

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 315
98TH GENERAL ASSEMBLY

1687H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 29.230, 49.060, 51.090, 53.010, 54.033, 55.050, 58.040, 59.022, 67.410, 72.150, 94.579, 105.030, 162.471, 162.481, 473.730, and 483.020, RSMo, and to enact in lieu thereof nineteen new sections relating to political subdivisions, with an emergency clause for certain sections.

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

Section A. Sections 29.230, 49.060, 51.090, 53.010, 54.033, 55.050, 58.040, 59.022, 67.410, 72.150, 94.579, 105.030, 162.471, 162.481, 473.730, and 483.020, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 29.230, 49.060, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 67.410, 72.150, 94.579, 105.030, 160.671, 162.471, 162.481, 473.730, 483.020, and 1, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is** signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

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.

12 (1) If the number of qualified voters of the political subdivision determined on the basis
13 of the votes cast in the last gubernatorial election held prior to the filing of the petition is less
14 than one thousand, twenty-five percent of the qualified voters of the political subdivision
15 determined on the basis of the registered voters eligible to vote at the last gubernatorial election
16 held prior to the filing of the petition;

17 (2) If the number of qualified voters of the political subdivision determined on the basis
18 of the votes cast in the last gubernatorial election held prior to the filing of the petition is one
19 thousand or more but less than five thousand, fifteen percent of the qualified voters of the
20 political subdivision determined on the basis of the votes cast in the last gubernatorial election
21 held prior to the filing of the petition, provided that the number of qualified voters signing such
22 petition is not less than two hundred;

23 (3) If the number of qualified voters of the political subdivision determined on the basis
24 of the votes cast in the last gubernatorial election held prior to the filing of the petition is five
25 thousand or more but less than fifty thousand, ten percent of the qualified voters of the political
26 subdivision determined on the basis of the votes cast in the last gubernatorial election held prior
27 to the filing of the petition, provided that the number of qualified voters signing such petition is
28 not less than seven hundred fifty;

29 (4) If the number of qualified voters of the political subdivision determined on the basis
30 of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty
31 thousand or more, five percent of the qualified voters of the political subdivision determined on
32 the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition,
33 provided that the number of qualified voters signing such petition is not less than five thousand.

34 **3.** The political subdivision shall pay the actual cost of audit. The petition that requests
35 an audit of a political subdivision shall state on its face the estimated cost of the audit and that
36 it will be paid by the political subdivision being audited. The estimated cost of the audit shall
37 be provided by the state auditor within sixty days of such request. The costs of the audit may be
38 billed and paid on an interim basis with individual billing periods to be set at the state auditor's
39 discretion. Moneys held by the state on behalf of a political subdivision may be used to offset
40 unpaid billings for audit costs of the political subdivision. All moneys received by the state in
41 payment of the costs of petition audits shall be deposited in the state treasury and credited to the
42 "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as
43 custodian. The general assembly may appropriate additional moneys to the fund as it deems
44 necessary. The state auditor shall administer the fund and approve all disbursements, upon
45 appropriation, from the fund to apply to the costs of performing petition audits. The provisions
46 of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and
47 placed to the credit of general revenue until the amount in the fund at the end of any biennium

48 exceeds one million dollars. The amount in the fund which shall lapse is the amount which
49 exceeds one million dollars. No political subdivision shall be audited by petition more than once
50 in any three calendar or fiscal years.

51 **4. Any person who allegedly signed or has signed the original petition may submit**
52 **a sworn statement to the state auditor that the person did not sign such petition or that the**
53 **person wishes to rescind such signature. Such statement shall be required to be made**
54 **within ten days from submission of the petition to the state auditor. If such statement is**
55 **timely filed, such signature shall be withdrawn and shall not count in the determination**
56 **of the number of qualified voters necessary to compel an audit under subsection 2 of this**
57 **section.**

49.060. 1. When a vacancy shall occur in the office of a county commissioner, the
2 vacancy shall at once be certified by the clerk of the commission to the governor[, who shall fill
3 such vacancy with a person who resides in the district at the time the vacancy occurs, as provided
4 by law].

5 **2. It shall be the duty of the governor to fill such vacancy no later than sixty days**
6 **after certification by appointing, by and with the advice and consent of the senate subject**
7 **to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible**
8 **person to said office who shall discharge the duties thereof until the next general election,**
9 **at which time a commissioner shall be chosen for the remainder of the term, who shall hold**
10 **such office until a successor is duly elected and qualified, unless sooner removed.**

11 **3. This section shall not apply to any county that has adopted a charter for its own**
12 **government under article VI, section 18 of the Constitution of Missouri.**

51.090. 1. When any vacancy shall occur in the office of clerk of the county commission
2 by death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor
3 to fill such vacancy by appointing, **no later than sixty days after the vacancy occurs and by**
4 **and with the advice and consent of the senate subject to the provisions of article IV, section**
5 **51 of the Constitution of Missouri,** some eligible person to said office, who shall discharge the
6 duties thereof until the next general election, at which time a clerk shall be chosen for the
7 remainder of the term, who shall hold [his] **such** office until [his] **a** successor is duly elected or
8 appointed and qualified, unless sooner removed.

9 **2. This section shall not apply to any county that has adopted a charter for its own**
10 **government under article VI, section 18 of the Constitution of Missouri.**

52.145. 1. If any vacancy shall occur in the office of county collector of revenue by
2 death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor
3 to fill such vacancy by appointing, **no later than sixty days after the vacancy occurs and by**
4 **and with the advice and consent of the senate subject to the provisions of article IV, section**

5 **51 of the Constitution of Missouri, some eligible person to said office, who shall discharge**
6 **the duties thereof until the next general election, at which time a collector shall be chosen**
7 **for the remainder of the term, who shall hold such office until a successor is duly elected**
8 **and qualified, unless sooner removed.**

9 **2. This section shall not apply to any county that has adopted a charter for its own**
10 **government under article VI, section 18 of the Constitution of Missouri.**

53.010. 1. At the general election in the year 1948 and every four years thereafter the
2 qualified voters in each county in this state shall elect a county assessor. Such county assessors
3 shall enter upon the discharge of their duties on the first day of September next after their
4 election, and shall hold office for a term of four years, and until their successors are elected and
5 qualified, unless sooner removed from office; provided, that this section shall not apply to the
6 city of St. Louis. The assessor shall be a resident of the county from which such person was
7 elected.

8 **2. If any vacancy shall occur in the office of county assessor by death, resignation,**
9 **removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy**
10 **by appointing, no later than sixty days after the vacancy occurs and by and with the advice**
11 **and consent of the senate subject to the provisions of article IV, section 51 of the**
12 **Constitution of Missouri, some eligible person to said office, who shall discharge the duties**
13 **thereof until the next general election, at which time an assessor shall be chosen for the**
14 **remainder of the term, who shall hold such office until a successor is duly elected and**
15 **qualified, unless sooner removed. This subsection shall not apply to any county that has**
16 **adopted a charter for its own government under article VI, section 18 of the Constitution**
17 **of Missouri.**

18 [2.] 3. The office of county assessor is created in each county having township
19 organization and a county assessor shall be elected for each township organization county at the
20 next general election, or at a special election called for that purpose by the governing body of
21 such county. If a special election is called, the state and each political subdivision or special
22 district submitting a candidate or question at such election shall pay its proportional share of the
23 costs of the election, as provided by section 115.065. Such assessor shall assume office
24 immediately upon his election and qualification, and shall serve until his successor is elected and
25 qualified under the provisions of subsection 1 of this section. Laws generally applicable to
26 county assessors, their offices, clerks, and deputies shall apply to and govern county assessors
27 in township organization counties, and laws applicable to county assessors, their offices, clerks,
28 and deputies in third class counties and laws applicable to county assessors, their offices, clerks,
29 and deputies in fourth class counties shall apply to and govern county assessors, their offices,
30 clerks, and deputies in township organization counties of the respective classes, except that when

31 such general laws and such laws applicable to third and fourth class counties conflict with the
32 laws specially applicable to county assessors, their offices, clerks, and deputies in township
33 organization counties, the laws specially applicable to county assessors, their offices, clerks, and
34 deputies in township organization counties shall govern.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office
2 of county treasurer in any county except a county having a township form of government with
3 an office of collector-treasurer and any county with a charter form of government, the county
4 commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer
5 until said treasurer returns or the unexpired term is filled under section 105.030. **The governor
6 shall fill a vacancy under this section no later than sixty days after such vacancy occurs by
7 appointing, by and with the advice and consent of the senate subject to the provisions of
8 article IV, section 51 of the Constitution of Missouri, some eligible person to said office who
9 shall discharge the duties thereof until the next general election, at which time a treasurer
10 shall be chosen for the remainder of the term, who shall hold such office until a successor
11 is duly elected and qualified, unless sooner removed.** Such individual must be eligible to
12 serve as a county treasurer under section 54.040, and must comply with section 54.090. **This
13 section shall not apply to any county that has adopted a charter for its own government
14 under article VI, section 18 of the Constitution of Missouri.**

55.050. 1. At the general election in the year 1946, and every four years thereafter, a
2 county auditor shall be elected in each county of the first class not having a charter form of
3 government and in each county of the second class. He **or she** shall be commissioned by the
4 governor and shall enter upon the discharge of his **or her** duties on the first Monday in January
5 next ensuing his **or her** election. He **or she** shall hold his **or her** office for the term of four years
6 and until his **or her** successor is duly elected and qualified, unless he **or she** is sooner removed
7 from office.

8 2. If a vacancy occurs in the office by death, resignation, removal, refusal to act, or
9 otherwise, the governor shall fill the vacancy, **no later than sixty days after it occurs**, by
10 appointing some eligible person to the office, **by and with the advice and consent of the senate
11 subject to the provisions of article IV, section 51 of the Constitution of Missouri**, who shall
12 discharge the duties thereof until the next general election, at which time an auditor shall be
13 chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor is
14 duly elected and qualified, unless sooner removed. **This subsection shall not apply to any
15 county that has adopted a charter for its own government under article VI, section 18 of
16 the Constitution of Missouri.**

58.040. When any vacancy shall occur in the office of coroner by death, resignation,
2 removal, refusal to act, or in any other manner, it shall be the duty of the governor to fill such

3 vacancy, **no later than sixty days after its occurrence**, by appointing some eligible person to
4 such office **by and with the advice and consent of the senate subject to the provisions of**
5 **article IV, section 51 of the Constitution of Missouri**. The person so appointed shall take the
6 oath, give bond and otherwise qualify for the office as required of coroners regularly elected, and
7 shall discharge the duties of such office for the remainder of the term for which he is appointed.
8 **This section shall not apply to any county that has adopted a charter for its own**
9 **government under article VI, section 18 of the Constitution of Missouri.**

59.022. In the event of a vacancy caused by death or resignation in the office of county
2 recorder where the offices of the clerk of the court and recorder of deeds are separate, except in
3 any city not within a county or any county with a charter form of government, the county
4 commission shall appoint a deputy recorder or a qualified person to serve as an interim recorder
5 of deeds until the unexpired term is filled under section 105.030. **It shall be the duty of the**
6 **governor to fill such vacancy, no later than sixty days after its occurrence, by appointing,**
7 **by and with the advice and consent of the senate subject to the provisions of article IV,**
8 **section 51 of the Constitution of Missouri, some eligible person to said office who shall**
9 **discharge the duties thereof until the next general election, at which time a recorder shall**
10 **be chosen for the remainder of the term, who shall hold such office until a successor is duly**
11 **elected and qualified, unless sooner removed. This section shall not apply to any county**
12 **that has adopted a charter for its own government under article VI, section 18 of the**
13 **Constitution of Missouri.**

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted
2 pursuant to section 67.400 shall:

3 (1) Set forth those conditions detrimental to the health, safety or welfare of the residents
4 of the city, town, village, or county the existence of which constitutes a nuisance;

5 (2) Provide for duties of inspectors with regard to such buildings or structures and shall
6 provide for duties of the building commissioner or designated officer or officers to supervise all
7 inspectors and to hold hearings regarding such buildings or structures;

8 (3) Provide for service of adequate notice of the declaration of nuisance, which notice
9 shall specify that the property is to be vacated, if such be the case, reconditioned or removed,
10 listing a reasonable time for commencement; and may provide that such notice be served either
11 by personal service, or [by certified] mail[,] **so long as a signature from the recipient is**
12 **required for delivery and a return receipt is requested**, but if service cannot be had by either
13 of these modes of service, then service may be had by publication. The ordinances shall further
14 provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an
15 interest in the building or structure as shown by the land records of the recorder of deeds of the
16 county wherein the land is located shall be made parties;

17 (4) Provide that upon failure to commence work of reconditioning or demolition within
18 the time specified or upon failure to proceed continuously with the work without unnecessary
19 delay, the building commissioner or designated officer or officers shall call and have a full and
20 adequate hearing upon the matter, giving the affected parties at least ten days' written notice of
21 the hearing. Any party may be represented by counsel, and all parties shall have an opportunity
22 to be heard. After the hearings, if the evidence supports a finding that the building or structure
23 is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town,
24 village, or county, the building commissioner or designated officer or officers shall issue an order
25 making specific findings of fact, based upon competent and substantial evidence, which shows
26 the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the
27 residents of the city, town, village, or county and ordering the building or structure to be
28 demolished and removed, or repaired. If the evidence does not support a finding that the
29 building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents
30 of the city, town, village, or county, no order shall be issued;

31 (5) Provide that if the building commissioner or other designated officer or officers issue
32 an order whereby the building or structure is demolished, secured, or repaired, or the property
33 is cleaned up, the cost of performance shall be certified [to the city clerk or officer in charge of
34 finance] **by such commissioner or officer**, who shall cause a special tax bill or assessment
35 therefor against the property to be prepared and collected by the city collector or other official
36 collecting taxes, unless the building or structure is demolished, secured or repaired by a
37 contractor pursuant to an order issued by the city, town, village, or county and such contractor
38 files a mechanic's lien against the property where the dangerous building is located. The
39 contractor may enforce this lien as provided in sections 429.010 to 429.360. Except as provided
40 in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in
41 installments over a period of not more than ten years. The tax bill from date of its issuance shall
42 be deemed a personal debt against the property owner and shall also be a lien on the property
43 until paid. **Whenever there is an expenditure of city, town, village, or county funds to cause**
44 **the building or structure to be boarded or whenever the property is secured, repaired, or**
45 **cleaned without necessary permits, all unpaid board-up costs and permit fees, and**
46 **associated administrative costs, may be added to the real estate taxes of the property. If**
47 **such costs or fees are added to the annual real estate tax bill for the property and not paid,**
48 **the real estate taxes shall be considered delinquent, and the collection thereof shall be**
49 **governed by the laws applicable to delinquent real estate taxes.** A city not within a county
50 or a city with a population of at least four hundred thousand located in more than one county,
51 notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon

52 determination by the city that a public benefit will be gained the city may discharge the special
53 tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.

54 2. If there are proceeds of any insurance policy based upon a covered claim payment
55 made for damage or loss to a building or other structure caused by or arising out of any fire,
56 explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up
57 to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or
58 ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the
59 face value of the policy covering a building or other structure:

60 (1) The insurer shall withhold from the covered claim payment up to twenty-five percent
61 of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-
62 bearing account. Any named mortgagee on the insurance policy shall maintain priority over any
63 obligation under the order or ordinance;

64 (2) The city or county shall release the proceeds and any interest which has accrued on
65 such proceeds received under subdivision (1) of this subsection to the insured or as the terms of
66 the policy and endorsements thereto provide within thirty days after receipt of such insurance
67 moneys, unless the city or county has instituted legal proceedings under the provisions of
68 subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the
69 provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that
70 necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the
71 removal, securing, repair and cleanup of the building or structure, and the lot on which it is
72 located, less salvage value, shall be paid to the insured;

73 (3) If there are no proceeds of any insurance policy as set forth in this subsection, at the
74 request of the taxpayer, the tax bill may be paid in installments over a period of not more than
75 ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

76 (4) This subsection shall apply to fire, explosion, or other casualty loss claims arising
77 on all buildings and structures;

78 (5) This subsection does not make the city or county a party to any insurance contract,
79 and the insurer is not liable to any party for any amount in excess of the proceeds otherwise
80 payable under its insurance policy.

81 3. The governing body of any city not within a county and the governing body of any city
82 with a population of three hundred fifty thousand or more inhabitants which is located in more
83 than one county may enact their own ordinances pursuant to section 67.400 and are exempt from
84 subsections 1 and 2 of this section.

85 4. Notwithstanding the provisions of section 82.300, any city may prescribe and enforce
86 and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400
87 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by

88 both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner
89 of the property is not also a resident of the property, then such fine may not exceed two thousand
90 dollars.

91 5. The ordinance may also provide that a city not within a county or a city with a
92 population of at least three hundred fifty thousand located in more than one county may seek to
93 recover the cost of demolition prior to the occurrence of demolition, as described in this
94 subsection. The ordinance may provide that if the building commissioner or other designated
95 officer or officers issue an order whereby the building or structure is ordered to be demolished,
96 secured or repaired, and the owner has been given an opportunity for a hearing to contest such
97 order, then the building commissioner or other designated officer or officers may solicit no less
98 than two independent bids for such demolition work. The amount of the lowest bid, including
99 offset for salvage value, if any, plus reasonable anticipated costs of collection, including
100 attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause
101 a special tax bill to be issued against the property owner to be prepared and collected by the city
102 collector or other official collecting taxes. The municipal clerk or other officer in charge of
103 finance shall discharge the special tax bill upon documentation by the property owner of the
104 completion of the ordered repair or demolition work. Upon determination by the municipal clerk
105 or other officer in charge of finance that a public benefit is secured prior to payment of the
106 special tax bill, the municipal clerk or other officer in charge of finance may discharge the
107 special tax bill upon the transfer of the property. The payment of the special tax bill shall be held
108 in an interest-bearing account. Upon full payment of the special tax bill, the building
109 commissioner or other designated officer or officers shall, within one hundred twenty days
110 thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including
111 the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of
112 finance who shall, if the actual cost differs from the paid amount by greater than two percent of
113 the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is
114 greater, cause a special tax bill or assessment for the difference against the property to be
115 prepared and collected by the city collector or other official collecting taxes. If the building
116 commissioner or other designated officer or officers shall not, within one hundred twenty days
117 after full payment, cause the ordered work to be completed, then the full amount of the payment,
118 plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at
119 the request of the taxpayer the tax bill for the difference may be paid in installments over a
120 period of not more than ten years. The tax bill for the difference from the date of its issuance
121 shall be deemed a personal debt against the property owner and shall also be a lien on the
122 property until paid.

72.150. When two or more cities, towns or villages in this state adjoining and contiguous
2 to each other in the same or adjoining county or two or more cities, towns or villages located in
3 a county of the second classification having a population of at least forty-seven thousand but not
4 more than forty-nine thousand which are not adjoining and contiguous to each other but whose
5 combined territory when combined will be contiguous **or two or more cities, towns, or villages**
6 **located in a county of the first or second class that have entered into one or more**
7 **intergovernmental agreements related to municipal services and are separated by a**
8 **distance of not more than one mile and are connected by at least two publicly maintained**
9 **rights-of-way** shall be desirous of being consolidated, it shall be lawful for them to consolidate
10 under one government of the classification under which any of them was organized or the
11 classification provided for the consolidated population, in the manner and subject to the
12 provisions prescribed in sections 72.150 to 72.220. Any cities, towns or villages within any
13 county with a charter form of government where fifty or more cities, towns and villages have
14 been incorporated shall consolidate pursuant to the provisions of section 72.420.

94.579. 1. The governing body of any home rule city with more than one hundred fifty-
2 one thousand five hundred but fewer than one hundred fifty-one thousand six hundred
3 inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales
4 made within the city which are subject to sales tax under chapter 144. The tax authorized in this
5 section shall not exceed one percent, and shall be imposed solely for the purpose of providing
6 revenues for the operation of public safety departments, including police and fire departments,
7 and for pension programs, and health care for employees and pensioners of the public safety
8 departments. The tax authorized in this section shall be in addition to all other sales taxes
9 imposed by law, and shall be stated separately from all other charges and taxes. The order or
10 ordinance shall not become effective unless the governing body of the city submits to the voters
11 residing within the city at a state general, primary, or special election a proposal to authorize the
12 governing body of the city to impose a tax under this section. If the tax authorized in this section
13 is not approved by the voters, then the city shall have an additional year during which to meet
14 its required contribution payment beyond the time period described in section 105.683. If the
15 city meets its required contribution payment in this time, then, notwithstanding the provisions
16 of section 105.683 to the contrary, the delinquency shall not constitute a lien on the funds of the
17 political subdivision, the board of such plan shall not be authorized to compel payment by
18 application for writ of mandamus, and the state treasurer and the director of the department of
19 revenue shall not withhold twenty-five percent of the certified contribution deficiency from the
20 total moneys due the political subdivision from the state. The one-year extension shall only be
21 available to the city on a one-time basis.

22 2. The ballot of submission for the tax authorized in this section shall be in substantially
23 the following form:

24 Shall (insert the name of the city) impose a sales tax at a rate of (up
25 to one) percent, solely for the purpose of providing revenues for the operation of public safety
26 departments of the city?

27 YES NO

28 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
29 to the question, place an "X" in the box opposite "NO".

30

31 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
32 of the question, then the tax shall become effective on the first day of the second calendar quarter
33 immediately following notification to the department of revenue. If a majority of the votes cast
34 on the question by the qualified voters voting thereon are opposed to the question, then the tax
35 shall not become effective unless and until the question is resubmitted under this section to the
36 qualified voters and such question is approved by a majority of the qualified voters voting on the
37 question.

38 3. All revenue collected under this section by the director of the department of revenue
39 on behalf of any city, except for one percent for the cost of collection which shall be deposited
40 in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby
41 created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used
42 solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds,
43 and shall not be commingled with any funds of the state. The director may make refunds from
44 the amounts in the trust fund and credited to the city for erroneous payments and overpayments
45 made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any
46 funds in the special trust fund which are not needed for current expenditures shall be invested
47 in the same manner as other funds are invested. Any interest and moneys earned on such
48 investments shall be credited to the fund. The director shall keep accurate records of the
49 amounts in the fund, and such records shall be open to the inspection of the officers of such city
50 and to the public. Not later than the tenth day of each month, the director shall distribute all
51 moneys deposited in the fund during the preceding month to the city. Such funds shall be
52 deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be
53 by an appropriation ordinance enacted by the governing body of the city.

54 4. On or after the effective date of the tax, the director of revenue shall be responsible
55 for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and
56 32.087 shall apply. In order to permit sellers required to collect and report the sales tax to collect
57 the amount required to be reported and remitted, but not to change the requirements of reporting

58 or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies,
 59 the governing body of the city may authorize the use of a bracket system similar to that
 60 authorized in section 144.285, and notwithstanding the provisions of that section, this new
 61 bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.
 62 Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to
 63 the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
 64 recoverable at law in the same manner as the purchase price. For purposes of this section, all
 65 retail sales shall be deemed to be consummated at the place of business of the retailer.

66 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax,
 67 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax,
 68 and all exemptions granted to agencies of government, organizations, and persons under sections
 69 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The
 70 same sales tax permit, exemption certificate, and retail certificate required by sections 144.010
 71 to 144.525 for the administration and collection of the state sales tax shall satisfy the
 72 requirements of this section, and no additional permit or exemption certificate or retail certificate
 73 shall be required; except that, the director of revenue may prescribe a form of exemption
 74 certificate for an exemption from the tax. All discounts allowed the retailer under the state sales
 75 tax for the collection of and for payment of taxes are hereby allowed and made applicable to the
 76 tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are
 77 hereby made applicable to violations of this section. If any person is delinquent in the payment
 78 of the amount required to be paid under this section, or in the event a determination has been
 79 made against the person for the tax and penalties under this section, the limitation for bringing
 80 suit for the collection of the delinquent tax and penalties shall be the same as that provided in
 81 sections 144.010 to 144.525.

82 6. The governing body of any city that has adopted the sales tax authorized in this section
 83 may submit the question of repeal of the tax to the voters on any date available for elections for
 84 the city. The ballot of submission shall be in substantially the following form:

85 Shall (insert the name of the city) repeal the sales tax imposed
 86 at a rate of (up to one) percent for the purpose of providing revenues for the operation of
 87 public safety departments of the city?

88 YES NO

89 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 90 to the question, place an "X" in the box opposite "NO".

91

92 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 93 of repeal, that repeal shall become effective on December thirty-first of the calendar year in

94 which such repeal was approved. If a majority of the votes cast on the question by the qualified
95 voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall
96 remain effective until the question is resubmitted under this section to the qualified voters and
97 the repeal is approved by a majority of the qualified voters voting on the question.

98 7. The governing body of any city that has adopted the sales tax authorized in this section
99 shall submit the question of [repeal] **continuation** of the tax to the voters every five years from
100 the date of its inception on a date available for elections for the city. The ballot of submission
101 shall be in substantially the following form:

102 Shall (insert the name of the city) [repeal the] **continue**
103 **collecting a** sales tax imposed at a rate of (up to one) percent for the purpose of
104 providing revenues for the operation of public safety departments of the city?

105 YES NO

106 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
107 to the question, place an "X" in the box opposite "NO".

108
109 If a majority of the votes cast on the question by the qualified voters voting thereon are [in favor
110 of repeal, that] **opposed to continuation**, repeal shall become effective on December thirty-first
111 of the calendar year in which such [repeal was] **continuation was failed to be** approved. If a
112 majority of the votes cast on the question by the qualified voters voting thereon are [opposed to
113 the repeal] **in favor of continuation**, then the sales tax authorized in this section shall remain
114 effective until the question is resubmitted under this section to the qualified voters and [the
115 repeal is] **continuation fails to be** approved by a majority of the qualified voters voting on the
116 question.

117 8. Whenever the governing body of any city that has adopted the sales tax authorized in
118 this section receives a petition, signed by a number of registered voters of the city equal to at
119 least two percent of the number of registered voters of the city voting in the last gubernatorial
120 election, calling for an election to repeal the sales tax imposed under this section, the governing
121 body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes
122 cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal
123 shall become effective on December thirty-first of the calendar year in which such repeal was
124 approved. If a majority of the votes cast on the question by the qualified voters voting thereon
125 are opposed to the repeal, then the sales tax authorized in this section shall remain effective until
126 the question is resubmitted under this section to the qualified voters and the repeal is approved
127 by a majority of the qualified voters voting on the question.

128 9. If the tax is repealed or terminated by any means, all funds remaining in the special
129 trust fund shall continue to be used solely for the designated purposes, and the city shall notify

130 the director of the department of revenue of the action at least ninety days before the effective
131 date of the repeal and the director may order retention in the trust fund, for a period of one year,
132 of two percent of the amount collected after receipt of such notice to cover possible refunds or
133 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
134 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
135 city, the director shall remit the balance in the account to the city and close the account of that
136 city. The director shall notify each city of each instance of any amount refunded or any check
137 redeemed from receipts due the city.

105.030. **Except as specifically provided otherwise**, whenever any vacancy, caused in
2 any manner or by any means whatsoever, occurs or exists in any state or county office originally
3 filled by election of the people, other than in the offices of lieutenant governor, state senator or
4 representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by
5 appointment by the governor except that when a vacancy occurs in the office of county assessor
6 after a general election at which a person other than the incumbent has been elected, the person
7 so elected shall be appointed to fill the remainder of the unexpired term; and the person
8 appointed after duly qualifying and entering upon the discharge of his duties under the
9 appointment shall continue in office until the first Monday in January next following the first
10 ensuing general election, at which general election a person shall be elected to fill the unexpired
11 portion of the term, or for the ensuing regular term, as the case may be, and the person so elected
12 shall enter upon the discharge of the duties of the office the first Monday in January next
13 following his election, except that when the term to be filled begins on any day other than the
14 first Monday in January, the appointee of the governor shall be entitled to hold the office until
15 such other date. This section shall not apply to vacancies in county offices in any county which
16 has adopted a charter for its own government under section 18, article VI of the Constitution of
17 **Missouri**. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled
18 by appointment by the mayor of that city.

**160.671. 1. A school board member of any urban school district located in a county
2 of the first classification with more than eighty-three thousand but fewer than ninety-two
3 thousand inhabitants and with a home rule city with more than seventy-six thousand but
4 fewer than ninety-one thousand inhabitants as the county seat may be removed by the
5 voters in a recall election. Proceedings may be commenced for the recall of any such
6 member by the filing of a notice of intention to circulate a recall petition under this section.**
7 **2. The notice of intention to circulate a recall petition shall be served personally,
8 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
9 filed, along with an affidavit of the time and manner of service, with the election authority,
10 as defined in chapter 115 and with the secretary of the school board. A separate notice**

11 shall be filed for each board member sought to be recalled and shall contain all of the
12 following:

13 (1) The name of the board member sought to be recalled;

14 (2) A statement, not exceeding two hundred words in length, of the reasons for the
15 proposed recall; and

16 (3) The names and business or residential addresses of at least one but not more
17 than five proponents of the recall who are registered voters in the district.

18 3. Within seven days after the filing of the notice of intention, the board member
19 may file with the election authority and the secretary of the school board a statement, not
20 exceeding two hundred words in length, which may include an answer to the statement of
21 the proponents. If a statement is filed, the board member shall also serve a copy of it,
22 personally or by certified mail, on one of the proponents named in the notice of intention.
23 The statement is intended solely to be used for the information of the voters. No
24 insufficiency in form or substance of such statements shall affect the validity of the election
25 proceedings.

26 4. Before any signature may be affixed to a recall petition, the petition is required
27 to bear all of the following:

28 (1) A request that an election be called to elect a successor to the board member at
29 the next school board election;

30 (2) A copy of the notice of intention, including a general statement of the grounds
31 for which removal is sought;

32 (3) The statement of the board member sought to be recalled, if any exists. If the
33 board member has not filed a statement, the petition shall so state; and

34 (4) A place for each signer to affix his or her signature, printed name, and
35 residential address, including any address in a city, town, village, or unincorporated
36 community.

37 5. Each section of the petition, when submitted to the election authority, shall have
38 attached to it an affidavit signed by the person circulating such section of the petition,
39 setting forth all of the following:

40 (1) The printed name of the affiant;

41 (2) The residential address of the affiant;

42 (3) That the affiant circulated that section of the petition and saw the appended
43 signatures be written;

44 (4) That according to the best information and belief of the affiant, each signature
45 is the genuine signature of the person whose name it purports to be;

46 (5) That the affiant is a registered voter in the school district; and

47 **(6) The dates between which all of the signatures to the petition were obtained.**

48 **6. A recall petition shall be filed with the election authority and secretary of the**
49 **school board not more than one hundred eighty days after the filing of the notice of**
50 **intention.**

51 **7. The qualified signatures of at least seven hundred fifty registered voters shall be**
52 **required for the submission of a petition.**

53 **8. Within thirty days after the date of filing the petition, the election authority shall**
54 **examine and ascertain whether the petition is signed by the requisite number of voters. The**
55 **election authority shall file with the petition a certificate showing the results of the**
56 **examination. The election authority shall give the proponents a copy of the certificate**
57 **upon their request.**

58 **9. If the election authority certifies the petition to be insufficient, it may be**
59 **supplemented within ten days of the date of certification by filing additional petition**
60 **sections containing all of the information required by this section. Within ten days after**
61 **the supplemental copies are filed, the election authority shall file with them a certificate**
62 **stating whether or not the petition as supplemented is sufficient.**

63 **10. If the election authority finds the signatures on the petition, together with the**
64 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**
65 **the sufficiency of the petition to the school board prior to its next meeting. The certificate**
66 **shall contain the following:**

67 **(1) The name of the member whose recall is sought;**

68 **(2) A copy of the petition with at least seven hundred fifty signatures;**

69 **(3) The total number of signatures on the petition; and**

70 **(4) The number of valid signatures on the petition.**

71 **11. Following the school board's receipt of the certificate, the election authority**
72 **shall order an election to be held on the next election day as specified in section 115.123 but**
73 **the election shall be held not less than forty-five days from the date the school board**
74 **receives the petition.**

75 **12. At any time prior to fifty days before the election, the member sought to be**
76 **recalled may offer his or her resignation. If his or her resignation is offered, the recall**
77 **question shall be removed from the ballot and the office declared vacant. At such time, the**
78 **vacancy shall be filled as provided in section 162.471, except that the member who resigned**
79 **shall not fill the vacancy.**

80 **13. If a majority of the voters vote in favor of retaining the member, the member**
81 **shall remain in office and shall not be subject to another recall election during his or her**
82 **term of office. If a majority of voters vote to remove the member, his or her successor shall**

83 **be chosen by the county commission of any county of the first classification with more than**
84 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home**
85 **rule city with more than seventy-six thousand but fewer than ninety-one thousand**
86 **inhabitants as the county seat as provided in section 162.471.**

87 **14. The provisions of this section shall expire on December 31, 2021.**

162.471. 1. The government and control of an urban school district is vested in a board
2 of seven directors. Each director shall be a voter of the district who has resided within this state
3 for one year next preceding his election or appointment and who is at least twenty-four years of
4 age. All directors, except as otherwise provided in section 162.481 and section 162.492, hold
5 their offices for six years and until their successors are duly elected and qualified. All vacancies
6 occurring in the board, except as provided in section 162.492 **and in subsection 2 of this**
7 **section**, shall be filled by appointment by the board as soon as practicable, and the person
8 appointed shall hold his office until the next school board election, when his successor shall be
9 elected for the remainder of the unexpired term. The power of the board to perform any official
10 duty during the existence of a vacancy continues unimpaired thereby.

11 **2. All vacancies occurring in the school board of any urban school district located**
12 **in a county of the first classification with more than eighty-three thousand but fewer than**
13 **ninety-two thousand inhabitants and with a home rule city with more than seventy-six**
14 **thousand but fewer than ninety-one thousand inhabitants as the county seat shall be filled**
15 **by appointment of the county commission of a county of the first classification with more**
16 **than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a**
17 **home rule city with more than seventy-six thousand but fewer than ninety-one thousand**
18 **inhabitants as the county seat. If the vacancy occurred because of a recall under section**
19 **160.671, the member who was recalled shall not fill the vacancy. The person appointed by**
20 **the county commission shall hold office until the next school board election, when his or**
21 **her successor shall be elected for the remainder of the unexpired term.**

162.481. 1. Except as otherwise provided in this section **and in section 162.492**, all
2 elections of school directors in urban **school** districts shall be held biennially at the same times
3 and places as municipal elections.

4 2. [In any urban district which includes all or the major part of a city which first obtained
5 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
6 decennial census, elections of directors shall be held on municipal election days of
7 even-numbered years. The directors of the prior district shall continue as directors of the urban
8 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,
9 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
10 district who were elected in 1960 and two for terms of six years to succeed the two directors of

11 the prior district who were elected in 1961. The successors of these directors shall be elected for
12 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
13 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
14 their successors shall be elected for terms of six years. No director shall serve more than two
15 consecutive six-year terms after October 13, 1963.

16 3.] Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter
17 when a seven-director district becomes an urban **school** district, the directors of the prior
18 seven-director district shall continue as directors of the urban **school** district until the expiration
19 of the terms for which they were elected and until their successors are elected as provided in this
20 subsection. The first biennial school election for directors shall be held in the urban **school**
21 district at the time provided in subsection 1 which is on the date of or subsequent to the
22 expiration of the terms of the directors of the prior district which are first to expire, and directors
23 shall be elected to succeed the directors of the prior district whose terms have expired. If the
24 terms of two directors only have expired, the directors elected at the first biennial school election
25 in the urban **school** district shall be elected for terms of six years. If the terms of four directors
26 have expired, two directors shall be elected for terms of six years and two shall be elected for
27 terms of four years. At the next succeeding biennial election held in the urban **school** district,
28 successors for the remaining directors of the prior seven-director district shall be elected. If only
29 two directors are to be elected they shall be elected for terms of six years each. If four directors
30 are to be elected, two shall be elected for terms of six years and two shall be elected for terms
31 of two years. After seven directors of the urban **school** district have been elected under this
32 subsection, their successors shall be elected for terms of six years.

33 [4.] **3.** In any school district in [any city with a population of one hundred thousand or
34 more inhabitants which is located within a county of the first classification that adjoins no other
35 county of the first classification, or any school district which becomes an urban school district
36 by reason of the 2000 federal decennial census] **which a majority of the district is located in**
37 **any home rule city with more than one hundred fifty-five thousand but fewer than two**
38 **hundred thousand inhabitants**, elections shall be held annually at the same times and places
39 as general municipal elections for all years where one or more terms expire, and the terms shall
40 be for three years and until their successors are duly elected and qualified for all directors elected
41 on and after August 28, 1998.

42 **4.** For any school district which becomes an urban school district by reason of the
43 **2000 federal decennial census**, elections shall be held annually at the same times and places
44 as general municipal elections for all years where one or more terms expire, and the terms
45 shall be for three years and until their successors are duly elected and qualified for all
46 directors elected on and after August 28, 2001.

47 5. In any school district in any county with a charter form of government and with more
48 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
49 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
50 be held annually at the same times and places as general municipal elections for all years where
51 one or more terms expire, and the terms shall be for three years and until their successors are
52 duly elected and qualified for all directors elected on and after April 2, 2012.

 473.730. 1. Every county in this state, except the City of St. Louis, shall elect a public
2 administrator at the general election in the year 1880, and every four years thereafter, who shall
3 be ex officio public guardian and conservator in and for the public administrator's county. A
4 candidate for public administrator shall be at least twenty-one years of age and a resident of the
5 state of Missouri and the county in which he or she is a candidate for at least one year prior to
6 the date of the general election for such office. The candidate shall also be a registered voter and
7 shall be current in the payment of all personal and business taxes. Before entering on the duties
8 of the public administrator's office, the public administrator shall take the oath required by the
9 constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand
10 dollars, with two or more securities, approved by the court and conditioned that the public
11 administrator will faithfully discharge all the duties of the public administrator's office, which
12 bond shall be given and oath of office taken on or before the first day of January following the
13 public administrator's election, and it shall be the duty of the judge of the court to require the
14 public administrator to make a statement annually, under oath, of the amount of property in the
15 public administrator's hands or under the public administrator's control as such administrator, for
16 the purpose of ascertaining the amount of bond necessary to secure such property; and such court
17 may from time to time, as occasion shall require, demand additional security of such
18 administrator, and, in default of giving the same within twenty days after such demand, may
19 remove the administrator and appoint another.

20 2. The public administrator in all counties, in the performance of the duties required by
21 chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are
22 discretionary. The county shall defend and indemnify the public administrator against any
23 alleged breach of duty, provided that any such alleged breach of duty arose out of an act or
24 omission occurring within the scope of duty or employment.

25 3. After January 1, 2001, all salaried public administrators shall be considered county
26 officials for purposes of section 50.333, subject to the minimum salary requirements set forth in
27 section 473.742.

28 **4. If a vacancy shall occur in any county that has not adopted a charter form of**
29 **government and in the office of an elected public administrator, then the governor shall,**
30 **no later than sixty days after the occurrence of such vacancy, appoint a person to fill the**

31 **vacancy subject to the advice and consent of the senate. The process will be subject to the**
32 **procedures for advice and consent under article IV, section 51 of the Constitution of**
33 **Missouri.**

34 [4] 5. The public administrator for the city of St. Louis shall be appointed by a majority
35 of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc.
36 Such public administrator shall meet the same qualifications and requirements specified in
37 subsection 1 of this section for elected public administrators. The elected public administrator
38 holding office on August 28, 2013, shall continue to hold such office for the remainder of his or
39 her term.

483.020. When any vacancy shall occur in the office of any circuit clerk so elected, by
2 death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the
3 case of an elected clerk to fill such vacancy, **no later than sixty days after it occurs**, by
4 appointing some eligible person to said office, **by and with the advice and consent of the**
5 **senate subject to the provisions of article IV, section 51 of the Constitution of Missouri**,
6 who shall discharge the duties thereof until the next general election, at which time a clerk shall
7 be chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor
8 is duly elected and qualified, unless sooner removed. **This section shall not apply to any**
9 **county that has adopted a charter for its own government under article VI, section 18 of**
10 **the Constitution of Missouri.**

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

- 2 (1) “Employee”, an individual employed in this state by an employer;
3 (2) “Employer”, any individual, sole proprietorship, partnership, limited liability
4 company, corporation, or any other entity that is legally doing business in this state;
5 provided, however, that employer shall not include any public employer as defined in
6 section 285.525;
7 (3) “Employment benefits”, anything of value that an employee may receive from
8 an employer in addition to wages and salary. The term includes, but is not limited to,
9 health, disability, retirement, profit-sharing, and death benefits; group accidental death
10 and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave,
11 vacation, and personal necessity; and terms of employment, attendance, or leave policies;
12 (4) “Political subdivision”, any county, city, town, or village.

13 2. No political subdivision shall establish, mandate, or otherwise require an
14 employer to provide to an employee:

- 15 (1) A minimum or living wage rate; or
16 (2) Employment benefits;

17

18 **that exceed the requirements of federal or state laws, rules, or regulations.**

19 **3. No political subdivision shall prohibit an employer from inquiring into or**
20 **considering an applicant for employment’s criminal history on an initial employment**
21 **application.**

22 **4. The state auditor, when auditing political subdivisions, shall have the authority**
23 **to verify that the political subdivision is complying with the provisions of this section.**

Section B. Because immediate action is necessary to ensure that all vacant public offices
2 are filled in a timely manner, the repeal and reenactment of sections 49.060, 51.090, 53.010,
3 54.033, 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 and the enactment of section
4 52.145 of section A of this act are deemed necessary for the immediate preservation of the public
5 health, welfare, peace, and safety, and are hereby declared to be an emergency act within the
6 meaning of the constitution, and the repeal and reenactment of sections 49.060, 51.090, 53.010,
7 54.033, 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 and the enactment of section
8 52.145 of section A of this act shall be in full force and effect upon its passage and approval.

✓