20 and sufficient jail or holding cell facility at a site in the county other than at the established seat
21 of justice.

22 **3. In the absence of a local agreement otherwise, for any courthouse that contains**
23 **both county offices and court facilities, the presiding judge of the circuit may establish**
24 **rules and procedures for court facilities and areas necessary for court-related ingress,**
25 **court-related egress and other reasonable court-related usage, but the county commission**
26 **shall have authority over all other areas of the courthouse.**

50.166. 1. In all cases of claims allowed against the county, and in all cases of grants,
2 salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the
3 amount due as approved by the county commission and other necessary information. The form
4 of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The
5 warrant may be in such form that a single instrument may serve as the warrant and the county
6 treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed
7 by the county clerk and becomes a negotiable check or draft after it has been signed by the
8 county treasurer.

9 **2. Upon request, the county treasurer shall have access to any financially relevant**
10 **document in the possession of any county official for the purposes of processing a warrant,**
11 **unless such warrant is received in the absence of a check then the county treasurer shall**
12 **have access to the information necessary to process the warrant.**

13 **3. No official of any county shall refuse a request from the county treasurer for**
14 **access to or a copy of any document in the possession of a county official that is financially**
15 **relevant to his or her duties under section 50.330, except that any county official may**
16 **redact, remove, or delete any personal identifying information, including a Social Security**
17 **number, financial account numbers, medical information, or any other personal**
18 **identifying information, before submission to the county treasurer.**

19 **4. No county treasurer shall refuse to release funds for the payment of any properly**
 20 **approved expenditure.**

50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary
 2 schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083,
 3 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and 473.742 shall be set as a base schedule for
 4 those county officials. Except when it is necessary to increase newly elected or reelected county
 5 officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply
 6 with the requirements of this section, the salary commission in all counties except charter
 7 counties in this state shall be responsible for the computation of salaries of all county officials;
 8 provided, however, that any percentage salary adjustments in a county shall be equal for all such
 9 officials in that county.

10 2. Upon majority approval of the salary commission, the annual compensation of part-
 11 time prosecutors contained in section 56.265 and the county offices contained in sections 49.082,
 12 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and
 13 473.742 may be increased by up to two thousand dollars greater than the compensation provided
 14 by the salary schedules; provided, however, that any vote to increase compensation be effective
 15 for all county offices in that county.

16 3. Upon majority approval of the salary commission, the annual compensation of a
 17 county sheriff as provided in section 57.317 may be increased by up to six thousand dollars
 18 greater than the compensation provided by the salary schedule of such section.

19 4. The salary commission of any county of the third classification may amend the base
 20 schedules for the computation of salaries for county officials referenced in subsection 1 of this
 21 section to include assessed valuation factors in excess of three hundred million dollars; provided
 22 that the percentage of any adjustments in assessed valuation factors shall be equal for all such
 23 officials in that county.

24 **5. Upon the majority approval of the salary commission, the annual compensation**
 25 **of a county coroner of any county of the second classification as provided in section 58.095**
 26 **may be increased up to fourteen thousand dollars greater than the compensation provided**
 27 **by the salary schedule of such section.**

50.530. As used in sections 50.530 to 50.745:

2 (1) "Accounting officer" means county auditor in counties of the first and second
 3 classifications and the county clerks in counties of the third and fourth classifications;

4 (2) "Budget officer" means such person, as may, from time to time, be appointed by the
 5 county commission of counties of the first classification except in counties of the first
 6 classification with a population of less than one hundred thousand inhabitants according to the
 7 official United States Census of 1970 the county auditor shall be the chief budget officer, the

8 presiding commissioner of the county commission in counties of the second classification, unless
9 the county commission designates the county clerk as budget officer, and the county clerk in
10 counties of the third and fourth classification. ~~[Notwithstanding the provisions of this~~
11 ~~subdivision to the contrary, in any county of the first classification with more than eighty-two~~
12 ~~thousand but fewer than eighty-two thousand one hundred inhabitants, the presiding~~
13 ~~commissioner shall be the budget officer unless the county commission designates the county~~
14 ~~clerk as the budget officer.]~~

50.660. All contracts shall be executed in the name of the county, or in the name of a
2 township in a county with a township form of government, by the head of the department or
3 officer concerned, except contracts for the purchase of supplies, materials, equipment or services
4 other than personal made by the officer in charge of purchasing in any county or township having
5 the officer. No contract or order imposing any financial obligation on the county or township
6 is binding on the county or township unless it is in writing and unless there is a balance
7 otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash
8 balance otherwise unencumbered in the treasury to the credit of the fund from which payment
9 is to be made, each sufficient to meet the obligation incurred and unless the contract or order
10 bears the certification of the accounting officer so stating; except that in case of any contract for
11 public works or buildings to be paid for from bond funds or from taxes levied for the purpose
12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five
18 hundred copies per issue, if there is one, except that the advertising is not required in case of
19 contracts or purchases involving an expenditure of less than ~~[six]~~ **twelve** thousand dollars. It is
20 not necessary to obtain bids on any purchase in the amount of ~~[six]~~ **twelve** thousand dollars or
21 less made from any one person, firm or corporation during any period of ninety days. All bids
22 for any contract or purchase may be rejected and new bids advertised for. Contracts which
23 provide that the person contracting with the county or township shall, during the term of the
24 contract, furnish to the county or township at the price therein specified the supplies, materials,
25 equipment or services other than personal therein described, in the quantities required, and from
26 time to time as ordered by the officer in charge of purchasing during the term of the contract,
27 need not bear the certification of the accounting officer, as herein provided; but all orders for
28 supplies, materials, equipment or services other than personal shall bear the certification. In case

29 of such contract, no financial obligation accrues against the county or township until the supplies,
30 materials, equipment or services other than personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the requirement of competitive bids or
2 proposals for supplies when the commission has determined in writing and entered into the
3 commission minutes that there is only a single feasible source for the supplies. Immediately
4 upon discovering that other feasible sources exist, the commission shall rescind the waiver and
5 proceed to procure the supplies through the competitive processes as described in this chapter.
6 A single feasible source exists when:

7 (1) Supplies are proprietary and only available from the manufacturer or a single
8 distributor; or

9 (2) Based on past procurement experience, it is determined that only one distributor
10 services the region in which the supplies are needed; or

11 (3) Supplies are available at a discount from a single distributor for a limited period of
12 time.

13 2. On any single feasible source purchase where the estimated expenditure is over ~~[six]~~
14 **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise
15 the commission's intent to make such purchase in at least one daily and one weekly newspaper
16 of general circulation in such places as are most likely to reach prospective bidders or offerors
17 and may provide such information through an electronic medium available to the general public
18 at least ten days before the contract is to be let.

19 3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible
20 service purchase by any county of the first classification with more than one hundred fifty
21 thousand but fewer than two hundred thousand inhabitants or any county of the first
22 classification with more than two hundred sixty thousand but fewer than three hundred thousand
23 inhabitants where the estimated expenditure is over ~~[six]~~ **twelve** thousand dollars, the
24 commission shall post notice of the proposed purchase and advertise the commission's intent to
25 make such purchase in at least one daily and one weekly newspaper of general circulation in such
26 places as are most likely to reach prospective bidders or offerors and may provide such
27 information through an electronic medium available to the general public at least ten days before
28 the contract is to be let.

59.021. A candidate for county recorder where the offices of the clerk of the court and
2 recorder of deeds are separate, except in any city not within a county or any county having a
3 charter form of government, shall be at least twenty-one years of age, a registered voter, and a
4 resident of the state of Missouri as well as the county in which he or she is a candidate for at least
5 one year prior to the date of the general election. Upon election to office, the person shall
6 continue to reside in that county during his or her tenure in office. **Each candidate for county**

7 recorder shall provide to the election authority a copy of an affidavit from a surety
8 company authorized to do business in this state that indicates the candidate is able to
9 satisfy the bond requirements under section 59.100.

59.100. 1. Every recorder elected as provided in section 59.020, before entering upon
2 the duties of the office as recorder, shall enter into bond to the state, in a sum set by the county
3 commission [~~of not less than one thousand dollars~~], with sufficient sureties, not less than two,
4 to be approved by the commission, conditioned for the faithful performance of the duties
5 enjoined on such person by law as recorder, and for the delivering up of the records, books,
6 papers, writings, seals, furniture and apparatus belonging to the office, whole, safe and
7 undefaced, to such officer's successor.

8 2. For a recorder elected after December 31, 2021, the bond shall be no less than
9 five thousand dollars. For a recorder elected before January 1, 2022, the bond shall be no
10 less than one thousand dollars.

64.207. 1. The county commission of any county of the first classification with more
2 than one hundred fifty thousand but fewer than two hundred thousand inhabitants may
3 adopt rules, regulations, or ordinances to ensure the habitability of rented residences.

4 2. The rules, regulations, or ordinances shall require each rented residence provide:

- 5 (1) Structural protection from the elements;
- 6 (2) Access to water service, including hot water;
- 7 (3) Sewer service;
- 8 (4) Access to electrical service;
- 9 (5) Heat to the residence; and
- 10 (6) Basic security, which, at a minimum, shall include locking doors and windows.

11

12 If a utility service is unavailable because a tenant fails to pay for service, the unavailability
13 shall not be a violation of the rules, regulations, or ordinances.

14 3. If a county elects to enact rules, regulations, or ordinances under this section, at
15 a minimum, they shall contain the following provisions:

16 (1) (a) The county commission shall create a process for selecting a designated
17 officer to respond to written complaints of the condition of a rented residence that
18 threatens the health or safety of tenants;

19 (b) Any written complaint under this section shall be submitted by a tenant who
20 is a lawful tenant who has signed a lease agreement with the property owner or his or her
21 agent, and which tenant is current on all rent due;

22 (2) The owner of record of any rented residence against which a written complaint
23 has been submitted shall be served with adequate notice. The notice shall specify the

24 condition alleged in the complaint and state a reasonable date that abatement of the
25 condition shall commence. Notice shall be served by personal service or certified mail,
26 return receipt requested, or, if those methods are unsuccessful, by publication;

27 (3) The owner of record and any other person who has an interest in the rented
28 residence shall be parties in a hearing under subdivision (4) of this subsection;

29 (4) If work to abate the condition does not commence by the date stated in the
30 notice or if the work does not proceed continuously and without unnecessary delay, as
31 determined by the designated officer, the complaint shall be given a hearing before the
32 county commission. Parties shall be given at least ten days' notice of the hearing. Any
33 party may be represented by counsel, and all parties shall have an opportunity to be heard.
34 If the county commission finds that the rented residence has a dangerous condition that is
35 detrimental to the health, safety, or welfare of the tenant, the county commission shall issue
36 an order that the condition be abated. The order shall state specific facts, based on
37 competent and substantiated evidence, that support its finding. If the county commission
38 finds that the rented residence does not have a dangerous condition that is detrimental to
39 the health, safety, or welfare of the tenant, the county commission shall not issue an order;
40 and

41 (5) Any violation of the order issued by the county commission may be punished
42 by a penalty, which shall not exceed a class C misdemeanor. Each day a violation
43 continues shall be deemed a separate violation. Any penalty enacted in the rules,
44 regulations, or ordinances shall not be the exclusive punishment for the condition. The
45 designated officer may, in his or her own name or in the name of the county, seek and
46 obtain any judicial relief provided under equity or law including, but not limited to, civil
47 fines authorized under section 49.272, declaratory relief, and injunctive relief. The
48 designated officer may declare the continued occupancy of the rented residence unlawful
49 while the condition or conditions remain unabated.

50 4. The county commission shall only have the authority to respond to written
51 complaints submitted to the county commission and shall not have the authority to:

52 (1) Charge any fee for any action authorized under this section;

53 (2) Perform any inspection of rented residences unless in response to a written
54 complaint; or

55 (3) Require licensing, registration, or certification of a rented residence on a
56 regular schedule or before offering a residence for rent.

67.265. 1. For purposes of this section, the term "order" shall mean a public health
2 order, ordinance, rule, or regulation issued by a political subdivision, including by a health
3 officer, local public health agency, public health authority, or the political subdivision's

4 executive, as such term is defined in section 67.750, in response to an actual or perceived
5 threat to public health for the purpose of preventing the spread of a contagious disease.
6 Notwithstanding any other provision of law to the contrary:

7 (1) Any order issued during and related to an emergency declared pursuant to
8 chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the
9 opening of or access to any one or more business organizations, churches, schools, or other
10 places of public or private gathering or assembly, including any order, ordinance, rule, or
11 regulation of general applicability or that prohibits or otherwise limits attendance at any
12 public or private gatherings, shall not remain in effect for longer than thirty calendar days
13 in a one hundred eighty-day period, including the cumulative duration of similar orders
14 issued concurrently, consecutively, or successively, and shall automatically expire at the
15 end of the thirty days or as specified in the order, whichever is shorter, unless so
16 authorized by a simple majority vote of the political subdivision's governing body to extend
17 such order or approve a similar order; provided that such extension or approval of similar
18 orders shall not exceed thirty calendar days in duration and any order may be extended
19 more than once; and

20 (2) Any order of general applicability issued at a time other than an emergency
21 declared pursuant to chapter 44 that directly or indirectly closes an entire classification of
22 business organizations, churches, schools, or other places of public or private gathering or
23 assembly shall not remain in effect for longer than twenty-one calendar days in a one
24 hundred eighty-day period, including the cumulative duration of similar orders issued
25 concurrently, consecutively, or successively, and shall automatically expire at the end of
26 the twenty-one days or as specified in the order, whichever is shorter, unless so authorized
27 by a two-thirds majority vote of the political subdivision's governing body to extend such
28 order or approve a similar order; provided that such extension or approval of similar
29 orders may be extended more than once.

30 2. The governing bodies of the political subdivisions issuing orders under this
31 section shall at all times have the authority to terminate an order issued or extended under
32 this section upon a simple majority vote of the body.

33 3. In the case of local public health agencies created through an agreement by
34 multiple counties under chapter 70, all of the participating counties' governing bodies shall
35 be required to approve or terminate orders in accordance with the provisions of this
36 section.

37 4. Prior to or concurrent with the issuance or extension of any order under
38 subdivisions (1) and (2) of subsection 1 of this section, the health officer, local public health

39 agency, public health authority, or executive shall provide a report to the governing body
40 containing information supporting the need for such order.

41 **5. No political subdivision of this state shall make or modify any orders that have**
42 **the effect, directly or indirectly, of a prohibited order under this section.**

43 **6. No rule or regulation issued by the department of health and senior services shall**
44 **authorize a local health official, health officer, local public health agency, or public health**
45 **authority to create or enforce any order, ordinance, rule, or regulation described in section**
46 **192.300 or this section that is inconsistent with the provisions of this section.**

67.398. 1. The governing body of any city or village, or any county having a charter
2 form of government, or any county of the first classification that contains part of a city with a
3 population of at least three hundred thousand inhabitants, **or any county of the first**
4 **classification with more than one hundred one thousand but fewer than one hundred**
5 **fifteen thousand inhabitants**, may enact ordinances to provide for the abatement of a condition
6 of any lot or land that has the presence of a nuisance including, but not limited to, debris of any
7 kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious
8 weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked
9 twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken
10 furniture, any flammable material which may endanger public safety or any material or condition
11 which is unhealthy or unsafe and declared to be a public nuisance.

12 2. The governing body of any home rule city with more than four hundred thousand
13 inhabitants and located in more than one county may enact ordinances for the abatement of a
14 condition of any lot or land that has vacant buildings or structures open to entry.

15 3. Any ordinance authorized by this section shall provide for service to the owner of the
16 property and, if the property is not owner-occupied, to any occupant of the property of a written
17 notice specifically describing each condition of the lot or land declared to be a public nuisance,
18 and which notice shall identify what action will remedy the public nuisance. Unless a condition
19 presents an immediate, specifically identified risk to the public health or safety, the notice shall
20 provide a reasonable time, not less than ten days, in which to abate or commence removal of
21 each condition identified in the notice. Written notice may be given by personal service or by
22 first-class mail to both the occupant of the property at the property address and the owner at the
23 last known address of the owner, if not the same. Upon a failure of the owner to pursue the
24 removal or abatement of such nuisance without unnecessary delay, the building commissioner
25 or designated officer may cause the condition which constitutes the nuisance to be removed or
26 abated. If the building commissioner or designated officer causes such condition to be removed
27 or abated, the cost of such removal or abatement and the proof of notice to the owner of the
28 property shall be certified to the city clerk or officer in charge of finance who shall cause the

29 certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the
 30 collecting official's option, for the property and the certified cost shall be collected by the city
 31 collector or other official collecting taxes in the same manner and procedure for collecting real
 32 estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the
 33 collection of the delinquent bill shall be governed by the laws governing delinquent and back
 34 taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the
 35 owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

67.990. 1. The governing body of any county or city not within a county may, upon
 2 approval of a majority of the qualified voters of such county or city voting thereon, levy and
 3 collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any
 4 county of the first classification with more than eighty-five thousand nine hundred but less than
 5 eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the
 6 qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per
 7 one hundred dollars of assessed valuation upon all taxable property within the county or city or
 8 for the purpose of providing services to persons sixty years of age or older. The tax so levied
 9 shall be collected along with other county or city taxes, in the manner provided by law. All
 10 funds collected for this purpose shall be deposited in a special fund for the provision of services
 11 for persons sixty years of age or older, and shall be used for no other purpose except those
 12 purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only
 13 upon approval of the board of directors established in section 67.993, **if in a county**, and only
 14 in accordance with the fund budget approved by the county ~~or city~~ governing body.

15 2. The question of whether the tax authorized by this section shall be imposed shall be
 16 submitted in substantially the following form:

17 OFFICIAL BALLOT
 18 Shall _____ (name of county/city) levy a tax of _____ cents per each one
 19 hundred dollars assessed valuation for the purpose of providing services to
 20 persons sixty years of age or older?
 21 ☐ YES ☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of
 2 the county or city not within a county, the tax so approved shall be imposed upon all taxable
 3 property within the county or city and the proceeds therefrom shall be deposited in a special
 4 fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within
 5 the county or city treasury. No moneys in the senior citizens' services fund shall be spent until
 6 the board of directors provided for in subsection 2 of this section has been appointed and has
 7 taken office.

8 2. Upon approval of the tax authorized by section 67.990 by the voters of the county or
9 city, the governing body of the county or the mayor of the city shall appoint a board of directors
10 consisting of seven directors, who shall be selected from the county or city at large and shall, as
11 nearly as practicable, represent the various groups to be served by the board. Each director shall
12 be a resident of the county or city. Each director shall be appointed to serve for a term of four
13 years and until his successor is duly appointed and qualified; except that, of the directors first
14 appointed, one director shall be appointed for a term of one year, two directors shall be appointed
15 for a term of two years, two directors shall be appointed for a term of three years, and two
16 directors shall be appointed for a term of four years. Directors may be reappointed. All
17 vacancies on the board of directors shall be filled for the remainder of the unexpired term by the
18 governing body of the county or mayor of the city. The directors shall not receive any
19 compensation for their services, but may be reimbursed for all actual and necessary expenses
20 incurred in the performance of their official duties from the moneys in the senior citizens'
21 services fund.

22 3. The administrative control and management of the funds in the senior citizens'
23 services fund and all programs to be funded therefrom shall rest solely with the board of directors
24 appointed under subsection 2 of this section[;], except ~~that~~ , **in counties**, the budget for the
25 senior citizens' services fund shall be approved by the governing body of the county ~~or city~~
26 prior to making of any payments from the fund in any fiscal year. The board of directors shall
27 use the funds in the senior citizens' services fund to provide programs which will improve the
28 health, nutrition, and quality of life of persons who are sixty years of age or older. The budget
29 may allocate funds for operational and capital needs to senior-related programs in the county or
30 city in which such property taxes are collected. No funds in the senior citizens' services fund
31 may be used, directly or indirectly, for any political purpose. In providing such services, the
32 board of directors may contract with any person to provide services relating, in whole or in part,
33 to the services which the board itself may provide under this section, and for such purpose may
34 expend the tax proceeds derived from the tax authorized by section 67.990.

35 4. The board of directors shall elect a chairman, vice chairman, and such other officers
36 as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and
37 shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A
38 majority of the board of directors shall constitute a quorum.

39 5. The board of directors, with the approval of the governing body of the county or city,
40 may accept any gift of property or money for the use and benefit of the persons to be served
41 through the programs established and funded under sections 67.990 to 67.995[;] and may sell or
42 exchange any such property so long as such sale or exchange is in the best interests of the
43 programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange

44 are used exclusively to fund such programs. **For a city not within a county, the board of**
45 **directors may solicit, accept, and expend grants from private or public entities and enter**
46 **into agreements to effectuate such grants so long as the transaction is in the best interest**
47 **of the programs provided by the board and the proceeds are used exclusively to fund such**
48 **programs.**

67.1153. 1. The authority shall consist of five commissioners, who shall be qualified
2 voters of the state of Missouri and residents of the county in which the authority is created. The
3 commissioners shall be appointed by the ~~[governor with the advice and consent of the senate]~~
4 **county executive of the county in which the authority is created with the advice and**
5 **consent of the county legislative body or, if there is no county executive, by the governing**
6 **body of the county.** No more than three of the commissioners appointed shall be of any one
7 political party, and no elective ~~[or appointed]~~ official of any political subdivision of this state
8 shall be a member of the authority.

9 2. The authority shall elect from its number a chairman, and may appoint such officers
10 and employees as it may require for the performance of its duties and fix and determine their
11 qualifications, duties and compensation. No action of the authority shall be binding unless taken
12 at a meeting at which at least three members are present and unless a majority of the members
13 present at such meeting shall vote in favor thereof.

14 3. Of the commissioners initially appointed to the authority, one shall serve for two
15 years, one shall serve for three years, one shall serve for four years, one shall serve for five years,
16 and one shall serve for six years. Thereafter, successors shall hold office for terms of five years,
17 or for the unexpired terms of their predecessors. Each commissioner shall hold office until his
18 successor has been appointed and qualified.

19 4. The commissioners shall receive no salary for the performance of their duties, but
20 shall be reimbursed for the actual and necessary expenses incurred in the performance of their
21 duties, to be paid by the authority.

67.1158. 1. The governing body of a county which has established an authority under
2 the provisions of sections 67.1150 to 67.1158 may impose a tax on the charges for all sleeping
3 rooms paid by the transient guests of hotels or motels situated in the county, which shall be more
4 than two percent but not more than five percent per occupied room per night, except that such
5 tax shall not become effective unless the governing body of the county submits to the voters of
6 the county at a state general, primary, or special election, a proposal to authorize the governing
7 body of the county to impose a tax under the provisions of this section. The tax authorized by
8 this section shall be in addition to the charge for the sleeping room and shall be in addition to any
9 and all taxes imposed by law, and the proceeds of such tax shall be used by the authority solely
10 for funding the construction and operation of convention, visitor and sports facilities, other

11 incidental facilities, and operation of the authority consistent with the provisions of sections
12 67.1150 to 67.1158. Such tax shall be stated separately from all other charges and taxes.

13 2. The question shall be submitted in substantially the following form:

14 Shall the _____ (County) levy a tax of _____ percent on each sleeping
15 room occupied and rented by transient guests of hotels and motels located in the
16 county, the proceeds of which shall be expended for the funding of convention,
17 visitor and sports facilities, other incidental facilities, and the county convention
18 and sports facilities authority?

19 ☐ YES ☐ NO

20

21 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
22 of the question, then the tax shall become effective on the first day of the calendar quarter
23 following the calendar quarter in which the election was held. If a majority of the votes cast on
24 the question by the qualified voters voting thereon are opposed to the question, then the
25 governing body for the county shall have no power to impose the tax authorized by this section
26 unless and until the governing body of the county resubmits the question and such question is
27 approved by a majority of the qualified voters voting thereon.

28 3. After the effective date of any tax authorized under the provisions of this section, the
29 county ~~[which]~~ **that** levied the tax may adopt one of the ~~[two]~~ following provisions for the
30 collection and administration of the tax:

31 (1) The county ~~[which levied the tax]~~ may adopt rules and regulations for the internal
32 collection of such tax by the county officers usually responsible for collection and administration
33 of county taxes; ~~[or]~~

34 (2) **The county may enter into an agreement with the authority for the authority**
35 **to collect such tax and perform all functions incident to the administration, collection,**
36 **enforcement, and operation of such tax. The tax authorized by this section shall be**
37 **collected and reported upon such forms and under such administrative rules and**
38 **regulations as may be prescribed by the authority; or**

39 (3) The county may enter into an agreement with the director of revenue of the state of
40 Missouri for the purpose of collecting the tax authorized in this section. In the event any county
41 enters into an agreement with the director of revenue of the state of Missouri for the collection
42 of the tax authorized in this section, the director of revenue shall perform all functions incident
43 to the administration, collection, enforcement and operation of such tax, and shall collect the
44 additional tax authorized under the provisions of this section. The tax authorized by this section
45 shall be collected and reported upon such forms and under such administrative rules and

46 regulations as may be prescribed by the director of revenue, and the director of revenue shall
47 retain not less than one percent nor more than three percent for cost of collection.

48 4. If a tax is imposed by a county under this section, the ~~[county may collect a penalty~~
49 ~~of one percent and interest not to exceed two percent per month on unpaid taxes which shall be~~
50 ~~considered delinquent thirty days after the last day of each quarter]~~ **tax for each calendar**
51 **quarter shall be due on the first day of the next calendar quarter. If any taxes are not paid**
52 **within thirty days after the due date, the authority collecting the tax may collect, in**
53 **addition to the amount of the tax due, one percent interest per month on the unpaid taxes**
54 **and a penalty of two percent per month on the unpaid tax. Any penalty or interest shall**
55 **be calculated beginning on the original due date. The authority, in its discretion, may**
56 **abate a portion of the penalty to facilitate the voluntary payment of the tax.**

57 5. If a tax is imposed by a county under this section, either the county or the authority
58 shall have the power to audit the taxed facilities to ensure compliance with the tax by the facility.
59 During such audit, the taxed facilities shall give access to examine necessary records to ensure
60 compliance.

61 6. Suits to enforce the collection and payment of the tax against the taxed facilities ~~[may]~~
62 **shall** be filed and prosecuted **only** by the authority. ~~[If suit is filed,]~~ The authority ~~[may]~~ **shall**
63 **be entitled to recover [as damages a reasonable] costs and attorney's [fee and costs of suit**
64 **against the taxed facility] fees incurred by the authority in collecting the tax.**

67.1847. A political subdivision, including a grandfathered political subdivision as
2 **defined in subdivision (2) of subsection 1 of section 67.1846, shall not charge a linear foot**
3 **fee for the use of its right-of-way to a telecommunications company, including one engaged**
4 **in providing fiber networks, as defined in section 386.020; provided, however, that:**

5 **(1) A political subdivision that was charging linear foot fees as of May 1, 2021, may**
6 **collect a fee of no more than five percent of gross telecommunications service revenue in**
7 **lieu of linear foot fees; and**

8 **(2) Such gross revenue fee is in addition to any permit fees imposed to recover**
9 **actual rights-of-way management costs, as defined in sections 67.1830 and 67.1840.**

67.2680. The state or any other political subdivision shall not impose any new tax,
2 **license, or fee in addition to any tax, license, or fee already authorized on or before August**
3 **28, 2021, upon the provision of satellite or streaming video service.**

71.1000. 1. Two or more municipalities may elect to form a broadband
2 **infrastructure improvement district for the delivery of broadband internet service to the**
3 **residents of such municipality, which district shall be a body politic and corporate.**

4 **2. A municipality electing to form a district under this section shall submit to the**
5 **eligible voters of each such municipality a proposition at a general or special election of**
6 **such municipality, in substantially the following form:**

7 **"Shall the municipality of _____ enter into a broadband infrastructure**
8 **improvement district to be known as _____?"**

9 ☐ **YES** ☐ **NO**

10 **3. Additional municipalities may be admitted to the district in the manner provided**
11 **in subsection 8 of this section.**

12 **4. A district created under this section shall have the power to partner with a**
13 **telecommunications company or broadband service provider in order to construct or**
14 **improve telecommunications facilities which shall be wholly owned and operated by the**
15 **telecommunications company or broadband service provider, as the terms**
16 **"telecommunications company" and "telecommunications facilities" are defined in section**
17 **386.020 and subject to the provisions of section 392.410, that are in an unserved or**
18 **underserved area, as defined in section 620.2450, to the residents of the district. Before any**
19 **facilities are improved or constructed as a result of this section, the area shall be certified**
20 **as unserved or underserved by the director of broadband development within the**
21 **department of economic development.**

22 **5. A district may finance the provision or expansion of broadband internet service**
23 **through grants, loans, bonds, user fees, or a tax as set forth in subsection 6 of this section.**

24 **6. (1) Any district may impose by resolution a sales tax on all retail sales made in**
25 **such district which are subject to taxation pursuant to sections 144.010 to 144.525. The**
26 **sales tax imposed pursuant to this subsection shall not exceed one percent, except that such**
27 **tax shall not become effective unless the governing body of each municipality member of**
28 **the district submits to the voters of such municipality at an election held on the first**
29 **Tuesday after the first Monday in November of even-numbered years, a proposal to**
30 **authorize the district to impose a tax under the provisions of this subsection. The tax**
31 **authorized by this subsection shall be in addition to any and all taxes imposed by law, and**
32 **the proceeds of such tax shall be used solely to provide broadband service to residents of**
33 **the district. Such tax shall be stated separately from all other charges and taxes.**

34 **(2) The ballot shall be substantially in the following form:**

35 **"Shall the _____ (insert name of district) impose a district-wide sales**
36 **tax at the rate of _____ (insert amount) for the purpose of providing**
37 **broadband service to residents of the district?"**

38 ☐ **YES** ☐ **NO**

39 **If you are in favor of the question, place an "X" in the box opposite "YES".**

40 **If you are opposed to the question, place an "X" in the box opposite "NO".**

41

42 **If a majority of the votes cast on the question by the qualified voters voting thereon in each**
43 **municipality are in favor of the question, then the tax shall become effective on the first**
44 **day of the calendar quarter following the calendar quarter in which the election was held.**

45 **If a majority of the votes cast on the question by the qualified voters voting thereon in any**
46 **one municipality are opposed to the question, then the governing body for the district shall**
47 **have no power to impose the tax authorized by this subsection.**

48 **(3) The director of the department of revenue shall collect any tax adopted**
49 **pursuant to this section pursuant to section 32.087.**

50 **7. (1) The district governing board shall be composed of at least one representative**
51 **from each member, but in no case shall there be less than four representatives.**

52 **(2) Annually, on or before the last Monday in April commencing in the year**
53 **following the effective date of the district's creation, the local governing body of each**
54 **member shall appoint a representative to the district governing board for three-year terms.**
55 **The local governing body of a member, by majority vote, may replace its appointed**
56 **representative at any time.**

57 **(3) For the purpose of transacting business, the presence of representatives**
58 **representing more than fifty percent of district members shall constitute a quorum. Any**
59 **action adopted by a majority of the votes cast at a meeting of the governing board at which**
60 **a quorum is present shall be the action of the board.**

61 **(4) Each district member's representative shall be entitled to cast one vote.**

62 **(5) Unless replaced as provided in subdivision (2) of this subsection, a**
63 **representative on the governing board shall hold office until his or her successor is duly**
64 **appointed. Any representative may be reappointed to successive terms without limit.**

65 **(6) Any vacancy on the board shall be filled within thirty days after such vacancy**
66 **occurs by appointment of the local governing body which appointed the representative**
67 **whose position has become vacant. An appointee to a vacancy shall serve until the**
68 **expiration of the term of the representative whose position to the appointment was made**
69 **and may thereafter be reappointed.**

70 **(7) Each district member may reimburse its representative to the governing board**
71 **for expenses as it determines reasonable.**

72 **(8) (a) The officers of the district shall be the chair and the vice chair of the board,**
73 **the clerk of the district, and the treasurer of the district.**

74 (b) The chair shall preside at all meetings of the board and shall make and sign all
75 contracts on behalf of the district upon approval by the board. The chair shall perform
76 all duties incident to the position and office.

77 (c) During the absence of or inability of the chair to render or perform his or her
78 duties or exercise his or her powers, the same shall be performed and exercised by the vice
79 chair and when so acting, the vice chair shall have all the powers and be subject to all the
80 responsibilities hereby given to or imposed upon the chair.

81 (d) During the absence or inability of the vice chair to render or perform his or her
82 duties or exercise his or her powers, the board shall elect from among its membership an
83 acting vice chair who shall have the powers and be subject to all the responsibilities hereby
84 given or imposed upon the vice chair.

85 (e) Upon the death, disability, resignation, or removal of the chair or vice chair, the
86 board shall elect a successor to such vacant office until the next annual meeting.

87 (9) The board shall adopt bylaws for the regulation of its affairs and the conduct
88 of its business.

89 8. (1) The board may authorize the inclusion of additional district members in the
90 broadband infrastructure improvement district upon such terms and conditions as in the
91 board's sole discretion shall be deemed to be fair, reasonable, and in the best interests of
92 the district.

93 (2) Prior to applying for admission to a broadband infrastructure improvement
94 district, a municipality electing to join a district shall submit to the eligible voters of the
95 municipality a proposition at a general or special election of such municipality, in
96 substantially the following form:

97 "Shall the municipality of _____ join the broadband infrastructure
98 improvement district known as _____?"

99 ☐ YES ☐ NO

100
101 The local governing body of any nonmember municipality which desires to be admitted to
102 the district shall make application for admission to the board after an affirmative result
103 from such election.

104 (3) The board shall determine the financial, economic, governance, and operational
105 effects that are likely to occur if such municipality is admitted and thereafter either grant
106 or deny authority for admission of the petitioning municipality. If the board grants such
107 authority, it shall also specify any terms and conditions, including financial obligations,
108 upon which such admission is predicated. Upon resolution of the board, such applicant
109 municipality shall become a district member.

110 **9. A district member may withdraw from the district in the same manner as the**
111 **vote for admission to the district set forth in subsection 8 of this section.**

112 **10. Dissolution of a broadband infrastructure improvement district created**
113 **pursuant to this section shall follow the procedures established in sections 67.950 and**
114 **67.955.**

82.390. 1. Beginning January 1, 1998, the license collector of the City of St. Louis shall
2 receive a salary of fifty-eight thousand three hundred dollars per year and beginning January 1,
3 1999, the license collector of the City of St. Louis shall receive a salary of sixty-four thousand
4 one hundred thirty dollars, payable as provided in section 82.395. Beginning ~~January 1, 2000,~~
5 ~~the compensation of the license collector of the City of St. Louis]~~ **January 1, 2022, the license**
6 **collector of the City of St. Louis shall receive a salary of one hundred twenty-five thousand**
7 **dollars per year and such salary** may be annually increased by an amount equal to the annual
8 salary adjustment for employees of the City of St. Louis as approved by the board of aldermen
9 of such city.

10 2. The license collector may appoint one chief deputy, and one assistant deputy license
11 collector, either of whom, in the absence for any cause of the license collector, may perform all
12 the duties of the license collector. The license collector may appoint a cashier, an assistant
13 cashier, a secretary and such other clerks, account clerks and inspectors as are required by the
14 license collector to properly and efficiently perform the duties of the license collector's office
15 when such positions are approved by the board of aldermen of such city.

16 3. The salaries and compensation of the employees enumerated in subsection 2 of this
17 section shall be payable as provided in section 82.395.

18 4. The license collector, deputy license collector and clerks may administer oaths in the
19 transaction of the business of the office. The license collector and the license collector's sureties
20 are responsible for the official acts of all employees appointed by the license collector.

84.400. 1. Any one of said commissioners so appointed or any member of any such
2 police force who, during the term of his office, shall accept any other place of public trust, or
3 emolument, or who shall knowingly receive any nomination for an office elective by the people,
4 and shall fail to decline such nomination publicly within the five days succeeding such
5 nomination or shall become a candidate for the nomination for any office at the hands of any
6 political party, shall be deemed to have thereby forfeited and vacated office as such
7 commissioner or member of such police force.

8 **2. Notwithstanding any provisions of law to the contrary, a member of the board**
9 **or any member of such police force may be appointed to serve on any state or federal**
10 **board, commission, or task force where no compensation for such service is paid, except**
11 **that such board member or member of such police force may accept payment of a per diem**

12 **for attending meetings, or if no per diem is provided, reimbursement from such board,**
13 **commission, or task force for reasonable and necessary expenses for attending such**
14 **meetings.**

91.025. 1. As used in this section, the following terms mean:

2 (1) "Municipally owned or operated electric power system", a system for the distribution
3 of electrical power and energy to the inhabitants of a municipality which is owned and operated
4 by the municipality itself, whether operated under authority pursuant to this chapter or under a
5 charter form of government;

6 (2) "Permanent service", electrical service provided through facilities which have been
7 permanently installed on a structure and which are designed to provide electric service for the
8 structure's anticipated needs for the indefinite future, as contrasted with facilities installed
9 temporarily to provide electrical service during construction. Service provided temporarily shall
10 be at the risk of the electrical supplier and shall not be determinative of the rights of the provider
11 or recipient of permanent service;

12 (3) "Structure" or "structures", an agricultural, residential, commercial, industrial or other
13 building or a mechanical installation, machinery or apparatus at which retail electric energy is
14 being delivered through a metering device which is located on or adjacent to the structure and
15 connected to the lines of an electrical corporation, rural electric cooperative, municipally owned
16 or operated electric power system, or joint municipal utility commission. Such terms shall
17 include any contiguous or adjacent additions to or expansions of a particular structure. Nothing
18 in this section shall be construed to confer any right on an electric supplier to serve new
19 structures on a particular tract of land because it was serving an existing structure on that tract.

20 2. Once a municipally owned or operated electrical system, or its predecessor in interest,
21 lawfully commences supplying retail electric energy to a structure through permanent service
22 facilities, it shall have the right to continue serving such structure, and other suppliers of
23 electrical energy shall not have the right to provide service to the structure except as might be
24 otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or
25 pursuant to a territorial agreement approved under section 394.312. The public service
26 commission, upon application made by a customer, may order a change of suppliers on the basis
27 that it is in the public interest for a reason other than a rate differential, and the commission is
28 hereby given jurisdiction over municipally owned or operated electric systems to accomplish the
29 purpose of this section. The commission's jurisdiction under this section is limited to public
30 interest determinations and excludes questions as to the lawfulness of the provision of service,
31 such questions being reserved to courts of competent jurisdiction. Except as provided in this
32 section, nothing in this section shall be construed as otherwise conferring upon the commission
33 jurisdiction over the service, rates, financing, accounting or management of any such municipally

34 owned or operated electrical system, and nothing in this section, section 393.106, and section
35 394.315 shall affect the rights, privileges or duties of any municipality to form or operate
36 municipally owned or operated electrical systems. Nothing in this section shall be construed to
37 make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this
38 section shall be construed to make unlawful the continued lawful provision of service to any
39 structure which may have had a different supplier in the past, if such a change in supplier was
40 lawful at the time it occurred.

41 **3. Notwithstanding the provisions of this section, section 393.106, section 394.080,**
42 **and section 394.315 to the contrary, in the event that a retail electric supplier is providing**
43 **service to a structure located within a city, town, or village that has ceased to be a rural**
44 **area, and such structure is demolished and replaced by a new structure, such retail electric**
45 **service supplier may provide permanent service to the new structure upon the request of**
46 **the owner of the new structure.**

91.450. Any city of the third or fourth class, and any town or village, and any city now
2 organized or which may hereafter be organized and having a special charter, and which now has
3 or may hereafter have less than thirty thousand inhabitants, shall have power to erect or to
4 acquire, by purchase or otherwise, maintain and operate, waterworks, gas works, electric light
5 and power plant, steam heating plant, or any other device or plant for furnishing light, power or
6 heat, telephone plant or exchange, street railway or any other public transportation, conduit
7 system, public auditorium or convention hall, which are hereby declared public utilities, and such
8 cities, towns or villages are hereby authorized and empowered to provide for the erection or
9 extension of the same by the issue of bonds therefor, and any city, town or village which may
10 own, maintain or operate, and which may hereafter acquire, by purchase or otherwise, and
11 operate, or which may engage in the construction of any of the plants, systems or works
12 mentioned in this section, is hereby authorized and empowered to establish, by ordinance, within
13 such city, town or village, an executive department to be known as "The Board of Public Works",
14 to consist of four persons, electors of said city, town or village, who have resided therein for a
15 period of two years next before their appointment, **or any resident of the county that receives**
16 **services from such board**, who shall be appointed by the mayor of such city, town or village,
17 and confirmed by the common council in such manner as other appointive officers of such city,
18 town or village are appointed and confirmed. The members of such board shall hold office for
19 a term of four years each, or until their successors are appointed and qualified; provided, that the
20 members of said board shall hold office for a term of four years each, except the first
21 incumbents, as members of said board of public works, who shall be appointed and hold office
22 for the term of one, two, three and four years respectively.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of
2 a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the
3 election authority shall cause legal notice of the special election to be published in a newspaper
4 of general circulation in its jurisdiction. The notice shall include the name of the officer or
5 agency calling the election, the date and time of the election, the name of the office to be filled
6 and the date by which candidates must be selected or filed for the office. Within one week prior
7 to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause
8 legal notice of the election to be published in two newspapers of different political faith and
9 general circulation in the jurisdiction. The legal notice shall include the date and time of the
10 election, the name of the officer or agency calling the election and a sample ballot. If there is
11 only one newspaper of general circulation in the jurisdiction, the notice shall be published in the
12 newspaper within one week prior to the election. If there are two or more newspapers of general
13 circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published
14 in any two of the newspapers within one week prior to the election.

15 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
16 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
17 jurisdiction to be published. The notice shall be published in two newspapers of different
18 political faith and qualified pursuant to chapter 493 which are published within the bounds of
19 the area holding the election. If there is only one so-qualified newspaper, then notice shall be
20 published in only one newspaper. If there is no newspaper published within the bounds of the
21 election area, then the notice shall be published in two qualified newspapers of different political
22 faith serving the area. Notice shall be published twice, the first publication occurring in the
23 second week prior to the election, and the second publication occurring within one week prior
24 to the election. Each such legal notice shall include the date and time of the election, the name
25 of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order, but in no event shall a candidate or issue be stricken or removed from the ballot less
33 than eight weeks before the date of the election.

34 4. In lieu of causing legal notice to be published in accordance with any of the provisions
35 of this chapter, the election authority in jurisdictions which have less than seven hundred fifty
36 registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may

37 cause legal notice to be mailed during the second week prior to the election, by first class mail,
 38 to each registered voter at the voter's voting address. All such legal notices shall include the date
 39 and time of the election, the location of the polling place, the name of the officer or agency
 40 calling the election and a sample ballot.

41 5. If the opening date for filing a declaration of candidacy for any office in a political
 42 subdivision or special district is not required by law or charter, the opening filing date shall be
 43 8:00 a.m., the ~~[sixteenth]~~ **seventeenth** Tuesday prior to the election], ~~except that for any home~~
 44 ~~rule city with more than four hundred thousand inhabitants and located in more than one county~~
 45 ~~and any political subdivision or special district located in such city, the opening filing date shall~~
 46 ~~be 8:00 a.m., the fifteenth Tuesday prior to the election].~~ If the closing date for filing a
 47 declaration of candidacy for any office in a political subdivision or special district is not required
 48 by law or charter, the closing filing date shall be 5:00 p.m., the ~~[eleventh]~~ **fourteenth** Tuesday
 49 prior to the election. The political subdivision or special district calling an election shall, before
 50 the ~~[sixteenth]~~ **seventeenth** Tuesday, ~~[or the fifteenth Tuesday for any home rule city with more~~
 51 ~~than four hundred thousand inhabitants and located in more than one county or any political~~
 52 ~~subdivision or special district located in such city,]~~ prior to any election at which offices are to
 53 be filled, notify the general public of the opening filing date, the office or offices to be filled, the
 54 proper place for filing and the closing filing date of the election. Such notification may be
 55 accomplished by legal notice published in at least one newspaper of general circulation in the
 56 political subdivision or special district.

57 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
 58 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
 59 costs, a candidate who has filed for an office or who has been duly nominated for an office may,
 60 at any time after the certification of the notice of election required in subsection 1 of section
 61 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a
 62 candidate pursuant to a court order, which, except for good cause shown by the election authority
 63 in opposition thereto, shall be freely given upon application by the candidate to the circuit court
 64 of the area of such candidate's residence.

115.646. No contribution or expenditure of public funds shall be made directly by any
 2 officer, employee or agent of any political subdivision, **including school districts and charter**
 3 **schools**, to advocate, support, or oppose **the passage or defeat of** any ballot measure or **the**
 4 **nomination or election of any** candidate for public office, **or to direct any public funds to,**
 5 **or pay any debts or obligations of, any committee supporting or opposing such ballot**
 6 **measures or candidates.** This section shall not be construed to prohibit any public official of
 7 a political subdivision, **including school districts and charter schools**, from making public

8 appearances or from issuing press releases concerning any such ballot measure. **Any purposeful**
 9 **violation of this section shall be punished as a class four election offense.**

137.280. 1. Taxpayers' personal property lists, except those of merchants and
 2 manufacturers, and except those of railroads, public utilities, pipeline companies or any other
 3 person or corporation subject to special statutory requirements, such as chapter 151, who shall
 4 return and file their assessments on locally assessed property no later than April first, shall be
 5 delivered to the office of the assessor of the county between the first day of January and the first
 6 day of March each year and shall be signed and certified by the taxpayer as being a true and
 7 complete list or statement of all the taxable tangible personal property. If any person shall fail
 8 to deliver the required list to the assessor by the first day of March, the owner of the property
 9 which ought to have been listed shall be assessed a penalty added to the tax bill, based on the
 10 assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	\$15.00
\$1,001 - \$2,000	\$25.00
\$2,001 - \$3,000	\$35.00
\$3,001 - \$4,000	\$45.00
\$4,001 - \$5,000	\$55.00
\$5,001 - \$6,000	\$65.00
\$6,001 - \$7,000	\$75.00
\$7,001 - \$8,000	\$85.00
\$8,001 - \$9,000	\$95.00
\$9,001 and above	\$105.00

23 The assessor in any county of the first classification without a charter form of government with
 24 a population of one hundred thousand or more inhabitants which contains all or part of a city
 25 with a population of three hundred fifty thousand or more inhabitants shall omit assessing the
 26 penalty in any case where he or she is satisfied the neglect is unavoidable and not willful or falls
 27 into one of the following categories. The assessor in all other political subdivisions shall omit
 28 assessing the penalty in any case where he or she is satisfied the neglect falls into at least one of
 29 the following categories:

- 30 (1) The taxpayer is in military service and is outside the state;
- 31 (2) The taxpayer filed timely, but in the wrong county;
- 32 (3) There was a loss of records due to fire or flood;
- 33 (4) The taxpayer can show the list was mailed timely as evidenced by the date of
 34 postmark;
- 35 (5) The assessor determines that no form for listing personal property was mailed to the
 36 taxpayer for that tax year; or

37 (6) The neglect occurred as a direct result of the actions or inactions of the county or its
38 employees or contractors.

39 2. Between March first and April first, the assessor shall send to each taxpayer who was
40 sent an assessment list for the current tax year, and said list was not returned to the assessor, a
41 second notice that statutes require the assessment list be returned immediately. In the event the
42 taxpayer returns the assessment list to the assessor before May first, the penalty described in
43 subsection 1 of this section shall not apply. If said assessment list is not returned before May
44 first by the taxpayer, the penalty shall apply.

45 3. It shall be the duty of the county commission and assessor to place on the assessment
46 rolls for the year all personal property discovered in the calendar year which was taxable on
47 January first of that year.

48 4. If annual waivers exceed forty percent, then by February first of each year, the assessor
49 shall transmit to the county employees' retirement fund an electronic or paper copy of the log
50 maintained under subsection 3 of section 50.1020 for the prior calendar year.

51 **5. An assessor may, upon request of a taxpayer, send any assessment list or notice**
52 **required by this section to such taxpayer in electronic form.**

139.100. 1. **(1)** If any taxpayer shall fail or neglect to pay to the collector his taxes at
2 the time required by law, then it shall be the duty of the collector, after the first day of January
3 then next ensuing **and in the absence of an agreement entered into pursuant to subdivision**
4 **(2) of this subsection**, to collect and account for, as other taxes, an additional tax, as penalty, the
5 amount provided for in section 140.100.

6 **(2) For property tax liabilities incurred on or after January 1, 2020, and on or**
7 **before December 31, 2020, the collector of any county with a charter form of government**
8 **and with more than nine hundred fifty thousand inhabitants may enter into an agreement**
9 **with any taxpayer for the payment of any amount of tax not paid at the time required by**
10 **law, including a waiver or reduction of penalties and interest on such taxes, provided that**
11 **any such agreement shall require such taxes to be paid to the collector or postmarked by**
12 **no later than January 8, 2021.**

13 **(3) For any taxpayer that has paid penalties and interest on property tax liabilities**
14 **not paid at the time required by law, and such penalties and interest are subsequently**
15 **reduced or waived through an agreement entered into pursuant to subdivision (2) of this**
16 **subsection, that portion of penalties and interest paid and subsequently reduced or waived**
17 **may be credited to the taxpayer on such taxpayer's tax liability for the subsequent year.**
18 **The county may reduce on a pro rata basis any distributions to taxing jurisdictions by the**
19 **amount of any penalties and interest from late payments from the 2020 tax year that were**

20 **collected and distributed, but were then subsequently reduced or waived pursuant to**
21 **subdivision (2) of this subsection.**

22 2. Collectors shall, on the day of their annual settlement with the county governing body,
23 file with governing body a statement, under oath, of the amount so received, and from whom
24 received, and settle with the governing body therefor; but, interest shall not be chargeable against
25 persons who are absent from their homes, and engaged in the military service of this state or of
26 the United States. The provisions of this section shall apply to the City of St. Louis, so far as the
27 same relates to the addition of such interest, which, in such city, shall be collected and accounted
28 for by the collector as other taxes, for which he shall receive no compensation.

29 3. Whenever any collector of the revenue in the state fails or refuses to collect the
30 penalty provided for in this section on state and county taxes, it shall be the duty of the director
31 of revenue and county clerk to charge such collectors with the amount of interest due thereon,
32 as shown by the returns of the county clerk, and such collector shall be liable to the penalties as
33 provided for in section 139.270.

34 4. For purposes of this section and other provisions of law relating to the timely payment
35 of taxes due on any real or personal property, payments for taxes due on any real or personal
36 property which are delivered by United States mail to the collector, the collector's office, or other
37 officer or office designated by the county or city to receive such payments, of the appropriate
38 county or city, shall be deemed paid as of the postmark date stamped on the envelope or other
39 cover in which such payment is mailed. In the event any payment of taxes due is sent by
40 registered or certified mail, the date of registration or certification shall be deemed the postmark
41 date. No additional tax or penalty shall be imposed under this section on any taxpayer whose
42 payment is delivered by United States mail, if the postmark date stamped on the envelope or
43 other cover containing such payment falls within the prescribed period or on or before the
44 prescribed date, including any extension granted, for making the payment or if the postmaster
45 for the jurisdiction where the payment was mailed verifies in writing that the payment was
46 deposited in the United States mail within the prescribed period or on or before the prescribed
47 date, including any extension granted, for making the payment, and was delayed in delivery
48 because of an error by the United States postal service and not because of an error by the
49 taxpayer. In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive,
50 the collector may use the collector's judgment regarding the timeliness of the payment contained
51 therein and shall document such decision.

192.300. 1. The county commissions and the county health center boards of the several
2 counties may make and promulgate orders, ordinances, rules or regulations, respectively as will
3 tend to enhance the public health and prevent the entrance of infectious, contagious,

4 communicable or dangerous diseases into such county, but any orders, ordinances, rules or
5 regulations shall not:

6 (1) Be in conflict with any rules or regulations authorized and made by the department
7 of health and senior services in accordance with this chapter or by the department of social
8 services under chapter 198; or

9 (2) Impose standards or requirements on an agricultural operation and its appurtenances,
10 as such term is defined in section 537.295, that are inconsistent with, **in addition to, different**
11 **from**, or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644,
12 or any rule or regulation promulgated under such chapters.

13 2. The county commissions and the county health center boards of the several counties
14 may establish reasonable fees to pay for any costs incurred in carrying out such orders,
15 ordinances, rules or regulations, however, the establishment of such fees shall not deny personal
16 health services to those individuals who are unable to pay such fees or impede the prevention or
17 control of communicable disease. Fees generated shall be deposited in the county treasury. All
18 fees generated under the provisions of this section shall be used to support the public health
19 activities for which they were generated.

20 3. After the promulgation and adoption of such orders, ordinances, rules or regulations
21 by such county commission or county health board, such commission or county health board
22 shall make and enter an order or record declaring such orders, ordinances, rules or regulations
23 to be printed and available for distribution to the public in the office of the county clerk, and
24 shall require a copy of such order to be published in some newspaper in the county in three
25 successive weeks, not later than thirty days after the entry of such order, ordinance, rule or
26 regulation.

27 4. Any person, firm, corporation or association which violates any of the orders or
28 ordinances adopted, promulgated and published by such county commission is guilty of a
29 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county
30 commission or county health board of any such county has full power and authority to initiate
31 the prosecution of any action under this section.

32 **5. Any orders, ordinances, rules, or regulations made and promulgated under the**
33 **authority in this section shall comply with the provisions of section 67.265.**

204.569. When an unincorporated sewer subdistrict of a common sewer district has been
2 formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer
3 district shall have the same powers with regard to the subdistrict as for the common sewer
4 district as a whole, plus the following additional powers:

5 (1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate
6 such sewers, sewer systems, treatment and disposal facilities, and other property, both real and

7 personal, of the political subdivisions included in the subdistrict as the board determines to be
8 in the interest of the common sewer district to acquire or operate, according to such terms and
9 conditions as the board finds reasonable, provided that such authority shall be in addition to the
10 powers of the board of trustees pursuant to section 204.340;

11 (2) To provide for the construction, extension, improvement, and operation of such
12 sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary
13 for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

14 (3) For the purpose of meeting the costs of activities undertaken pursuant to the authority
15 granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same
16 manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district.
17 Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the
18 voters of the subdistrict voting on the question~~[, and]~~ **except that, as an alternative to such a**
19 **vote, if the subdistrict is a part of a common sewer district located in whole or in part in**
20 **any county of the first classification without a charter form of government adjacent to a**
21 **county of the first classification with a charter form of government and a population of at**
22 **least six hundred thousand and not more than seven hundred fifty thousand, bonds may**
23 **be issued for such subdistrict if the question receives the written assent of three-quarters**
24 **of the customers of the subdistrict in a manner consistent with section 204.370, where**
25 **"customer", as used in this subdivision, means any political subdivision within the**
26 **subdistrict that has a service or user agreement with the common sewer district. The**
27 principal and interest of such bonds shall be payable only from the revenues of the subdistrict
28 and not from any revenues of the common sewer district as a whole;

29 (4) To charge the costs of the common sewer district for operation and maintenance
30 attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of
31 administration to revenues of the subdistrict and to consider such costs in determining reasonable
32 charges to impose within the subdistrict under section 204.440;

33 (5) With prior concurrence of the subdistrict's advisory board, to provide for the
34 treatment and disposal of sewage from the subdistrict in or by means of facilities of the common
35 sewer district not located within the subdistrict, in which case the board of trustees shall also
36 have authority to charge a proportionate share of the costs of the common sewer district for
37 operation and maintenance to revenues of the subdistrict and to consider such costs in
38 determining reasonable charges to impose within the subdistrict under section 204.440.

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails or
3 medium security institutions. The per diem cost of incarceration of these prisoners chargeable

4 by the law to the state shall be determined, subject to the review and approval of the department
5 of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
20 are properly chargeable to the state. The chief executive may by notification to the department
21 of corrections delegate such responsibility to another duly sworn official of such city not within
22 a county. The clerk of the court of any city not within a county shall not include such fees in the
23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
24 manual in accordance with this provision.

25 3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri
30 department of corrections or otherwise held at the request of the Missouri department of
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
32 incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations~~[- but not less than the amount appropriated in the previous~~
37 ~~fiscal year].~~

38 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by
39 the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses

40 may include pretrial assessment and supervision strategies for defendants who are ultimately
41 eligible for state incarceration. A county may not receive more than its share of the amount
42 appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge.
43 Any county shall convey such proposal to the department, and any such proposal presented by
44 a presiding judge shall include the documented agreement with the proposal by the county
45 governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the
46 county responsible for custody or incarceration of prisoners of the county represented in the
47 proposal. Any county that declines to convey a proposal to the department, pursuant to the
48 provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners
49 chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this
50 section.

386.800. 1. No municipally owned electric utility may provide electric energy at retail
2 to any structure located outside the municipality's corporate boundaries after July 11, 1991,
3 unless:

4 (1) The structure was lawfully receiving permanent service from the municipally owned
5 electric utility prior to July 11, 1991; or

6 (2) The service is provided pursuant to an approved territorial agreement under section
7 394.312; **or**

8 (3) The service is provided pursuant to lawful municipal annexation and subject to the
9 provisions of this section; or

10 (4) The structure is located in an area which was previously served by an electrical
11 corporation regulated under chapter 386, and chapter 393, and the electrical corporation's
12 authorized service territory was contiguous to or inclusive of the municipality's previous
13 corporate boundaries, and the electrical corporation's ownership or operating rights within the
14 area were acquired in total by the municipally owned electrical system prior to July 11, 1991.
15 In the event that a municipally owned electric utility in a city with a population of more than one
16 hundred twenty-five thousand located in a county of the first class not having a charter form of
17 government and not adjacent to any other county of the first class desires to serve customers
18 beyond the authorized service territory in an area which was previously served by an electrical
19 corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this
20 subdivision, **in the absence of an approved territorial agreement under section 394.312**, the
21 municipally owned utility shall apply to the public service commission for an order assigning
22 nonexclusive service territories **and concurrently shall provide written notice of the**
23 **application to other electric service suppliers with electric facilities located in or within one**
24 **mile outside of the boundaries of the proposed expanded service territory.** The proposed
25 service area shall be contiguous to the authorized service territory which was previously served

26 by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as
 27 a condition precedent to the granting of the application. The commission shall have one hundred
 28 twenty days from the date of application to grant or deny the requested order. The commission
 29 **after a hearing** may grant the order upon a finding that granting of the applicant's request is not
 30 detrimental to the public interest. In granting the applicant's request the commission shall give
 31 due regard to territories previously granted to **or served by** other electric **service** suppliers **and**
 32 **the wasteful duplication of electric service facilities.**

33 2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its
 34 **electric** service territory to include ~~[any structure located within a newly annexed area which has~~
 35 ~~not received permanent service from another supplier within ninety days prior to the effective~~
 36 ~~date of the annexation.~~

37 ~~———3.]~~ **areas where another electric supplier currently is not providing permanent**
 38 **service to a structure. If a rural electric cooperative has existing electric service facilities**
 39 **with adequate and necessary service capability located in or within one mile outside the**
 40 **boundaries of the area proposed to be annexed, a majority of the existing developers,**
 41 **landowners, or prospective electric customers in the area proposed to be annexed may,**
 42 **anytime within forty-five days prior to the effective date of the annexation, submit a**
 43 **written request to the governing body of the annexing municipality to invoke mandatory**
 44 **good faith negotiations under section 394.312 to determine which electric service supplier**
 45 **is best suited to serve all or portions of the newly annexed area. In such negotiations the**
 46 **following factors shall be considered, at a minimum:**

- 47 (1) The preference of landowners and prospective electric customers;
- 48 (2) The rates, terms, and conditions of service of the electric service suppliers;
- 49 (3) The economic impact on the electric service suppliers;
- 50 (4) Each electric service supplier's operational ability to serve all or portions of the
- 51 **annexed area within three years of the date the annexation becomes effective;**
- 52 (5) **Avoiding the wasteful duplication of electric facilities;**
- 53 (6) **Minimizing unnecessary encumbrances on the property and landscape within**
- 54 **the area to be annexed; and**
- 55 (7) **Preventing the waste of materials and natural resources.**

56
 57 **If the municipally owned electric utility and rural electric cooperative are unable to**
 58 **negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then**
 59 **they may submit proposals to those submitting the original written request, whose**
 60 **preference shall control, section 394.080 to the contrary notwithstanding, and the**
 61 **governing body of the annexing municipality shall not reject the petition requesting**

62 annexation based on such preference. This subsection shall not apply to municipally
63 owned property in any newly annexed area.

64 3. In the event an electrical corporation rather than a municipally owned electric
65 utility lawfully is providing electric service in the municipality, all the provisions of
66 subsection 2 shall apply equally as if the electrical corporation were a municipally owned
67 electric utility, except that if the electrical corporation and the rural electric cooperative
68 are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five
69 days, then either electric service supplier may file an application with the commission for
70 an order determining which electric service supplier should serve, in whole or in part, the
71 area to be annexed. The application shall be made pursuant to the rules and regulations
72 of the commission governing applications for certificates of public convenience and
73 necessity. The commission after the opportunity for hearing shall make its determination
74 after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2
75 of this section, and section 394.080 to the contrary notwithstanding, may grant its order
76 upon a finding that granting of the applicant's request is not detrimental to the public
77 interest. The commission shall issue its decision by report and order no later than one
78 hundred twenty days from the date of the application unless otherwise ordered by the
79 commission for good cause shown. Review of such commission decisions shall be governed
80 by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the
81 commission shall charge to the rural electric cooperative the appropriate fees as set forth
82 in subsection 9 of this section.

83 4. When a municipally owned electric utility desires to extend its service territory to
84 include any structure located within a newly annexed area which has received permanent service
85 from another **electric service** supplier within ninety days prior to the effective date of the
86 annexation, it shall:

87 (1) Notify by publication in a newspaper of general circulation the record owner of said
88 structure, and notify in writing any affected electric **service** supplier and the public service
89 commission, within sixty days after the effective date of the annexation its desire to extend its
90 service territory to include said structure; and

91 (2) Within six months after the effective date of the annexation receive the approval of
92 the municipality's governing body to begin negotiations pursuant to section 394.312 with ~~[any]~~
93 **the** affected electric **service** supplier.

94 ~~[4-]~~ 5. Upon receiving approval from the municipality's governing body pursuant to
95 subsection ~~[3]~~ 4 of this section, the municipally owned electric utility and the affected electric
96 **service** supplier shall meet and negotiate in good faith the terms of the territorial agreement and
97 any transfers or acquisitions, including, as an alternative, granting the affected electric **service**

supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric **service** supplier does not provide wholesale electric power to the municipality, if the affected electric **service** supplier so desires, the parties ~~[shall]~~ **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

~~[5-]~~ **6.** For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) ~~[Four]~~ **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection ~~[3]~~ **4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

~~[6-]~~ **7.** In the event the parties are unable to reach an agreement under subsection ~~[4]~~ **5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric

134 **service** supplier under subsection ~~[5]~~ **6** of this section. Applications shall be made and notice
135 of such filing shall be given to all affected parties pursuant to the rules and regulations of the
136 commission governing applications for certificates of public convenience and necessity. Unless
137 otherwise ordered by the commission for good cause shown, the commission shall rule on such
138 applications not later than one hundred twenty days after the application is properly filed with
139 the secretary of the commission. The commission shall hold evidentiary hearings to assign
140 service territory between ~~the~~ affected electric **service** suppliers inside the annexed area and to
141 determine the amount of compensation due any affected electric **service** supplier for the transfer
142 of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed
143 area. The commission shall make such determinations based on findings of what best serves the
144 public interest and shall issue its decision by report and order. Review of such commission
145 decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and
146 transfer of title and operation of the facilities shall occur within ninety days after the order and
147 any appeal therefrom becomes final unless the order provides otherwise.

148 ~~[7.]~~ **8.** In reaching its decision under subsection ~~[6]~~ **7** of this section, the commission
149 shall consider the following factors:

150 (1) Whether the acquisition or transfers sought by the municipally owned electric utility
151 within the annexed area from the affected electric **service** supplier are, in total, in the public
152 interest, including ~~the preference of the owner of any affected structure~~, consideration of rate
153 disparities between the competing electric **service** suppliers, and issues of unjust rate
154 discrimination among customers of a single electric **service** supplier if the rates to be charged
155 in the annexed areas are lower than those charged to other system customers; and

156 (2) The fair and reasonable compensation to be paid by the municipally owned electric
157 utility, to the affected electric **service** supplier with existing system operations within the
158 annexed area, for any proposed acquisitions or transfers; and

159 (3) Any effect on system operation, including, but not limited to, loss of load and loss
160 of revenue; and

161 (4) Any other issues upon which the municipally owned electric utility and the affected
162 electric **service** supplier might otherwise agree, including, but not limited to, the valuation
163 formulas and factors contained in subsections ~~[4, 5 and 6,]~~ **5, 6, and 7** of this section, even if the
164 parties could not voluntarily reach an agreement thereon under those subsections.

165 ~~[8.]~~ **9.** The commission is hereby given all necessary jurisdiction over municipally owned
166 electric utilities and rural electric cooperatives to carry out the purposes of this section consistent
167 with other applicable law; provided, however, the commission shall not have jurisdiction to
168 compel the transfer of customers or structures with a connected load greater than one thousand
169 kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case

basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.

393.106. 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential.

23 The commission's jurisdiction under this section is limited to public interest determinations and
 24 excludes questions as to the lawfulness of the provision of service, such questions being reserved
 25 to courts of competent jurisdiction. Except as provided in this section, nothing contained herein
 26 shall affect the rights, privileges or duties of existing corporations pursuant to this chapter.
 27 Nothing in this section shall be construed to make lawful any provision of service which was
 28 unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the
 29 continued lawful provision of service to any structure which may have had a different supplier
 30 in the past, if such a change in supplier was lawful at the time it occurred. However, those
 31 customers who had cancelled service with their previous supplier or had requested cancellation
 32 by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer
 33 shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and
 34 July 11, 1991.

35 **3. Notwithstanding the provisions of this section, section 91.025, section 394.080,**
 36 **and section 394.315 to the contrary, in the event that a retail electric supplier is providing**
 37 **service to a structure located within a city, town, or village that ceased to be a rural area,**
 38 **and such structure is demolished and replaced by a new structure, such retail electric**
 39 **service supplier may provide permanent service to the new structure upon the request of**
 40 **the owner of the new structure.**

394.020. In this chapter, unless the context otherwise requires,

2 (1) "Member" means each incorporator of a cooperative and each person admitted to and
 3 retaining membership therein, and shall include a husband and wife admitted to joint
 4 membership;

5 (2) "Person" includes any natural person, firm, association, corporation, business trust,
 6 partnership, federal agency, state or political subdivision or agency thereof, or any body politic;
 7 and

8 (3) "Rural area" shall be deemed to mean any area of the United States not included
 9 within the boundaries of any city, town or village having a population in excess of ~~fifteen~~
 10 **sixteen** hundred inhabitants, and such term shall be deemed to include both the farm and
 11 nonfarm population thereof. **The number of inhabitants specified in this subsection shall be**
 12 **increased by six percent every ten years after each decennial census beginning in 2030.**

394.315. 1. As used in this section, the following terms mean:

2 (1) "Permanent service", electrical service provided through facilities which have been
 3 permanently installed on a structure and which are designed to provide electric service for the
 4 structure's anticipated needs for the indefinite future, as contrasted with facilities installed
 5 temporarily to provide electrical service during construction. Service provided temporarily shall

6 be at the risk of the electrical supplier and shall not be determinative of the rights of the provider
7 or recipient of permanent service;

8 (2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other
9 building or a mechanical installation, machinery or apparatus at which retail electric energy is
10 being delivered through a metering device which is located on or adjacent to the structure and
11 connected to the lines of an electrical supplier. Such terms shall include any contiguous or
12 adjacent additions to or expansions of a particular structure. Nothing in this section shall be
13 construed to confer any right on ~~[a rural electric cooperative]~~ **an electric supplier** to serve new
14 structures on a particular tract of land because it was serving an existing structure on that tract.

15 2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences
16 supplying retail electric energy to a structure through permanent service facilities, it shall have
17 the right to continue serving such structure, and other suppliers of electrical energy shall not have
18 the right to provide service to the structure except as might be otherwise permitted in the context
19 of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a
20 territorial agreement approved under section 394.312. The public service commission, upon
21 application made by an affected party, may order a change of suppliers on the basis that it is in
22 the public interest for a reason other than a rate differential, and the commission is hereby given
23 jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The
24 commission's jurisdiction under this section is limited to public interest determinations and
25 excludes questions as to the lawfulness of the provision of service, such questions being reserved
26 to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be
27 construed as otherwise conferring upon the commission jurisdiction over the service, rates,
28 financing, accounting or management of any such cooperative, and except as provided in this
29 section, nothing contained herein shall affect the rights, privileges or duties of existing
30 cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful
31 any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall
32 be construed to make unlawful the continued lawful provision of service to any structure which
33 may have had a different supplier in the past, if such a change in supplier was lawful at the time
34 it occurred. However, those customers who had cancelled service with their previous supplier
35 or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per
36 previous procedures. No customer shall be allowed to change electric suppliers by disconnecting
37 service between May 1, 1991, and July 11, 1991.

38 **3. Notwithstanding the provisions of this section, section 91.025, section 393.106,**
39 **and section 394.080 to the contrary, in the event that a retail electric supplier is providing**
40 **service to a structure located within a city, town, or village that has ceased to be a rural**
41 **area, and such structure is demolished and replaced by a new structure, such retail electric**

42 service supplier may provide permanent service to the new structure upon the request of
43 the owner of the new structure.

2 407.297. 1. Notwithstanding any other provision of law to the contrary, no person
3 shall engage in the business of a copper property peddler in a city not within a county
4 without first obtaining a license from the city and complying with the provisions of this
5 section.

6 2. For the purposes of this section, the following terms shall mean:

7 (1) "Copper property", any insulated copper wire, copper tubing, copper guttering
8 and downspouts, or any item composed completely of copper;

9 (2) "Copper property peddler", any person who sells or attempts to sell copper
10 property and who is not either a licensed or certified tradesperson or does not hold a
11 business license issued by the city.

12 3. The city shall determine the license fee. The license shall expire June thirtieth
13 of each year. Each license shall bear a separate number, the name and address of the
14 licensee, a color photo of the licensee, and telephone number of the licensee. The license
15 shall be available only to the person in whose name it is issued and shall not be used by any
16 person other than the original licensee. Any licensee who shall permit his or her license to
17 be used by any other person, and any other person who shall use a license granted to
18 another person, shall each be deemed guilty of a violation of this section.

19 4. Application for a license under this section shall be made in writing to the city
20 and shall state the name, age, description, and address of the applicant. The application
21 shall include a sworn statement setting forth each and every conviction of the applicant for
22 violations of federal, state, or municipal laws, statutes, or ordinances. In addition, the
23 applicant shall, at his or her expense, obtain a complete copy of the applicant's criminal
24 record as indicated by the records of a law enforcement agency and submit such record as
25 part of the application. No license shall be granted to any person who has been convicted
26 of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last
27 twenty-four months prior to the date of the application.

28 5. The city shall have the power and authority to revoke any license under this
29 section for any willful violation of this section by a copper property peddler, provided the
30 licensee has been notified in writing at his or her place of business of the violations
31 complained of and shall have been afforded a reasonable opportunity to have a hearing.

32 6. The provisions of this section shall only be effective when the city is actively
issuing licenses to copper property peddlers.

2 407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
secondhand property who obtains items for resale or profit shall keep a register containing a

3 written or electronic record for each purchase or trade in which each type of material subject to
 4 the provisions of this section is obtained for value. There shall be a separate record for each
 5 transaction involving any:

- 6 (1) Copper, brass, or bronze;
- 7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
- 8 (3) Material containing copper or aluminum that is knowingly used for farming purposes
- 9 as farming is defined in section 350.010; whatever may be the condition or length of such metal;
- 10 (4) **Detached** catalytic converter; or
- 11 (5) Motor vehicle, heavy equipment, or tractor battery.

12 2. The record required by this section shall contain the following data:

- 13 (1) A copy of the driver's license or photo identification issued by the state or by the
- 14 United States government or agency thereof [tø] of the person from whom the material is
- 15 obtained;
- 16 (2) The current address, gender, birth date, and a **color** photograph of the person from
- 17 whom the material is obtained if not included or are different from the identification required in
- 18 subdivision (1) of this subsection;
- 19 (3) The date, time, and place of the transaction;
- 20 (4) The license plate number of the vehicle used by the seller during the transaction; **and**
- 21 (5) A full description of the material, including the weight and purchase price.

22 3. The records required under this section shall be maintained for a minimum of [~~twenty-~~
 23 ~~four~~] **thirty-six** months from when such material is obtained and shall be available for inspection
 24 by any law enforcement officer.

25 4. [~~Anyone convicted of violating this section shall be guilty of a class B misdemeanor.~~]
 26 **No transaction that includes a detached catalytic converter shall occur at any location**
 27 **other than the fixed place of business of the purchaser or collector of, or dealer in, junk,**
 28 **scrap metal, or any secondhand property. No detached catalytic converter shall be altered,**
 29 **modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or**
 30 **dealer's possession for five business days.**

31 5. **Anyone licensed under section 301.218 who knowingly purchases a stolen**
 32 **detached catalytic converter shall be subject to the following penalties:**

- 33 (1) **For a first violation, a fine in the amount of five-thousand dollars;**
- 34 (2) **For a second violation, a fine in the amount of ten-thousand dollars; and**
- 35 (3) **For a third violation, revocation of the license for a business described under**
- 36 **section 301.218.**

37 6. This section shall not apply to [~~any~~] **either** of the following transactions:

38 (1) ~~[Any transaction for which the total amount paid for all regulated material purchased~~
 39 ~~or sold does not exceed fifty dollars, unless the material is a catalytic converter;~~

40 ~~———(2)]~~ Any transaction for which the seller~~[, including a farm or farmer,]~~ has an existing
 41 business relationship with the scrap metal dealer and is known to the scrap metal dealer making
 42 the purchase to be an established business or political subdivision that operates a business with
 43 a fixed location that can be reasonably expected to generate regulated scrap metal and can be
 44 reasonably identified as such a business, **and for which the seller is paid by check or by**
 45 **electronic funds transfer, or the seller produces an acceptable identification, which shall**
 46 **be a copy of the driver's license or photo identification issued by the state or by the United**
 47 **States government or agency thereof, and a copy is retained by the purchaser; or**

48 ~~[(3)]~~ (2) Any transaction for which the type of metal subject to subsection 1 of this
 49 section is a minor part of a larger item, except for **heating and cooling equipment or** equipment
 50 used in the generation and transmission of electrical power or telecommunications.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
 2 obtained from the officer authorized to issue the same, and no marriage contracted shall be
 3 recognized as valid unless the license has been previously obtained, and unless the marriage is
 4 solemnized by a person authorized by law to solemnize marriages.

5 2. Before applicants for a marriage license shall receive a license, and before the recorder
 6 of deeds shall be authorized to issue a license, the parties to the marriage shall present an
 7 application for the license, duly executed and signed in the presence of the recorder of deeds or
 8 their deputy **or electronically through an online process**. If an applicant is unable to sign the
 9 application in the presence of the recorder of deeds as a result of the applicant's incarceration or
 10 because the applicant has been called or ordered to active military duty out of the state or
 11 country, the recorder of deeds may issue a license if:

12 (1) An affidavit or sworn statement is submitted by the incarcerated or military applicant
 13 on a form furnished by the recorder of deeds which includes the necessary information for the
 14 recorder of deeds to issue a marriage license under this section. The form shall include, but not
 15 be limited to, the following:

16 (a) The names of both applicants for the marriage license;

17 (b) The date of birth of the incarcerated or military applicant;

18 (c) An attestation by the incarcerated or military applicant that both applicants are not
 19 related;

20 (d) The date the marriage ended if the incarcerated or military applicant was previously
 21 married;

22 (e) An attestation signed by the incarcerated or military applicant stating in substantial
 23 part that the applicant is unable to appear in the presence of the recorder of deeds as a result of

24 the applicant's incarceration or because the applicant has been called or ordered to active military
25 duty out of the state or country, which will be verified by the professional or official who directs
26 the operation of the jail or prison or the military applicant's military officer, or such professional's
27 or official's designee, and acknowledged by a notary public commissioned by the state of
28 Missouri at the time of verification. However, in the case of an applicant who is called or
29 ordered to active military duty outside Missouri, ~~[acknowledgement]~~ **acknowledgment** may be
30 obtained by a notary public who is duly commissioned by a state other than Missouri or by
31 notarial services of a military officer in accordance with the Uniform Code of Military Justice
32 at the time of verification;

33 (2) The completed marriage license application of the incarcerated or military applicant
34 is submitted which includes the applicant's Social Security number; except that, in the event the
35 applicant does not have a Social Security number, a sworn statement by the applicant to that
36 effect; and

37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is
40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.

42 3. Each application for a license shall contain the Social Security number of the
43 applicant, provided that the applicant in fact has a Social Security number, or the applicant shall
44 sign a statement provided by the recorder that the applicant does not have a Social Security
45 number. The Social Security number contained in an application for a marriage license shall be
46 exempt from examination and copying pursuant to section 610.024. After the receipt of the
47 application the recorder of deeds shall issue the license, unless one of the parties withdraws the
48 application. The license shall be void after thirty days from the date of issuance.

49 4. Any person violating the provisions of this section shall be deemed guilty of a
50 misdemeanor.

51 5. Common-law marriages shall be null and void.

52 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
53 the validity be in any way affected for want of authority in any person so solemnizing the
54 marriage pursuant to section 451.100, if consummated with the full belief on the part of the
55 persons, so married, or either of them, that they were lawfully joined in marriage.

56 **7. In the event a recorder of deeds utilizes an online process to accept applications**
57 **for a marriage license or to issue a marriage license and the applicants' identity has not**
58 **been verified in person, the recorder of deeds shall have a two-step identity verification**
59 **process or a process that independently verifies the identity of such applicants. Such**

60 process shall be adopted as part of any electronic system for marriage licenses if the
61 applicants do not present themselves to the recorder of deeds or his or her designee in
62 person. It shall be the responsibility of the recorder of deeds to ensure any process adopted
63 to allow electronic application or issuance of a marriage license verifies the identities of
64 both applicants. The recorder of deeds shall not accept applications for or issue marriage
65 licenses through the process provided in this subsection unless both applicants are at least
66 eighteen years of age and at least one of the applicants is a resident of the county or city not
67 within a county in which the application was submitted.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates or containing, as of January
5 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental
6 health facility operated by the department of mental health which houses persons found not guilty
7 of a crime by reason of mental disease or defect under chapter 552 and provides sex offender
8 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the
9 presiding judge in the administration of the judicial business of the circuit by overseeing the
10 physical security of ~~[the courthouse,]~~ **court facilities, including courtrooms, jury rooms, and**
11 **chambers or offices of the court;** serving court-generated papers and orders~~[-]~~; and assisting
12 the judges of the circuit as the presiding judge determines appropriate. Such circuit court
13 marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the
14 presiding judge. The circuit court marshal authorized by this section is in addition to staff
15 support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any
16 other staff personnel which may otherwise be provided by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall
24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

- 27 (1) Serve process;
28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985,
3 and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405[.].

6 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,
7 shall be adjusted upon meeting the minimum number of cumulative years of service as a
8 court reporter with a circuit court of this state by the following schedule:

9 (1) For each court reporter with zero to five years of service: the annual salary shall
10 be increased only by any salary adjustment provided by section 476.405;

11 (2) For each court reporter with six to ten years of service: the annual salary shall
12 be increased by five and one-quarter percent;

13 (3) For each court reporter with eleven to fifteen years of service: the annual salary
14 shall be increased by eight and one-quarter percent;

15 (4) For each court reporter with sixteen to twenty years of service: the annual
16 salary shall be increased by eight and one-half percent; or

17 (5) For each court reporter with twenty-one or more years of service: the annual
18 salary shall be increased by eight and three-quarters percent.

19
20 A court reporter may receive multiple adjustments under this subsection as his or her
21 cumulative years of service increase, but only one percentage listed in subdivisions (1) to
22 (5) of this subsection shall apply to the annual salary at a time.

23 4. Salaries shall be payable in equal monthly installments on the certification of the
24 judge of the court or division in whose court the reporter is employed. ~~[When]~~ If paid by the
25 state, the salaries of such court reporters shall be paid in semimonthly or monthly installments,
26 as designated by the commissioner of administration.

488.2235. 1. In addition to all other court costs for municipal ordinance violations, any
2 home rule city with more than four hundred thousand inhabitants and located in more than one
3 county may provide for additional court costs in an amount up to five dollars per case for each
4 municipal ordinance violation case filed before a municipal division judge or associate circuit
5 judge.

6 2. The judge may waive the assessment of the cost in those cases where the defendant
7 is found by the judge to be indigent and unable to pay the costs.

8 3. Such cost shall be collected by the clerk and disbursed to the city at least monthly.
9 The city shall use such additional costs only for the restoration, maintenance and upkeep of the
10 municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds
11 for the cost of restoration, maintenance and upkeep of the courthouse.

12 4. The provisions of this section shall expire August 28, ~~[2024]~~ **2026**.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or her
3 thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
6 coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains
8 or disposes of property of another knowing that it has been stolen, or believing that it has been
9 stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of any
11 of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail
12 tank car, bulk storage tank, field nurse, field tank or field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be appropriated consists of any amount
15 of anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars
19 and that person has previously been found guilty of appropriating any animal considered
20 livestock or captive wildlife held under permit issued by the conservation commission.
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison
22 term of not less than eighty percent of his or her sentence before he or she is eligible for
23 probation, parole, conditional release, or other early release by the department of corrections;

24 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft,
25 and that person has previously been found guilty of two stealing-related offenses committed on
26 two separate occasions where such offenses occurred within ten years of the date of occurrence
27 of the present offense;

28 (4) The property appropriated or attempted to be appropriated consists of any animal
29 considered livestock as the term is defined in section 144.010 if the value of the livestock
30 exceeds ten thousand dollars; or

31 (5) The property appropriated or attempted to be appropriated is owned by or in the
32 custody of a financial institution and the property is taken or attempted to be taken physically
33 from an individual person to deprive the owner or custodian of the property.

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

36 5. The offense of stealing is a class D felony if:

37 (1) The value of the property or services appropriated is seven hundred fifty dollars or
38 more;

39 (2) The offender physically takes the property appropriated from the person of the
40 victim; or

41 (3) The property appropriated consists of:

42 (a) Any motor vehicle, watercraft or aircraft;

43 (b) Any will or unrecorded deed affecting real property;

44 (c) Any credit device, debit device or letter of credit;

45 (d) Any firearms;

46 (e) Any explosive weapon as defined in section 571.010;

47 (f) Any United States national flag designed, intended and used for display on buildings
48 or stationary flagstaffs in the open;

49 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
50 legislature of the state of Missouri;

51 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
52 any other state or of the United States;

53 (i) Any book of registration or list of voters required by chapter 115;

54 (j) Any animal considered livestock as that term is defined in section 144.010;

55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

56 (l) Any captive wildlife held under permit issued by the conservation commission;

57 (m) Any controlled substance as defined by section 195.010;

58 (n) Ammonium nitrate;

59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
60 telecommunications, video, internet, or voice over internet protocol service, or any other device
61 or pipe that is associated with conducting electricity or transporting natural gas or other
62 combustible fuels; or

63 (p) Any material appropriated with the intent to use such material to manufacture,
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
65 analogues.

66 6. The offense of stealing is a class E felony if:

67 (1) The property appropriated is an animal; ~~[or]~~

68 (2) **The property is a catalytic converter; or**

69 (3) A person has previously been found guilty of three stealing-related offenses
70 committed on three separate occasions where such offenses occurred within ten years of the date
71 of occurrence of the present offense.

72 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed
73 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one
74 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related
75 offense.

76 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
77 section.

78 9. If a violation of this section is subject to enhanced punishment based on prior findings
79 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by
80 section 558.021.

81 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
82 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
83 separate felony and may be charged in separate counts.

84 11. The value of property or services appropriated pursuant to one scheme or course of
85 conduct, whether from the same or several owners and whether at the same or different times,
86 constitutes a single criminal episode and may be aggregated in determining the grade of the
87 offense, except as set forth in subsection 10 of this section.

**Section 1. No county, city, town or village in this state receiving public funds shall
2 require documentation of an individual having received a vaccination against COVID-19
3 in order for the individual to access transportation systems or services or any other public
4 accommodations.**

Section B. Because of the importance of property tax relief and the threat of government
2 overreach to the residents of Missouri, the enactment of section 67.265 and the repeal and
3 reenactment of sections 139.100 and 192.300 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the enactment of section 67.265 and
6 the repeal and reenactment of sections 139.100 and 192.300 of this act shall be in full force and
7 effect upon its passage and approval.

✓

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0195H.08T
 Bill No.: Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271
 Subject: Administration, Office of; Cities, Towns, and Villages; Public Records, Public Meetings
 Type: Original
 Date: June 9, 2021

Bill Summary: This proposal changes the laws regarding local government and modifies multiple provisions relating to local government.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	(\$930,975)	(Could exceed \$2,032,041)	(Could exceed \$2,166,747)
Total Estimated Net Effect on General Revenue	(\$930,975)	(Could exceed \$2,032,041)	(Could exceed \$2,166,747)

*The fiscal impact could vary substantially depending upon the actual start dates of the court reporters (which we do not have). Oversight has made the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Blind Pension Fund	\$0 or (Unknown)	\$0 to Unknown to (Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or (Unknown)	\$0 to Unknown to (Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Sections 37.1090 - 37.1098 - Missouri Local Government Expenditure Database

Officials from the **Office of Administration (OA) - Information Technology Services Division (OA-ITSD)** state that the proposed Missouri Local Government Expenditure Database would be created and maintained by the Office of Administration, and be available on the Office of Administration website, to include information about expenditures made by municipalities or counties in each fiscal year.

Based on OA's experience with existing accountability portal requirements, including the existing bond reporting requirements for political subdivisions, it is expected that OA's role will be minimal, and would include making a standard form for the municipalities to fill out, along with detailed instructions. Any fiscal impact associated with reimbursing the political subdivisions for costs they may incur is unknown. The legislation is sufficiently clear related to reporting expectations that OA expects follow-up conversations will be limited. Given that the reporting requirement is limited to twice annually, OA does not anticipate the level of effort to comply with this legislation will be any greater than complying with existing accountability portal requirements.

OA-ITSD official state that the proposed requirements would be incorporated on the Missouri Accountability Portal (MAP) and would be accessible by members of the public without charge. Reporting would start for expenditures made on or after January 1, 2023, with information being submitted by municipalities or counties to the Office of Administration biannually. As MAP is an application that is currently being maintained, it is anticipated that costs associated with supporting the additional database could be absorbed within existing resources used for the annual maintenance of MAP.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for OA-ITSD.

Officials from the **Office of Administration – Division of Accounting** state that the fiscal impact of reimbursing the political subdivisions for their costs is unknown. It could be a small amount of money or a very large amount.

Oversight notes that the Office of Administration shall provide financial reimbursement to any participating municipality or county for actual expenditures incurred for participation in the database, upon appropriation. Since it is unknown how many municipalities or counties will participate or how much will be appropriated by the state for this purpose, Oversight will reflect a \$0 (zero municipalities or counties participate) to an unknown cost that could exceed \$100,000 to the General Revenue Fund.

Officials from **Kansas City** state this legislation would have a negative impact on Kansas City in an indeterminate amount if Kansas City had to comply. Kansas City already publishes expenditures on its website. While it's possible to provide all of this information, it would require some reprogramming to pull the data requested in the proposed legislation. That would come at some unknown cost, both in personnel and software.

In response to a previous version, officials from the **City of Springfield** would assume some fiscal impact to transfer the data to the required format if the City participates. However, this impact would be mitigated if appropriations for reimbursement of municipal costs are made.

In response to a previous version, officials from the **City of Osceola** stated this proposal creates added work to already small municipalities who often have only one person in the office which could have a negative fiscal impact.

In response to a previous version, officials from the **City of Columbia** stated the proposed legislation requires the participating municipalities and cities to compile and upload the data in the format described under section 37.1092 by the Office of Administration. Given that the required format is unknown, the City of Columbia may incur some additional costs to meet the requirements set forth by the Office of Administration. According to a study by Johns Hopkins University, the costs of "Open data" vary by cities and range between \$2,000 and \$50,000, which depends on the population. Considering the City of Columbia's population, it may cost up to \$40,000.

In response to a previous version, officials from the **City of O'Fallon** stated this proposal will likely cost around \$3,000 - \$5,000 to have their software company create an export of the data requested. This would be too time consuming for us to try and pull the data and put it in the format the State is requesting as it would not align in that manner so an export would make more sense. Then on an ongoing basis, to run the program, review the data and upload it to the State's website, it would likely take 30 minutes up to a few hours of employee time. The City would have to remove any confidential records or records that are not public information and I don't know what this might entail.

Other States

For a similar proposal in 2019 (HB 762), Oversight contacted several states that have similar local political subdivision expense portals. Below are their responses:

Data Operations Manager from the **State of Iowa** stated that while the Iowa Data Portal includes municipal expenditure data, it can't be explored in the same way as the state-level data central to the Iowa Data Portal and Iowa Checkbook. Implementation costs would depend on who would be responsible for entering the data and based on how much of the system was already in place. Portals rely on methods of data collection, data authentication, data storage, and data

presentation, and those costs could differ based on how much of the structure is in place. Iowa had a collection method in place for preexisting data. Iowa's HF 2278 (2018), dealt with a similar database for school districts. The estimated costs were between \$225,000 and \$350,000 for purposes of collection and presentation. For the Iowa Data Portal itself - HF 94 (2011), costs "were well over \$500,000."

The **State of Ohio** passed HB 40 (2018) which provided that the initial cost to implement the Ohio Checkbook (state expenditure database) was about \$0.8 million. Prior to HB 40, only state expenditures were included in the database. Subsequently, the Office of Ohio State Treasurer spent a total of \$2.6 million between FY 2015 and FY 2018 when it added local governments' and public retirement systems' expenditures in the database.

The **State of Massachusetts** lists some expenditure data online. The Municipal Data Bank Director stated the Data Bank has been in operation for over 30 years, and that due to the age of implementation the Division of Local Services doesn't have a reliable cost estimate as if it had been implemented today. They stated that the transition from using paper to digital for data entry began in 1984, and that paper was more or less eliminated by 2000. Furthermore, while the transition and implementation of the Data Bank was done in pieces, they believe most of the money was allocated for personnel rather than data bank creation, as the Division would recruit local students to manually enter the existing information into the system.

The Transparency Coordinator for **State of Utah's** Division of Finance stated that the Transparency Portal, created legislatively back in 2008 via SB 38 and municipalities were added in 2011. The Fiscal Note states that the entire system would have \$480,400 appropriated in FY 2009 as a one-time cost, and \$250,800 after that for annual costs. Services were contracted out to a third party called Utah Interactive, and that currently, it is estimated they pay \$80,000 a year for their services.

Oversight notes that based on similar proposals implemented in other states, costs ranged from \$225,000 - \$2.6 million. Oversight assumes a municipality or county may voluntarily participate in the database, or may be required to participate if a petition process used by its residents is used to require participation as specified in the bill. Oversight assumes a municipality or county could incur some expenses if they choose or are required to participate in the database. Oversight will range a local political subdivision fiscal impact as \$0 (zero municipalities or counties participate or municipalities or counties that choose to participate have no costs associated with the proposal) to an unknown cost – could exceed \$100,000.

Section 50.327 – County Coroners Salary in Second Class Counties

Oversight notes in similar legislation from this year (SB 233) the provisions of this proposal apply to 2nd class county coroners. County officials did not respond to Oversight's request for a statement of fiscal impact. Oversight assumes this proposal is permissive in nature and would have no local fiscal impact without action by the salary commission. Therefore, Oversight assumes the proposal will have no direct fiscal impact on counties. The compensation of county coroners listed in Section 58.095 are:

Assessed Valuation			Salary
\$18,000,000	to	40,999,999	\$8,000
41,000,000	to	53,999,999	8,500
54,000,000	to	65,999,999	9,000
66,000,000	to	85,999,999	9,500
86,000,000	to	99,999,999	10,000
100,000,000	to	130,999,999	11,000
131,000,000	to	159,999,999	12,000
160,000,000	to	189,999,999	13,000
190,000,000	to	249,999,999	14,000
250,000,000	to	299,999,999	15,000
300,000,000	or	more	16,000

Oversight notes the counties of the second classification are Callaway, Lincoln, and Newton.

Section 50.660 and 50.783 – County Competitive Bid Process

In response to a similar proposal from this year (SB 324), officials at the **St. Louis County Board of Elections** and the **Platte County Board of Elections** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight assumes by raising the competitive bidding amount requirements, there could be a savings to counties in advertising for bids. However, Oversight is unclear on the amount of savings. Therefore, Oversight will reflect a positive unknown to county funds for this proposal.

Section 64.207- Property Maintenance Code in Boone County

In response to a similar proposal from this year (HB 607), officials from the **Columbia/Boone County Public Health and Human Services (PHHS)** assumed this proposal will result in an unknown cost since the PHHS will be involved in some of the inspections. It is not clear how many facilities will require inspections.

Oversight notes the proposal is permissive in nature and would not have a local fiscal impact without the action of the county commissioners of Boone County to adopt rules, regulations or ordinances on rented residences. Oversight notes should the commission take action on this proposal, penalties and civil fines could be assessed in the rules. Oversight assumes some of the fine revenue could offset some of the costs of inspections that could be done. Therefore, Oversight will reflect a fiscal impact that will net to \$0 (no maintenance code adopted by Boone County Commission) to (Unknown) cost since the cost of maintenance and repairs may be more than the fine revenue.

Sections 67.990 & 67.993– Senior Citizens’ Services Fund

Officials at St. Louis County did not respond to **Oversight’s** request for fiscal impact.

Oversight notes per the St. Louis City Mayor's Office, the City of St. Louis Senior Citizens' Services Fund was established with the passage of Proposition S in November 2016 and was expected to generate about \$2 million annually from a voter-approved property tax. The Fund will support needed services that allow older adults basic assistance to be able to age in place in their own homes, including nutrition, transportation, home repair and home modifications. The City of St. Louis joins 54 other counties in the State of Missouri that have implemented a Senior Services Fund. The funds will be generated by a property tax of 5 cents on every \$100 assessed value.

Oversight notes the following table shows the Total Assessed Valuation and how much revenue would have been assessed in property taxes to go to this fund from calendar years '17 thru '20.

		<u>Tax Rate per \$100 Assessed Value</u>	<u>Property Tax of 5 cents</u>
<u>2020 Total Assessed Valuation</u>	<u>\$4,985,167,758</u>	<u>\$ 49,851,678</u>	<u>\$ 2,492,584</u>
<u>2019 Total Assessed Valuation</u>	<u>\$4,924,921,084</u>	<u>\$ 49,249,211</u>	<u>\$ 2,462,461</u>
<u>2018 Total Assessed Valuation</u>	<u>\$ 4,581,679,048</u>	<u>\$ 45,816,790</u>	<u>\$ 2,290,840</u>
<u>2017 Total Assessed Valuation</u>	<u>\$ 4,582,785,735</u>	<u>\$ 45,827,857</u>	<u>\$ 2,291,393</u>
<u>*State Tax Commissions' Total Assessed Valuations by County & Recapitulation for State of MO Report</u>			

Section 67.1847– Public Right-of-Way Provisions

Oversight assumes this legislation requires any public utility engaged in providing fiber networks to customers using fiber networks, built whole or in part in a political subdivision's right-of-way, that was charged a linear foot fee as of May 1, 2021, shall pay to the political subdivision no more than 5% of gross telecommunications service revenue and shall not pay a linear foot fee. Oversight assumes this legislation could result in an unknown positive fiscal impact to local political subdivisions and an unknown negative fiscal impact due to loss of linear foot fees.

Sections 67.1847, 67.2680 and 71.1000 – Broadband Infrastructure Improvement Districts

In response to a similar proposal from this year (Perfected SS for SCS for SB 108), officials from the **Kansas City Board of Elections** assumed a cost of \$625,000 to conduct an election for this proposal.

Oversight notes that some of the costs mentioned by the City of Kansas City could be offset through grants, loans, bonds, or user fees per §71.1000.5. However, Oversight assumes not all of the costs for the election could be covered and therefore the City of Kansas City would have an expense for election costs. There could also be other municipalities that incur election costs if they choose to form a broadband infrastructure improvement district for their residents.

According to subsection 6, the election would occur at a November election in even numbered years. The next general election is scheduled for November of 2022 (FY 2023). Therefore, any election costs could occur at this time. Therefore, Oversight will reflect a potential election cost of \$0 or unknown to local political subdivisions starting in FY 2023.

Oversight also notes per §71.1000.6, the district may impose a sales tax that shall not exceed one percent and such tax shall not become effective unless the governing body of each municipality of the district submits a proposal to the voters at an election to authorize such tax. This tax would be in addition to any and all taxes imposed and the proceeds of such tax shall be used solely to provide broadband service to residents of the district. Oversight assumes two or more municipalities would not take action from this proposal unless there was an economic benefit to the municipalities and approval by the majority of voters to form a broadband infrastructure improvement district. If the voters are in favor of this additional tax, then the tax would be effective in the quarter following the election. In this case, it would be in January of 2023 (FY 2023). The Department of Revenue (DOR) would collect a 1% collection fee for the administration of this new sales tax on the broadband infrastructure improvement district. Therefore, Oversight will show a \$0 or unknown revenue gain for DOR's collection fee to General Revenue and a cost of DOR's collection fee to local political subdivisions and a \$0 or unknown revenue gain for the sales tax collected for the improvement district to local political subdivisions.

Section 82.390 – License Collector of St. Louis City

Oversight assumes this legislation is similar to SB 612. Oversight assumes this legislation modifies provisions relating to the license collector of St. Louis City and will have a fiscal impact on the City of St. Louis. Oversight will range the impact as (Could exceed \$40,000).

Section 84.400 - Law Enforcement Officers Provisions

In response to a similar proposal from this year (SCS for SB 53), officials from the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of Sexual Conduct in the Course of Public Duty, a class E felony. Section 566.145 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Oversight assumes these changes may have a potential indirect impact on the City of Kansas City but Oversight assumes these changes will not have a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Section 137.280– Electronic Property Tax List

Officials from the **State Tax Commission (STC)** state this section of the proposal, which allows assessors to send notices by electronic form upon request of the taxpayer has no fiscal impact on the STC, however local assessment officials may realize administrative cost savings in postage.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a positive unknown impact in the fiscal note.

In response a similar proposal from this year (SB 365), officials from the **Jefferson County Assessor's Office** assumed the amount of annual postage cost saved is estimated at \$19,848 (92,534 assessment lists mailed x 39% electronic request x \$0.55 postage rate). The 39% electronic request rate is based on discussions with assessors who send out postcards per request, and their electronic filing response rate. Also, the savings cost to print, sort, and stuff paper assessment lists for mailing is estimated to be \$4,368 (\$11,200 printing cost x 39% electronic request). Also, the reduction in paper assessment lists being sent also means they would not be mailed back. This would allow for a reduction of one full-time employee (FTE) that is now allocated to opening, sorting, and scanning in paper assessment lists into their system. The salary and benefits for this position was budgeted at \$37,156 for the 2021 budget cycle. In total, this legislation when implemented would constitute an estimated total annual budgetary savings to the Jefferson County Assessment Fund of \$61,372.

Per the U.S. Census Bureau, the population of Jefferson County was [225,081](#) in 2019. **Oversight** notes the number of assessment lists mailed as a proportion of the population is estimated at 41%. If other counties experienced a similar assessment list to population mailing reduction, the savings is estimated at \$1,383,990 ($((6,137,428 * .41) = \$2,516,346 * .55 \text{ postage}))$ based on the population of Missouri.

And if each county were able to reduce their staff by one position at a similar salary, **Oversight** estimates the savings at \$4,255,000 ($\$37,000 * 115$).

Oversight is uncertain if other county assessment offices would experience a savings similar to the one estimated by the Jefferson County Assessor. Oversight will show an unknown savings to county assessment offices.

Section 139.100 – Property Taxes Provisions

Officials from the **State Tax Commission (STC)** state this section of the proposal may have an unknown fiscal impact on local taxing districts and collection authorities, as the act states “may enter” into a waiver of tax penalty agreements, the provision is a discretionary authority. The fiscal impact would be dependent on the extent to which the authority is exercised by said authorities.

In response to a similar proposal from this year (HB 633), officials from the **Office of Administration - Budget and Planning (B&P)** assumed this proposal may impact TSR, through a change in cash flow. This proposal will not impact the calculation under Article X, Section 18(e).

This proposal would allow a county collector to enter into a payment plan with taxpayers who are delinquent in paying their property tax. The full amount of taxes must be paid within twelve months of their original due date. Section B contains an emergency clause. For the purpose of this fiscal note, B&P assumes that this provision would take effect July 1, 2021.

This proposal would begin for tax liabilities incurred on January 1, 2020. B&P notes that such tax liabilities would be due on 12/31/2020. However, this proposal would not take effect until after the start of calendar year 2021, which will limit the number of months available for tax year 2020 payment plans.

B&P notes that the Blind Pension Trust Fund has a property tax levy of \$0.03 per \$100 valuation. In the event that this proposal changes the timing of tax payments, the cash flow to the Blind Pension Trust Fund may be impacted by an unknown amount.

In response to a similar proposal from this year (HB 633), officials from the **State Tax Commission** assumed this proposal may have an unknown fiscal impact on local collection authorities dependent on the extent to which the authority is used to enter into such agreements for a reduction or waiver of penalties.

Oversight assumes this proposal allows the county collectors to enter into an agreement to negotiate the collection of real estate taxes. Once the agreement is made, the owner of the property has 12 months to pay the debt for the tax year. Oversight is unclear on how many owners would enter into an agreement with the county collector. Oversight assumes this proposal would cause a change in cash flow and it could allow the potential for more debt collections in the future to be cleared from county books. Oversight assumes any agreement made by county collectors on debts owed will be collected on the full amount of the property assessed and any reduction of debt would be from the penalties owed to the county collectors for not paying the taxes on-time. Therefore, Oversight will reflect a change in cash flow that could affect the Blind Pension Trust Fund of \$0 or a negative unknown for this proposal for FY 2022.

For FYs 2023 and 2024, **Oversight** assumes the use of the pay plans might allow county collectors to receive additional taxpayer payments that they would not have received had they not set up an agreement plan with the taxpayer. Therefore, Oversight will reflect a \$0 to positive and negative unknown fiscal impact for FYs 2023 and 2024 for the Blind Pension Fund.

In response to a similar proposal from this year (HB 633), officials from **Jackson County** assumed a cost up to \$200,000 for additional staff to negotiate delinquent property taxes, but these costs could be offset by higher tax collections.

In response to a similar proposal from this year (HB 633), officials from the **Ste. Genevieve Collector's Office** stated their tax software does not have the capability to eliminate only the 9% penalty on a tax bill. Currently, if the penalty date is changed on collection of a tax bill, it affects the interest, penalty and any real estate fees (Clerk and Collector). If this legislation passes, there would have to be a significant software program change. The cost of that change is undetermined. There are at least eighteen different tax software systems plus seven in-house systems used by County Collectors across the state, all of which would likely have to make the programming change.

For the following Collector years (March – Feb), Ste. Genevieve County collected the following amounts in penalties (9% statutory): 2020 - \$80,248.37, 2019 - \$80,497.74, and 2018 - \$92,420.08. The allocation is as follows: five ninths of these amounts go to CERF (County Employees' Retirement Fund), two ninths go to the Collector Tax Maintenance Fund to pay for expenses of the office, and two ninths go to County General Revenue. Worst case scenario – this is the amount of money that would be waived.

As this proposal is permissive (“the collector **may** enter into an agreement”), **Oversight** will reflect a potential administrative cost to county collectors to set up such a system as \$0 or (Unknown).

In response to a similar proposal from this year (HB 633), officials from the **Kansas City Public School District** assumed the cost of this bill relates more to the delay in timing of receipt of revenues for a public school system. Property taxes delayed for up to one year would cause current year collections to be below what is due as school fiscal years end on June 30th and property owners would be allowed to pay or delay from December to December. This reduced current year revenue delay could impact budgets at varying rates depending upon volume and time taken.

In response to a similar proposal from this year (HB 633), officials from the **Springfield R-XII School District** assumed there would be a fiscal impact due to delayed tax payments will vary and is unknown. Collectors' offices throughout the state do not have the software and staffing capacity to consistently and accurately manage this additional workload.

In response to a similar proposal from this year (HB 633), officials from the **High Point R-III School District** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Oversight assumes there could also be a change in cash flow to county collector funds and the amount of funds received by school districts. Oversight still assumes any agreement made by the county collectors on debts owed will be collected on the full amount of the property assessed. However, there could be a potential reduction in revenue made in these agreements in order to collect on the debt that is owed. Because the agreements made could potentially reduce the amount of debt owed to the counties from negotiating or possibly waiving penalties already on the books, Oversight will reflect a \$0 or unknown negative to counties and school district funding from this proposal for FY 2022.

For FYs 2023 and 2024, **Oversight** assumes the use of the pay plans might allow county collectors to receive additional taxpayer payments that they would not have received had they not set up an agreement plan with the taxpayer. Therefore, Oversight will reflect a \$0 to positive and negative unknown fiscal impact for FYs 2023 and 2024 for local political subdivisions.

Section 204.569 – Common Sewer Districts Provisions

Officials from the **Little Blue Valley Sewer District** assumed a direct impact on their ability to issue bonds for expansion of their sewer plant. The sewer district is a very small portion of the county and a vote in the county to allow for additional debt could have an adverse outcome. Due to the growth of the County in the area they serve, they are in need of expanding their sewer treatment plant. In order to complete the expansion, they need to issue debt. This gives them the ability to go directly to their customers for approval.

Oversight assumes this proposal modifies the provisions for subdistricts which are part of a common sewer district in certain counties (Jackson and Cass) to issue bonds for the subdistrict. This proposal changes the percentage of voters required to assent from 4/7th of voters in the subdistrict or 3/4th of the customers of the subdistrict as defined in §204.370 to 75% of customers of the subdistrict. Oversight assumes §204.569 is codifying statute to reflect the same percentage as §204.370 and will have no direct fiscal impact.

Section 221.105- Department of Corrections Reimbursement to Counties

Oversight notes according to a hearing from September of 2019, DOC testified that the state owes approximately \$40 million to counties. It was estimated to reach \$45 million in FY 2020. There is a 9-month lag in payments by DOC to counties which are paid on a first-come, first-serve basis. This is a funding delay not a processing delay. Funding is made on a quarterly basis. The current reimbursement rate is \$22.58/day. According to the department budget request, program expenditures have totaled:

FY 2018	\$43,716,122 (actual)
FY 2019	\$43,330,190 (actual)
FY 2020	\$42,758,409; (actual)
FY 2021	\$52,080,948; (planned) and

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **13** of **25**

June 9, 2021

FY 2022 \$43,770,272 (HB 9, 2021)

County billing requests are detailed by prisoner name and the number of days held. DOC audits the information and makes payment to the county.

Oversight does not have any information to the contrary. Oversight assumes by deleting the language in this section, there will not be a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for this section.

Section 386.800 & 394.020– Service Territories of Retail Electric Service Providers

In response to a similar proposal from this year (SB 334), officials from the **City of Springfield** stated that the city anticipates a negative fiscal impact due to impact on City Utility (CU) (a utility company owned by the City of Springfield) service territory; however, it is not possible to estimate the amount.

The City states that under current law, if the city annexes an area being served by a rural electric cooperative, then CU would have the exclusive right to serve all new structures constructed in the newly annexed area. Under the proposed bill, CU would not have the exclusive right to serve those new structures in the annexed area, but which utility provides service would be determined by the Missouri Public Service Commission or the impacted owner of the structure. Therefore, there could be a negative impact on CU's service area, but it is not possible to determine the amount because it is unknown how many services in areas which CU currently has exclusive rights to serve would be provided by a rural electric cooperative instead.

Oversight assumes this legislation could affect all local political subdivisions that own a city utility company. Since it is unknown how many (if any) annexed areas will choose to continue service with a rural electric cooperative instead of using a City Utility or the PSC determines the new structure should be serviced by another utility company other than a City Utility, Oversight will reflect the fiscal impact to Local Political Subdivisions as \$0 or (Unknown).

Section 393.106 – Wholesale Electric Energy

Officials from the **Department of Commerce and Insurance – Public Service Commission (PSC)** state it is unknown what the impact on workload for various departments of the PSC will be. The PSC is funded by an assessment on Commission-regulated public utilities pursuant to Section 386.370 RSMo, and not by any state general appropriations. Depending on the cumulative effect of all PSC-impacting legislation passed in the current session and the associated increased costs associated with that legislation to the PSC, the PSC may need to request an increase in their appropriation authority and/or FTE allocation as appropriate through the budget process.

Oversight assumes PSC is provided with core funding to handle a certain amount of activity each year. Oversight assumes PSC could absorb some of the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, PSC could

request an increase in our appropriation authority and/or FTE allocation as appropriate through the budget process.

Oversight requested additional information from the PSC regarding the intent and impact of the legislation. **PSC** stated if language clarifications were included, HB 835 and SB 335 impact to customers would vary depending on the utility's rate structure and profile of its customer base. The impact would be unknown until the utility's subsequent general rate case where the PSC would have the opportunity to look at how qualifying customers who participated in HB 835's and SB 335's structure impacted revenues, energy usage, and other aspects significant to the "all relevant factors" analysis the PSC uses in general rate cases.

Section 407.297– Scrap Metals Provisions

In response to a similar proposal from this year (SB 318), officials from the **City of Kansas City** assume this proposal could have a positive fiscal impact on Kansas City if it derives revenues from the license fees it would be allowed to charge.

Oversight notes that §407.297.2 allows municipalities to set the license fee for the business of operating as a copper property peddler in the City of Kansas City and the City of St. Louis. §407.299.3 establishes fine revenue if convicted of selling stolen ferrous or nonferrous metals to a scrap metal dealer. Oversight assumes revenues from an increase in license fees and fine revenues could increase, but has no data to support this potential increase. Therefore, Oversight will reflect a \$0 to unknown increase in revenues for this proposal for local political subdivisions.

§§407.300 and 570.030 – Certain metals

Officials from the **Department of Corrections (DOC)** state §570.030 creates a new class E felony. For each new nonviolent class E felony, it is estimated that one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be 2 additional offenders in prison and 7 on field supervision by FY24.

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **15** of **25**

June 9, 2021

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

	# to	Cost per	Total Costs for	# to	Cost per	Total cost	Grand Total -
	prison	year	prison	probation & parole	year	for probation and parole	Prison and Probation (includes 2% inflation)
Year 1	1	(\$7,756)	(\$6,463)	2	absorbed	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	absorbed	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	absorbed	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	absorbed	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	absorbed	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	absorbed	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	absorbed	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	absorbed	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	absorbed	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	absorbed	\$0	(\$18,538)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

KC:LR:OD

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **16** of **25**

June 9, 2021

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Oversight notes that violations of section 407.300 could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts.

§451.040 – Applying for a marriage license electronically

In response to similar legislation from this year, HB 144, officials at **Jackson County** assumed a positive fiscal impact from this proposal. Staffing costs could be lowered.

In response to similar legislation from 2020, HCS for HB Nos. 1972 & 2366, officials from the **Daviess County Recorder of Deeds Office** assumed no fiscal impact to their organization from this proposal.

Oversight notes the legislation does not specifically address if a form will need to be created by the County Recorder of Deeds Office or if software may need to be purchased. Oversight assumes this proposal is permissive and action would only be taken by the County Recorder of Deeds Office if they have budgeted funds for this purpose and if it would benefit their county. Therefore, Oversight will reflect a \$0 fiscal note assuming any costs involved would be absorbed by the County Recorder of Deeds Office.

Section 485.060– Court Reporters Compensation

Officials from the **Office of the State Courts Administrator (OSCA)** assume the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, with an annual increase of \$20,685.17 per court reporter, the fiscal impact is an unknown cost of up to \$3,040,720.35 annually.

KC:LR:OD

Oversight notes that the \$20,685.17 from OSCA's response is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$60,071.70 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service below starting January 1, 2022:

06-10 years of service -	\$63,226
11-15 years of service -	\$68,442
16-20 years of service -	\$74,260
21+ years of service -	\$80,757

Oversight notes officials from OSCA provided a listing of the current court reporters, but would not provide a start date (to calculate years of service) for each. Therefore, Oversight will have to make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service. Oversight will assume "Beginning on January 1, 2022" means that court reporters will be eligible for pay raises as they attain the requisite years of service (therefore, in addition to the raises awarded on January 1, 2022, raises could be earned each year thereafter as long as the court reporter hit the new thresholds). Oversight will also make the assumption that all raises will be given as of January 1st, regardless of when in the year the court reporter hit the new step year thresholds (6, 11, 16, and/or 21 years). Therefore, Oversight will reflect 6 months of impact in FY 2022 (January 1 - June 30). In FY 2023, Oversight will reflect the other six months of the January 1, 2022 raises, and six months of the January 1, 2023 raises.

Oversight will also assume fringe benefits of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers' compensation.

Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which we do not have) for the court reporters.

Section 488.2235

Oversight assumes this extends the sunset for this provision to 2026. Oversight assumes this would have a positive fiscal impact (continuation of an existing court cost) and therefore will positively impact Kansas City.

Bill as a Whole:

Officials from the **Attorney General's Office**, the **Office of Administration - Administrative Hearing Commission**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety (Fire Safety, Directors Office, Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **University of Missouri**, the **Metropolitan St. Louis Sewer District**,

the **Wayne County Pwsd**, the **St. Joseph Police Department**, the **Platte County Local Election Authority**, the **St. Louis County Election Authority** and the **City of Claycomo** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, local election authorities, counties, assessors, treasurers, public administrators, clerks, sheriffs, police departments and utilities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Cost</u> - OA (§37.1094.5) Reimburse participating municipalities for actual costs (§37.1094.5) p. 3-5	\$0	(Could exceed \$100,000)	(Could exceed \$100,000)
<u>Costs</u> – DOC (§570.030) Increased incarceration costs p. 14-16	(\$6,463)	(\$15,822)	(\$16,139)
<u>Revenue</u> – DOR – 1% collection fee (§§67.2680 & 71.1000) p. 7-8	\$0	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – OSCA – salary adjustments for court reporters as of January 1 st (§485.060) p. 16-17			
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$483,532)	(\$517,443)
Total Costs – OSCA	(\$924,512)	(\$1,916,219)	(\$2,050,608)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$930,975)</u>	(Could exceed <u>\$2,032,041</u>)	(Could exceed <u>\$2,166,747</u>)
BLIND PENSION TRUST FUND			
<u>Loss/Gain in revenues</u> – potential change in cash flow resulting from counties entering into agreements to collect real estate taxes (§139.100) p. 10-12	\$0 or (Unknown)	\$0 to Unknown to (Unknown)	\$0 to Unknown to (Unknown)
ESTIMATED NET EFFECT ON THE BLIND PENSION TRUST FUND	<u>\$0 or (Unknown)</u>	<u>\$0 to Unknown to (Unknown)</u>	<u>(Unknown)</u>

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **20** of **25**

June 9, 2021

KC:LR:OD

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Income</u> - Potential reimbursement from the state for actual costs (§37.1094.5) p. 3-5	\$0	Could exceed \$100,000	Could exceed \$100,000
<u>Income</u> – School districts (§407.300) Fines from violations p. 14-16	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Revenue</u> – 5% tax (§67.1847) p. 7	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Revenues</u> – Boone County civil fines and penalties (§64.207) p. 6	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Revenue Gain</u> – sales tax collected on broadband improvement districts (§§67.2680 & 71.1000) p. 7-8	\$0	\$0 or Unknown	\$0 or Unknown
<u>Revenue</u> – St. Louis City and Kansas City potential increases to license fees and fine revenues relating to scrap metals (§407.297) p. 14	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings</u> – raises the amount requiring advertising for bids (§§50.660 and 50.783) p. 6	Unknown	Unknown	Unknown
<u>Savings</u> – County Assessors - from no longer mailing assessment lists and a reduction in staff (§137.280) p. 9	Unknown	Unknown	Unknown

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page 22 of 25

June 9, 2021

<u>Revenue</u> – continuation of existing court cost in §488.2235 p. 17	Unknown	Unknown	Unknown
<u>Loss</u> – Linear Foot Fee (§67.1847) p. 7	(Unknown)	(Unknown)	(Unknown)
<u>Loss/Gain in revenues</u> – counties – potential reduction for penalties waived or reduced to collect on real estate taxes/potential increase in taxes collected (§139.100) p. 10-12	\$0 or (Unknown)	\$0 to Unknown to (Unknown)	\$0 to Unknown to (Unknown)
<u>Loss/Gain in revenues</u> – school districts – potential reduction of penalties collected or waived by counties in order to collect on real estate taxes/potential increase in taxes collected (§139.100) p. 10-12	\$0 or (Unknown)	\$0 to Unknown to (Unknown)	\$0 to Unknown to (Unknown)
<u>Loss</u> – loss of exclusive right to service new structures (§386.800 & 394.020) p. 13	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> - Local Governments Potential increase in utility costs (§393.106) p. 13-14	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – City of St. Louis Collector’s Base Salary Increase (§82.390) p.8	(Could be greater than \$40,000)	(Could be greater than \$40,000)	(Could be greater than \$40,000)
<u>Cost</u> - Municipalities and Counties Cost associated with participating in the Missouri Local Government Expenditure Database (§§ 37.1090 - 37.1098) p. 5	\$0	\$0 to (Unknown could exceed \$100,000)	\$0 to (Unknown could exceed \$100,000)
<u>Costs</u> – system changes and other administrative costs to implement this change (§139.100) p. 10-12	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

KC:LR:OD

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **23** of **25**

June 9, 2021

<u>Cost</u> – DOR’s 1% collection fee (§§67.2680 & 71.1000) p. 7-8	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost</u> – election costs to form a broadband improvement district (§71.1000) p. 7-8	\$0	\$0 or (Unknown)	\$0
<u>Costs</u> – Boone County to implement inspections (§64.207) p. 8	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT – Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal. Small businesses could realize more opportunities for contracts and purchases with counties.

A direct fiscal impact to a public utility engaged in providing fiber networks would be expected as a result of this proposal.

Small businesses that service broadband internet services within these districts could have a direct fiscal impact as a result of this proposal.

Oversight assumes there could be a fiscal impact to small businesses if tax rates are adjusted relative to changes in assessed value.

A direct fiscal impact to small businesses that would no longer be required to use city utility if their structure was annexed would be expected as a result of this proposal.

This act allows a county assessor, upon request of a taxpayer, to send personal property tax lists and notices in electronic form.

Scrap metal operators could be impacted by this proposal.

This act provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

KC:LR:OD

L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **24** of **25**

June 9, 2021

Utility costs for small businesses could be impacted.

Small businesses that purchase certain metals could be impacted by this proposal.

FISCAL DESCRIPTION

This proposal modifies multiple provisions relating to local government.

Section 67.265 and sections 139.100 and 192.300 contain an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office

Office of Administration - Administrative Hearing Commission

Department of Commerce and Insurance

Department of Elementary and Secondary Education

Department of Health and Senior Services

Department of Natural Resources

Department of Corrections

Department of Labor and Industrial Relations

Department of Revenue

Department of Public Safety

Fire Safety

Directors Office

Missouri Highway Patrol

Department of Social Services

Missouri Department of Conservation

Missouri Ethics Commission

Missouri Department of Transportation

Office of Administration

Office of the Secretary of State

University of Missouri Legislative Research

Joint Committee on Administrative Rules

Missouri Office of Prosecution Services

Office of the State Courts Administrator

State Tax Commission

City of Claycomo

Kansas City

Platte County Election Authority

St. Louis County Election Authority

St. Joseph Police Department

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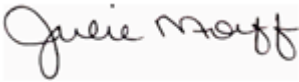
L.R. No. 0195H.08T

Bill No. Truly Agreed To and Finally Passed CCS for SS No. 2 for SCS for HCS for HB 271

Page **25** of **25**

June 9, 2021

Little Blue Valley Sewer District
Metropolitan St. Louis Sewer District
Wayne County Pwsd



Julie Morff
Director
June 9, 2021



Ross Strobe
Assistant Director
June 9, 2021

HB 271 -- LOCAL GOVERNMENT EXPENDITURE DATABASE

SPONSOR: Wiemann

This bill establishes the "Missouri Local Government Expenditure Database", to be maintained by the Office of Administration. For each fiscal year beginning after December 31, 2022, the database must include extensive information about a given municipality's or county's expenditures and the vendors to whom payments were made. The database must be accessible by the public without charge and have multiple ways to search and filter the information.

A municipality or county may voluntarily participate in the database, or may be required to participate if a petition process used by its residents is used to require participation as specified in the bill. A link to the database on a municipal or county website is required.

The Office of Administration may stipulate a format for information and will provide a template for municipalities and counties to use in sending information. Other duties and responsibilities of the Office of Administration regarding the database are detailed in the bill. Financial reimbursement to municipalities and counties for costs associated with the database is authorized.

This bill is the same as HB 1933 (2020).

EXHIBIT

6