

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1912

AN ACT

To repeal sections 49.098, 49.330, 49.410, 49.420, 49.430, 49.440, 50.660, 50.783, 50.790, 55.161, 64.875, 67.145, 137.100, 182.660, 192.300, 197.315, 214.160, 262.590, 315.005, and 473.730, RSMo, and to enact in lieu thereof twenty-four new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 49.098, 49.330, 49.410, 49.420, 49.430,
2 49.440, 50.660, 50.783, 50.790, 55.161, 64.875, 67.145, 137.100,
3 182.660, 192.300, 197.315, 214.160, 262.590, 315.005, and
4 473.730, RSMo, are repealed and twenty-four new sections enacted
5 in lieu thereof, to be known as sections 49.098, 49.410, 49.420,
6 49.430, 49.440, 50.660, 50.783, 50.790, 55.161, 64.875, 67.145,
7 67.5110, 71.282, 71.1000, 137.100, 182.660, 190.326, 192.300,
8 197.315, 214.160, 262.590, 315.005, 321.553, and 473.730, to read
9 as follows:

10 49.098. 1. For the benefit of the executive branch and
11 members and staff of the general assembly, in determining local
12 needs in appropriation of funds of the state, the county

1 commissioners in all counties of the second, third and fourth
2 class shall file with the office of administration, the oversight
3 division of the committee on legislative research, and the state
4 auditor copies of summarized reports of all funds received from
5 any agency of the United States government. Further, county
6 commissioners, collectively or by designation of the presiding
7 commissioner, shall represent the county on the following
8 regional councils which may encompass their county: Manpower
9 planning; aging; health planning; law enforcement assistance;
10 community action; countywide sewer districts; solid waste
11 management; county planning and zoning; University of Missouri
12 extension; future boards, commissions and councils relating to
13 health, education or welfare of the citizens as established by
14 executive or legislative action of the government of the United
15 States or of the state; and such other councils and organizations
16 relating to operations of counties as from time to time may be
17 created.

18 2. Notwithstanding any provision of law to the contrary, in
19 all counties, including counties of the first classification, a
20 county commissioner having the duty of serving on any of the
21 various boards or commissions shall participate in the affairs of
22 the body and shall vote as a member of the county commission on
23 any funding request submitted to the county commission. The
24 participation and subsequent vote in favor of or against a budget
25 request shall not constitute a conflict of interest by the county
26 commissioner serving on such board or commission.

27 49.410. When the ground for erecting any public building
28 shall be designated, as aforesaid, [the superintendent shall

1 prepare and submit to] the county commission shall have prepared
2 a plan of the building to be erected, the dimensions thereof, and
3 the materials of which it is to be composed, with an estimate of
4 the probable cost thereof.

5 49.420. When any plan shall be approved by the county
6 commission, the [superintendent] county commission shall
7 immediately advertise for bids for the erection and construction
8 of same, stating in such advertisement a description of such
9 building or buildings, and shall contract with the person or firm
10 who will agree to do the work and furnish the necessary material
11 on the lowest and best terms not exceeding the amount
12 appropriated or set apart for such building or buildings;
13 provided, that in case the lowest bid received shall be in excess
14 of the amount appropriated, after two successive advertisements
15 for such bids, then, if such county commission shall be of the
16 opinion that such building or buildings can be constructed or
17 built for a sum not in excess of the amount appropriated, or if
18 the commission shall be of the opinion that there is collusion or
19 combination between the bidders for the purpose of forcing the
20 county to pay an exorbitant price for the construction of such
21 building or buildings, then, the commission may, in its
22 discretion, let such building or buildings at private contract,
23 to be constructed according to original plans and specifications
24 upon which bids were received and approved by the county
25 commission.

26 49.430. The [superintendent] county commission shall take
27 from the contractor a bond to the county, with sufficient
28 security, for the performance of the work at the time and in the

1 manner agreed on, according to the plan, under a penalty at least
2 one hundred ten percent of the amount to be given for erecting
3 the building. A copy of the plan shall be annexed to the bond.

4 49.440. The [superintendent shall oversee and direct]
5 county commission may contract for oversight and direction of the
6 execution of the work[, and] to see that the materials employed
7 are good[,] and that the work is executed according to contract[,
8 and make]. The contractor shall report [of] on the progress and
9 condition thereof, from time to time, to the county commission.

10 50.660. [1.] All contracts shall be executed in the name
11 of the county, or in the name of a township in a county with a
12 township form of government, by the head of the department or
13 officer concerned, except contracts for the purchase of supplies,
14 materials, equipment or services other than personal made by the
15 officer in charge of purchasing in any county or township having
16 the officer. No contract or order in excess of ten thousand
17 dollars imposing any financial obligation on the county or
18 township is binding on the county or township unless it is in
19 writing and unless there is a balance otherwise unencumbered to
20 the credit of the appropriation to which it is to be charged and
21 a cash balance otherwise unencumbered in the treasury to the
22 credit of the fund from which payment is to be made, each
23 sufficient to meet the obligation incurred and unless the
24 contract or order in excess of ten thousand dollars bears the
25 certification of the accounting officer so stating; except that
26 in case of any contract for public works or buildings to be paid
27 for from bond funds or from taxes levied for the purpose it is
28 sufficient for the accounting officer to certify that the bonds

1 or taxes have been authorized by vote of the people and that
2 there is a sufficient unencumbered amount of the bonds yet to be
3 sold or of the taxes levied and yet to be collected to meet the
4 obligation in case there is not a sufficient unencumbered cash
5 balance in the treasury. All contracts and purchases shall be
6 let to the lowest and best bidder after due opportunity for
7 competition, including advertising the proposed letting in a
8 newspaper in the county or township with a circulation of at
9 least five hundred copies per issue, if there is one, except that
10 the advertising is not required in case of contracts or purchases
11 involving an expenditure of [~~less than six~~] ten thousand dollars
12 or less. It is not necessary to obtain bids on any purchase in
13 the amount of [~~four~~] ten thousand [~~five hundred~~] dollars or less
14 made from any one person, firm or corporation during any [~~period~~
15 of ninety days or, if the county is any county of the first
16 classification with more than one hundred fifty thousand but
17 fewer than two hundred thousand inhabitants or any county of the
18 first classification with more than two hundred sixty thousand
19 but fewer than three hundred thousand inhabitants, it is not
20 necessary to obtain bids on such purchases in the amount of six
21 thousand dollars or less] fiscal year. All bids for any contract
22 or purchase may be rejected and new bids advertised for.
23 Contracts which provide that the person contracting with the
24 county or township shall, during the term of the contract,
25 furnish to the county or township at the price therein specified
26 the supplies, materials, equipment or services other than
27 personal therein described, in the quantities required, and from
28 time to time as ordered by the officer in charge of purchasing

1 during the term of the contract, need not bear the certification
2 of the accounting officer, as herein provided; but all orders for
3 supplies, materials, equipment or services other than personal
4 shall bear the certification. In case of such contract, no
5 financial obligation accrues against the county or township until
6 the supplies, materials, equipment or services other than
7 personal are so ordered and the certificate furnished.

8 [2. Notwithstanding the provisions of subsection 1 of this
9 section to the contrary, advertising shall not be required in any
10 county in the case of contracts or purchases involving an
11 expenditure of less than six thousand dollars.]

12 50.783. 1. The county commission may waive the requirement
13 of competitive bids or proposals for supplies when the commission
14 has determined in writing and entered into the commission minutes
15 that there is only a single feasible source for the supplies.
16 Immediately upon discovering that other feasible sources exist,
17 the commission shall rescind the waiver and proceed to procure
18 the supplies through the competitive processes as described in
19 this chapter. A single feasible source exists when:

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

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

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

27 2. On any single feasible source purchase where the
28 estimated expenditure is [three] more than five thousand dollars

1 [or over], the commission shall post notice of the proposed
2 purchase. Where the estimated expenditure is [five] more than
3 ten thousand dollars [or over], the commission shall also
4 advertise the commission's intent to make such purchase in at
5 least one daily and one weekly newspaper of general circulation
6 in such places as are most likely to reach prospective bidders or
7 offerors and may provide such information through an electronic
8 medium available to the general public at least ten days before
9 the contract is to be let.

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

24 50.790. It shall hereafter be unlawful for the
25 commissioners of the county commission of any county of this
26 state to which sections 50.760 to 50.790 apply to draw, or
27 authorize the drawing of, any check or county warrant, or other
28 order for the payment of money for any supplies for any county

1 officer for which an order or requisition has not first been
2 obtained as in sections 50.760 to 50.790 required. Whosoever
3 shall violate the provisions of this law shall be deemed guilty
4 of [~~a misdemeanor~~] an infraction and upon conviction thereof
5 shall be punished by a fine of not [~~less than fifty dollars nor~~
6 ~~more than one thousand~~] more than one hundred dollars[, or by
7 imprisonment in the county jail for a term of not less than
8 thirty days nor more than one year, or by both such fine and
9 imprisonment]; provided, that if any such commissioner shall be
10 absent at the time, or shall cause his protest against such
11 action to be entered in the minutes of the commission, when any
12 violation of this law is ordered by the other commissioners of
13 such commission, he shall not be deemed to have violated the
14 provisions of this law.

15 55.161. In addition to all other duties imposed upon the
16 county auditor in counties of the first class not having a
17 charter form of government and in counties of the second class,
18 [~~he~~] the auditor shall have the following duties:

19 (1) He or she shall audit, examine and adjust all accounts
20 of county officials and courts operating in such counties where
21 there is an accumulation of moneys, taxes, fees, fines and
22 miscellaneous public funds received from any and all sources by
23 county officials and courts operating in such counties, and which
24 are accumulated and intended for public purposes other than the
25 general administrative functions of the county, provided that
26 such extra duty of accounting is to be performed in the same
27 manner as is now by statute prescribed for the general county
28 administrative business. He or she shall also audit moneys and

1 funds belonging to any levee district organized and operating in
2 such county, moneys to be disbursed to school districts organized
3 and operating in such county, and moneys to be disbursed in the
4 county for library, hospital, recreation, public health and civil
5 defense purposes;

6 (2) He or she shall prepare a statement of the estimated
7 revenues of the county, classified as to funds and sources, and
8 shall furnish the budget officer of the county with an itemized
9 list of county expenditures for as many previous fiscal years as
10 may be deemed proper for enabling the budget officer to arrive at
11 a reasonable estimate of the anticipated revenues and the
12 necessary expenses of the county in the preparation of the county
13 budget;

14 (3) [He shall countersign, on behalf of the county, all
15 licenses issued for the sale of intoxicating liquor and shall
16 keep in a readily accessible form a record of all such county
17 licenses issued; and

18 (4)] In counties of the second [class] classification only,
19 he or she shall serve as a member of the county board of
20 equalization.

21 64.875. The regulations imposed and the districts created
22 under authority of sections 64.845 to 64.880 may be amended from
23 time to time by the county commission by order after the order
24 establishing the same has gone into effect but no amendments
25 shall be made by the county commission except after
26 recommendation of the county planning commission, or if there be
27 no county planning commission, of the county zoning commission,
28 after hearings thereon by the county commission. Public notice

1 of the hearings shall be given in the same manner as provided for
2 the hearing in section 64.815. In case of written protest
3 against any proposed change or amendment, signed and acknowledged
4 by the owners of thirty percent of the frontage within one
5 thousand feet to the right or left of the frontage proposed to be
6 changed, or by the owners of thirty percent of the frontage
7 directly opposite, or directly in the rear of the frontage
8 proposed to be altered, or in cases where the land affected lies
9 within one and one-half miles of the corporate limits of a
10 municipality having in effect ordinances zoning property within
11 the corporate limits of a municipality, made by resolution of the
12 city council or board of trustees thereof, and filed with the
13 county clerk, the amendment may not be passed except by the
14 favorable vote of two-thirds of all the members of the county
15 commission.

16 67.145. 1. No political subdivision of this state shall
17 prohibit any first responder[, as the term first responder is
18 defined in section 192.800,] from engaging in any political
19 activity while off duty and not in uniform, being a candidate for
20 elected or appointed public office, or holding such office unless
21 such political activity or candidacy is otherwise prohibited by
22 state or federal law.

23 2. As used in this section, "first responder" means any
24 person trained and authorized by law or rule to render emergency
25 medical assistance or treatment. Such persons may include, but
26 shall not be limited to, emergency first responders, police
27 officers, sheriffs, deputy sheriffs, firefighters, ambulance
28 attendants and attendant drivers, emergency medical technicians,

1 mobile emergency medical technicians, emergency medical
2 technician-paramedics, registered nurses, or physicians.

3 67.5110. 1. As used in this section, the following terms
4 mean:

5 (1) "Facilitation platform", an intermediary that
6 facilitates the rental of a residential dwelling rental and
7 collects payment from a transient guest, but not including an
8 entity that acts solely as a property manager;

9 (2) "Marketing platform", an intermediary that facilitates
10 the rental of a residential dwelling rental, but does not collect
11 payment from a transient guest;

12 (3) "Owner", a person who offers a residential dwelling
13 rental to transient guests;

14 (4) "Political subdivision", any county, city, town,
15 village, or township;

16 (5) "Residential dwelling", any building, structure, or
17 part of the building or structure, that is used and occupied for
18 human habitation or intended to be so used, and includes any
19 appurtenances belonging to it or enjoyed with it. This
20 definition shall not include time share units as the term "time
21 share unit" is defined in section 407.600;

22 (6) "Residential dwelling rental", a residential dwelling
23 or any part thereof that is offered for rent to transient guests.
24 This definition shall not include time share units as the term
25 "time share unit" is defined in section 407.600;

26 (7) "Transient guest", any person who rents and occupies a
27 guest room in a residential dwelling rental for a period of less
28 than thirty-one days in any calendar quarter; provided, however,

1 that "transient guest" shall not mean a lessee under a lease
2 agreement.

3 2. A political subdivision may not enact or enforce an
4 ordinance that prohibits or unreasonably restricts residential
5 dwelling rentals.

6 3. The provisions of subsection 2 of this section shall not
7 prohibit a political subdivision from applying and enforcing any
8 ordinance in effect prior to August 28, 2016.

9 4. Nothing in this section limits the authority of a
10 political subdivision to enact or enforce an ordinance that
11 imposes reasonable restrictions on residential dwelling rentals
12 in any of the following areas:

13 (1) Protection of the public's health and safety, including
14 rules and regulations related to fire and building codes, health
15 and sanitation, transportation and traffic control, solid and
16 hazardous wastes, and pollution control;

17 (2) Local taxes that may be imposed on residential dwelling
18 rentals to transient guests;

19 (3) A requirement that any person who rents out his or her
20 residential dwellings shall obtain a business license and pay an
21 annual license fee;

22 (4) The imposition or payment of inspection fees for
23 residential dwellings;

24 (5) Posting requirements for licenses, certificates, or
25 registrations as well as emergency procedures;

26 (6) Response time periods for complaints and short-term
27 renter concerns;

28 (7) Nuisances related to residential dwellings;

- 1 (8) Age requirements for renters;
2 (9) Off-street parking requirements; or
3 (10) Zoning requirements.

4 5. A transient guest shall pay and an owner shall collect
5 and remit any applicable taxes on the occupancy of a residential
6 dwelling rental imposed by the state or by the municipality,
7 county, or local taxing entity in which the residential dwelling
8 is located, whether the tax imposed be a sales tax, hotel tax,
9 occupancy tax, or otherwise. When an owner uses a facilitation
10 platform, the facilitation platform shall collect and remit on
11 behalf of the owner any such applicable taxes on the occupancy of
12 a residential dwelling rental by a transient guest. A marketing
13 platform shall:

14 (1) Disclose in its terms of service the obligation to pay
15 any applicable taxes to both the transient guest and the owner of
16 the residential dwelling;

17 (2) Require as a term of service that the transient guest
18 and the owner of the residential dwelling acknowledge the
19 obligation to pay any applicable taxes; and

20 (3) Maintain records of any rentals facilitated for a
21 period of three years for audits requested by a tax administrator
22 and conducted during normal business hours.

23 6. For purposes of the collection and remittance by a
24 facilitation platform of any state sales tax on the occupancy of
25 a residential dwelling rental, the provisions of sections 32.010
26 to 32.096, sections 136.101 to 136.380, and sections 144.010 to
27 144.525 shall apply.

28 7. Prior to facilitating a residential dwelling rental to a

1 transient guest, a facilitation platform and a marketing platform
2 shall require as a term of service that the owner of a
3 residential dwelling rental certifies that the residential
4 dwelling rental meets all applicable state and local
5 requirements.

6 71.282. 1. For purposes of this section, the following
7 terms mean:

8 (1) "Communications service", a service that transports
9 information electronically including, but not limited to,
10 internet protocol enabled services that are provided by a
11 wireless service provider, broadband or other internet protocol
12 enabled service provider, video service provider,
13 telecommunications company, or other communications-related
14 service provider;

15 (2) "Competitive service", a wholesale or retail offering
16 of a specific communication service that is provided by one or
17 more service providers within the boundaries of the city, town,
18 or village. "Competitive communication service" shall not mean:

19 (a) Any service that a city, town, or village is prohibited
20 from offering by law;

21 (b) Any service that a city, town or village is providing
22 on August 28, 2016;

23 (c) The provision of free wireless communication service to
24 the public;

25 (d) Any service that a city, town, or village uses
26 exclusively for its own internal purposes; or

27 (e) Any dark fiber that a local government may provide
28 without including transmission of information in its offering if

1 such dark fiber is made available to all service providers under
2 the same terms and conditions;

3 (3) "Dark fiber", unlit fiber optic cable that does not
4 include the electronics necessary to transmit or receive
5 information.

6 2. If a city, town, or village offers a competitive service
7 where a private business also offers such service, no financial
8 resources or subsidization to support the service shall be
9 allowed from any revenues collected by the city, town, or
10 village, unless such usage of funds for the competitive service
11 is specifically approved by the voters.

12 71.1000. 1. Any law enforcement officer, employed by a
13 municipality with a population of one hundred eight thousand but
14 not greater than one hundred fifteen thousand located in a first
15 class county with a noncharter form of government, who is not
16 subject to a collective bargaining agreement, and not subject to
17 removal under section 43.150 or 57.275 shall be subject to
18 removal from office or employment by the governing body of the
19 political subdivision employing the officer if:

20 (1) The governing body issues a written notice to the
21 officer whose removal is being sought no fewer than ten business
22 days prior to the meeting at which his or her removal will be
23 considered;

24 (2) The officer has been given written notice as to the
25 governing body's intent to remove him or her. Such notice shall
26 include:

27 (a) Charges specifying just cause for which removal is
28 sought;

1 (b) A statement of facts that are alleged to constitute
2 just cause for the officer's removal; and

3 (c) The date, time, and location of the meeting at which
4 the officer's removal will be considered;

5 (3) The officer is given an opportunity to be heard before
6 the governing body, together with any witnesses, evidence, and
7 counsel of his or her choosing; and

8 (4) The governing body, by a simple majority vote, finds
9 just cause for removing the officer.

10 2. Upon the satisfaction of the removal procedure under
11 subsection 1 of this section, the officer shall be immediately
12 removed from office or employment, shall be relieved of all
13 duties and responsibilities of such office or employment, and
14 shall be entitled to no further compensation or benefits not
15 already earned, accrued, or agreed upon.

16 3. Any officer removed under this section shall be issued a
17 written notice of the grounds of his or her removal within
18 fourteen calendar days of the removal.

19 4. For the purposes of this section, the term "just cause"
20 shall exist when a law enforcement officer:

21 (1) Is unable to perform his or her duties with reasonable
22 competence or reasonable safety as a result of a mental
23 condition, including alcohol or substance abuse;

24 (2) Has committed any act, while engaged in the performance
25 of his or her duties, that constitutes a reckless disregard for
26 the safety of the public or another law enforcement officer;

27 (3) Has caused a material fact to be misrepresented for any
28 improper or unlawful purpose;

1 (4) Acts in a manner for the sole purpose of furthering his
2 or her self-interest or in a manner inconsistent with the
3 interests of the public of the governing body;

4 (5) Has been found to have violated any law, statute, or
5 ordinance which constitutes a felony; or

6 (6) Has been deemed insubordinate by refusal to obey a
7 lawful order.

8 137.100. The following subjects are exempt from taxation
9 for state, county or local purposes:

10 (1) Lands and other property belonging to this state;

11 (2) Lands and other property belonging to any city, county
12 or other political subdivision in this state, including market
13 houses, town halls and other public structures, with their
14 furniture and equipments, and on public squares and lots kept
15 open for health, use or ornament;

16 (3) Nonprofit cemeteries;

17 (4) The real estate and tangible personal property which is
18 used exclusively for agricultural or horticultural societies
19 organized in this state, including not-for-profit agribusiness
20 associations;

21 (5) All property, real and personal, actually and regularly
22 used exclusively for religious worship, for schools and colleges,
23 or for purposes purely charitable and not held for private or
24 corporate profit, except that the exemption herein granted does
25 not include real property not actually used or occupied for the
26 purpose of the organization but held or used as investment even
27 though the income or rentals received therefrom is used wholly
28 for religious, educational or charitable purposes;

1 (6) Household goods, furniture, wearing apparel and
2 articles of personal use and adornment, as defined by the state
3 tax commission, owned and used by a person in his home or
4 dwelling place;

5 (7) Motor vehicles leased for a period of at least one year
6 to this state or to any city, county, or political subdivision or
7 to any religious, educational, or charitable organization which
8 has obtained an exemption from the payment of federal income
9 taxes, provided the motor vehicles are used exclusively for
10 religious, educational, or charitable purposes;

11 (8) Real or personal property leased or otherwise
12 transferred by an interstate compact agency created pursuant to
13 sections 70.370 to 70.430 or sections 238.010 to 238.100 to
14 another for which or whom such property is not exempt when
15 immediately after the lease or transfer, the interstate compact
16 agency enters into a leaseback or other agreement that directly
17 or indirectly gives such interstate compact agency a right to
18 use, control, and possess the property; provided, however, that
19 in the event of a conveyance of such property, the interstate
20 compact agency must retain an option to purchase the property at
21 a future date or, within the limitations period for reverters,
22 the property must revert back to the interstate compact agency.
23 Property will no longer be exempt under this subdivision in the
24 event of a conveyance as of the date, if any, when:

25 (a) The right of the interstate compact agency to use,
26 control, and possess the property is terminated;

27 (b) The interstate compact agency no longer has an option
28 to purchase or otherwise acquire the property; and

1 (c) There are no provisions for reverter of the property
2 within the limitation period for reverters;

3 (9) All property, real and personal, belonging to veterans'
4 organizations. As used in this section, "veterans' organization"
5 means any organization of veterans with a congressional charter,
6 that is incorporated in this state, and that is exempt from
7 taxation under section 501(c)(19) of the Internal Revenue Code of
8 1986, as amended;

9 (10) Solar energy systems not held for resale;

10 (11) That portion of privately owned land subject to a
11 railroad easement upon which a railroad right-of-way exists and a
12 state, political subdivision, or qualified organization has
13 assumed responsibility for as provided in Section 16 U.S.C.
14 1247(d).

15 182.660. 1. Any consolidated public library district
16 created under sections 182.610 to 182.670 may enlarge the area it
17 serves by incorporating into it any county, city, municipal,
18 school or public library district.

19 2. The board of trustees of a county, city, municipal,
20 school or public library district may, by resolution duly acted
21 upon, petition the board of trustees of a consolidated public
22 library district to become a part of and be included in such
23 consolidated public library district. The petitioning district
24 may be admitted into the consolidated public library district
25 upon majority vote of the board of trustees of the consolidated
26 public library district at the prevailing tax rate of the
27 consolidated district. Notice of inclusion of the petitioning
28 district into the consolidated public library district shall be

1 given to the governing authority of the district so included in
2 accordance with the notice provisions set out in section 182.620.

3 3. Whenever five percent of the voters of a county, city,
4 municipal, school or public library district shall petition in
5 writing the governing authority of the district to be included in
6 the consolidated public library district and upon written
7 approval by majority vote of the board of trustees of the
8 consolidated public library district, it shall be the duty of the
9 governing authority to submit the question to the voters of the
10 petitioning district at an election.

11 4. Upon admission of any petitioning district by majority
12 vote of the board of trustees of the consolidated public library
13 district or upon majority approval of the voters of any such
14 district for inclusion in the consolidated public library
15 district, the taxing authority and governing authority of the
16 district shall take appropriate action to transfer, within sixty
17 days following the approval or election, all title and interest
18 in all property both real and personal in the name of the
19 district, to the board of trustees of the consolidated public
20 library district. Upon the transfer of the title and interest in
21 the property, it shall become a part of the consolidated public
22 library district. Notwithstanding section 182.640 to the
23 contrary, if the petitioning district is a city or municipal
24 library district located in part in any county that is not a
25 county participating in the consolidated public library district,
26 the board of trustees of the consolidated public library district
27 shall expand to include one additional trustee appointed by the
28 county commissioners or county executive officers of the county

1 not currently included in the consolidated public library
2 district. Upon the admission of the petitioning district for
3 inclusion in the consolidated public library district, the
4 transfer of the title and interest in property of such
5 petitioning district, and the appointment of the additional
6 trustee, the petitioning district and its board of trustees shall
7 cease to exist.

8 5. If the tax levy for the district admitted is not at the
9 same rate as that of the consolidated public library district or
10 if there is no tax levied in the district for the support of
11 public libraries, then at the beginning of the next taxing period
12 a tax or taxes shall be levied in the district admitted to
13 conform to and be the same as that levied in the consolidated
14 public library district.

15 190.326. 1. Notwithstanding the provisions of subsections
16 1 and 2 of section 190.327 to the contrary, the commission of any
17 county with more than two hundred thousand but fewer than two
18 hundred sixty thousand inhabitants that has not established a
19 board to administer the funds collected from the tax imposed
20 under section 190.305 or 190.325 may elect to appoint the members
21 of the board to administer the funds and oversee the provision of
22 central dispatching for emergency services in the county and in
23 municipalities and other political subdivisions which have
24 contracted for such service upon the request of the
25 municipalities and other political subdivisions. At the time of
26 the appointment of the initial members of the board, the
27 commission shall relinquish to the board and no longer exercise
28 the duties prescribed in this chapter with regard to the

1 provision of central dispatching service and such duties shall be
2 exercised by the board.

3 2. The board shall consist of seven members appointed
4 without regard to political affiliation. The members shall
5 include:

6 (1) Five members who shall serve for so long as they remain
7 in their respective county or municipal positions as follows:

8 (a) The county sheriff, or a designee;

9 (b) The heads of the municipal police departments in the
10 two largest municipalities wholly contained within the county
11 which have contracted for central dispatching service, or their
12 designees; and

13 (c) The heads of the municipal fire departments or fire
14 divisions in the two largest municipalities wholly contained
15 within the county which have contracted for central dispatching
16 service, or their designees.

17 (2) Two members who shall serve two year terms appointed
18 from among the following:

19 (a) The head of any of the county's fire protection
20 districts which have contracted for central dispatching service,
21 or a designee;

22 (b) The head of any of the county's ambulance districts
23 which have contracted for central dispatching service, or a
24 designee;

25 (c) The head of any of the municipal police departments in
26 the county, excluding those in paragraph (b) of subdivision (1)
27 of this subsection, which have contracted for central dispatching
28 service, or a designee; and

1 (d) The head of any of the municipal fire departments in
2 the county, excluding those in paragraph (c) of subdivision (1)
3 of this subsection, which have contracted for central dispatching
4 service, or a designee.

5 3. Upon the appointment of the board under this section,
6 the board shall have the powers provided in subsection 3 of
7 section 190.327 and the commission shall relinquish all powers
8 and duties relating to the provision of central dispatching
9 service under this chapter to the board.

10 192.300. 1. The county commissions [and] with the
11 concurrence of the county health center boards of the several
12 counties may make and promulgate orders, ordinances, rules or
13 regulations, respectively as will tend to enhance the public
14 health and prevent the entrance of infectious, contagious,
15 communicable or dangerous diseases into such county, but any
16 orders, ordinances, rules or regulations shall not be in conflict
17 with any rules or regulations authorized and made by the
18 department of health and senior services in accordance with this
19 chapter or by the department of social services under chapter
20 198. The county commissions [and] with the concurrence of the
21 county health center boards of the several counties may establish
22 reasonable fees to pay for any costs incurred in carrying out
23 such orders, ordinances, rules or regulations, however, the
24 establishment of such fees shall not deny personal health
25 services to those individuals who are unable to pay such fees or
26 impede the prevention or control of communicable disease. Fees
27 generated shall be deposited in the county treasury. All fees
28 generated under the provisions of this section shall be used to

1 support the public health activities for which they were
2 generated. After the promulgation and adoption of such orders,
3 ordinances, rules or regulations by such county commission [or
4 county health board], such commission [or county health board]
5 shall make and enter an order or record declaring such orders,
6 ordinances, rules or regulations to be printed and available for
7 distribution to the public in the office of the county clerk, and
8 shall require a copy of such order to be published in some
9 newspaper in the county in three successive weeks, not later than
10 thirty days after the entry of such order, ordinance, rule or
11 regulation. Any person, firm, corporation or association which
12 violates any of the orders or ordinances adopted, promulgated and
13 published by such county commission is guilty of a misdemeanor
14 and shall be prosecuted, tried and fined as otherwise provided by
15 law. The county commission [or county health board] of any such
16 county has full power and authority to initiate the prosecution
17 of any action under this section.

18 2. Notwithstanding the provisions of subsection 1 of this
19 section, in the event of an emergency, a county commission or the
20 county health center board may make and promulgate any orders,
21 ordinances, rules, or regulations in order to protect public
22 health, safety, or welfare, but the orders, ordinances, rules, or
23 regulations shall not be in conflict with any rules or
24 regulations authorized and made by the department of health and
25 senior services in accordance with this chapter or by the
26 department of social services under chapter 198.

27 197.315. 1. Any person who proposes to develop or offer a
28 new institutional health service within the state must obtain a

1 certificate of need from the committee prior to the time such
2 services are offered.

3 2. Only those new institutional health services which are
4 found by the committee to be needed shall be granted a
5 certificate of need. Only those new institutional health
6 services which are granted certificates of need shall be offered
7 or developed within the state. No expenditures for new
8 institutional health services in excess of the applicable
9 expenditure minimum shall be made by any person unless a
10 certificate of need has been granted.

11 3. After October 1, 1980, no state agency charged by
12 statute to license or certify health care facilities shall issue
13 a license to or certify any such facility, or distinct part of
14 such facility, that is developed without obtaining a certificate
15 of need.

16 4. If any person proposes to develop any new institutional
17 health care service without a certificate of need as required by
18 sections 197.300 to 197.366, the committee shall notify the
19 attorney general, and he shall apply for an injunction or other
20 appropriate legal action in any court of this state against that
21 person.

22 5. After October 1, 1980, no agency of state government may
23 appropriate or grant funds to or make payment of any funds to any
24 person or health care facility which has not first obtained every
25 certificate of need required pursuant to sections 197.300 to
26 197.366.

27 6. A certificate of need shall be issued only for the
28 premises and persons named in the application and is not

1 transferable except by consent of the committee.

2 7. Project cost increases, due to changes in the project
3 application as approved or due to project change orders,
4 exceeding the initial estimate by more than ten percent shall not
5 be incurred without consent of the committee.

6 8. Periodic reports to the committee shall be required of
7 any applicant who has been granted a certificate of need until
8 the project has been completed. The committee may order the
9 forfeiture of the certificate of need upon failure of the
10 applicant to file any such report.

11 9. A certificate of need shall be subject to forfeiture for
12 failure to incur a capital expenditure on any approved project
13 within six months after the date of the order. The applicant may
14 request an extension from the committee of not more than six
15 additional months based upon substantial expenditure made.

16 10. Each application for a certificate of need must be
17 accompanied by an application fee. The time of filing commences
18 with the receipt of the application and the application fee. The
19 application fee is one thousand dollars, or one-tenth of one
20 percent of the total cost of the proposed project, whichever is
21 greater. All application fees shall be deposited in the state
22 treasury. Because of the loss of federal funds, the general
23 assembly will appropriate funds to the Missouri health facilities
24 review committee.

25 11. In determining whether a certificate of need should be
26 granted, no consideration shall be given to the facilities or
27 equipment of any other health care facility located more than a
28 fifteen-mile radius from the applying facility.

1 12. When a nursing facility shifts from a skilled to an
2 intermediate level of nursing care, it may return to the higher
3 level of care if it meets the licensure requirements, without
4 obtaining a certificate of need.

5 13. In no event shall a certificate of need be denied
6 because the applicant refuses to provide abortion services or
7 information.

8 14. A certificate of need shall not be required for the
9 transfer of ownership of an existing and operational health
10 facility in its entirety.

11 15. A certificate of need may be granted to a facility for
12 an expansion, an addition of services, a new institutional
13 service, or for a new hospital facility which provides for
14 something less than that which was sought in the application.

15 16. The provisions of this section shall not apply to
16 facilities operated by the state, and appropriation of funds to
17 such facilities by the general assembly shall be deemed in
18 compliance with this section, and such facilities shall be deemed
19 to have received an appropriate certificate of need without
20 payment of any fee or charge. The provisions of this subsection
21 shall not apply to hospitals operated by the state and licensed
22 under chapter 197, except for department of mental health state-
23 operated psychiatric hospitals.

24 17. Notwithstanding other provisions of this section, a
25 certificate of need may be issued after July 1, 1983, for an
26 intermediate care facility operated exclusively for the
27 intellectually disabled.

28 18. To assure the safe, appropriate, and cost-effective

1 transfer of new medical technology throughout the state, a
2 certificate of need shall not be required for the purchase and
3 operation of:

4 (1) Research equipment that is to be used in a clinical
5 trial that has received written approval from a duly constituted
6 institutional review board of an accredited school of medicine or
7 osteopathy located in Missouri to establish its safety and
8 efficacy and does not increase the bed complement of the
9 institution in which the equipment is to be located. After the
10 clinical trial has been completed, a certificate of need must be
11 obtained for continued use in such facility; or

12 (2) Equipment that is to be used by an academic health
13 center operated by the state in furtherance of its research or
14 teaching missions.

15 214.160. 1. Under sections 214.140 to 214.180, and as
16 otherwise not prohibited under Article VI, section 23 of the
17 constitution, the county commission [shall] may invest or loan
18 said trust fund or funds [only] in United States government,
19 state, county or municipal bonds, certificates of deposit, first
20 real estate mortgages, or deeds of trust and may utilize
21 investment managers to invest, reinvest, and manage assets,
22 subject to the terms, conditions, and limitations provided in
23 this section. They shall use the net income from said trust fund
24 or funds or such investments or so much thereof as is necessary
25 to support and maintain and beautify any public or private
26 cemetery or any particular part thereof which may be designated
27 by the person, persons or firm or association making said gift or
28 bequest. In maintaining or supporting the cemetery or any

1 particular part or portion thereof the commission shall as nearly
2 as possible follow the expressed wishes of the creator of said
3 trust fund.

4 2. An investment manager shall discharge his or her duties
5 in the interest of the public or private cemetery and the person,
6 persons, or firm making the gift or bequest and shall:

7 (1) Act with the same care, skill, prudence, and diligence
8 under the circumstances then prevailing that a prudent person
9 acting in a similar capacity and familiar with those matters
10 would use in the conduct of a similar enterprise with similar
11 aims;

12 (2) Act with due regard for the management, reputation, and
13 stability of the issuer and the character of the particular
14 investments being considered;

15 (3) Make investments for the purpose of supporting,
16 maintaining, and beautifying any public or private cemetery or
17 any particular part thereof which may be designated by the
18 person, persons, or firm or association making said gift or
19 bequest, and of defraying reasonable expenses of investing the
20 assets;

21 (4) Give appropriate consideration to those facts and
22 circumstances that the investment fiduciary knows or should know
23 are relevant to the particular investment or investment course of
24 action involved, including the role the investment or investment
25 course of action plays in that portion of the investments for
26 which the investment fiduciary has responsibility. For purposes
27 of this subdivision, "appropriate consideration" shall include,
28 but is not necessarily limited to, a determination by the

1 investment fiduciary that a particular investment or investment
2 course of action is reasonably designed to further the purposes
3 of supporting, maintaining, and beautifying any public or private
4 cemetery or any particular part thereof which may be designated
5 by the person, persons, or firm or association making said gift
6 or bequest, taking into consideration the risk of loss and the
7 opportunity for gain or other return associated with the
8 investment or investment course of action; and consideration of
9 the following factors as they relate to the investment or
10 investment course of action:

11 (a) The diversification of the investments;

12 (b) The liquidity and current return of the investments
13 relative to the anticipated cash flow requirements; and

14 (c) The projected return of the investments relative to the
15 funding objectives; and

16 (5) Give appropriate consideration to investments which
17 would enhance the general welfare of this state and its citizens
18 if those investments offer the safety and rate of return
19 comparable to other investments available to the investment
20 fiduciary at the time the investment decision is made.

21 3. As used in this section, "invest" or "investment" means
22 utilization of money in the expectation of future returns in the
23 form of income or capital gain.

24 262.590. The council in any county shall have the right and
25 duty to:

26 (1) Make recommendations and suggestions to the university
27 concerning the extension program;

28 (2) Make recommendations and suggestions to the university

1 concerning the appointment or removal of extension personnel;

2 (3) Arrange for and administer the county's share of the
3 cost of the extension services in the area over which the council
4 has jurisdiction;

5 (4) Receive by way of gift, purchase, or otherwise acquire,
6 in its own name, real or personal property with the right to hold
7 and to sell and convey title to any such property and to obtain
8 financing, in its own name, in connection with such purchase or
9 acquisition; provided no real estate not reasonably required for
10 the administration of the extension program shall be held by the
11 council for a period longer than two years; and provided further
12 that the financed amount shall not constitute a debt of the
13 university, and the university shall have no obligation for
14 repayment for any part of such financed amount.

15 315.005. As used in sections 315.005 to 315.065, unless the
16 context clearly indicates otherwise, the following terms mean:

17 (1) "Code", the standards relating to fire safety,
18 sanitation, electrical wiring, fuel-burning appliances, plumbing,
19 swimming pools and spas, sewage and waste treatment and disposal
20 as adopted by the department. The department in its discretion,
21 may incorporate, in whole or in part, the standards or codes
22 promulgated by the National Fire Protection Association, Building
23 Officials and Code Administration International, Inc., Great
24 Lakes Upper Mississippi River Board of State Sanitary Engineers,
25 and American Society of Sanitary Engineers;

26 (2) "Department", the director of the department of health
27 and senior services or an agent of the director of the department
28 of health and senior services;

1 (3) "Guest room", any room or unit where sleeping
2 accommodations are regularly furnished to the public;

3 (4) "Lodging establishment", any building, group of
4 buildings, structure, facility, place, or places of business
5 where five or more guest rooms are provided, which is owned,
6 maintained, or operated by any person and which is kept, used,
7 maintained, advertised or held out to the public for hire which
8 can be construed to be a hotel, motel, motor hotel, apartment
9 hotel, tourist court, resort, cabins, tourist home, bunkhouse,
10 dormitory, or other similar place by whatever name called, and
11 includes all such accommodations operated for hire as lodging
12 establishments for either transient guests, permanent guests, or
13 for both transient and permanent guests;

14 (5) "Owner", the person responsible for obtaining a license
15 from the department for operating the lodging establishment;

16 (6) "Permanent guest", any person who rents and occupies a
17 guest room in a lodging establishment for a period of thirty-one
18 days or more;

19 (7) "Person", any individual, partnership, corporation,
20 association, organization, firm, or federal, state, county, city,
21 village, or municipal association or corporation;

22 (8) "Transient guest", any person who rents and occupies a
23 guest room in a lodging establishment for a period of less than
24 thirty-one days in any calendar quarter.

25 321.553. 1. The governing body of any fire protection
26 district to which section 72.418 applies may impose a sales tax
27 in an amount up to one-half of one percent on all retail sales
28 made in the fire protection district which are subject to

1 taxation pursuant to the provisions of sections 144.010 to
2 144.525 provided that such sales tax shall be accompanied by a
3 reduction in the district's tax rate as defined in section
4 137.073. The tax authorized by this section shall be in addition
5 to any and all other sales taxes allowed by law, except that no
6 sales tax imposed pursuant to the provisions of this section
7 shall be effective unless the governing body of the fire
8 protection district submits to the voters of the fire protection
9 district, at a municipal or state general, primary or special
10 election, a proposal to authorize the governing body of the fire
11 protection district to impose a tax pursuant to this section.

12 2. The ballot of submission shall contain, but need not be
13 limited to, the following language:

14 Shall (insert name of fire protection
15 district) impose a sales tax of (insert amount
16 up to one-half) of one percent for the purpose of providing
17 revenues for the operation of the (insert
18 name of fire protection district) and the total property tax levy
19 on properties in the (insert name of the fire
20 protection district) shall be reduced annually by an amount which
21 reduces property tax revenues by an amount equal to fifty percent
22 of the previous year's revenue collected from this sales tax?

23 YES NO

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

27 3. If a majority of the votes cast on the proposal by the
28 qualified voters voting thereon are in favor of the proposal,

1 then the sales tax authorized in this section shall be in effect
2 and the governing body of the fire protection district shall
3 lower the level of its tax rate by an amount which reduces
4 property tax revenues by an amount equal to fifty percent of the
5 amount of sales tax collected in the preceding year. If a
6 majority of the votes cast by the qualified voters voting are
7 opposed to the proposal, then the governing body of the fire
8 protection district shall not impose the sales tax authorized in
9 this section unless and until the governing body of such
10 protection district resubmits a proposal to authorize the
11 governing body of the fire protection district to impose the
12 sales tax authorized by this section and such proposal is
13 approved by a majority of the qualified voters voting thereon.

14 4. All revenue received by a district from the tax
15 authorized pursuant to this section shall be deposited in a
16 special trust fund, and be used solely for the purposes specified
17 in the proposal submitted pursuant to this section for so long as
18 the tax shall remain in effect.

19 5. All sales taxes collected by the director of revenue
20 pursuant to this section, less one percent for cost of collection
21 which shall be deposited in the state's general revenue fund
22 after payment of premiums for surety bonds as provided in section
23 32.087, shall be deposited in a special trust fund, which is
24 hereby created, to be known as the "Fire Protection District
25 Sales Tax Trust Fund". The moneys in the fire protection
26 district sales tax trust fund shall not be deemed to be state
27 funds and shall not be commingled with any funds of the state.
28 The director of revenue shall keep accurate records of the amount

1 of money in the trust and the amount collected in each district
2 imposing a sales tax pursuant to this section, and the records
3 shall be open to inspection by officers of the county and to the
4 public. Not later than the tenth day of each month the director
5 of revenue shall distribute all moneys deposited in the trust
6 fund during the preceding month to the governing body of the
7 district which levied the tax; such funds shall be deposited with
8 the board treasurer of each such district.

9 6. The director of revenue may make refunds from the
10 amounts in the trust fund and credit any district for erroneous
11 payments and overpayments made, and may redeem dishonored checks
12 and drafts deposited to the credit of such district. If any
13 district abolishes the tax, the district shall notify the
14 director of revenue of the action at least ninety days prior to
15 the effective date of the repeal and the director of revenue may
16 order retention in the trust fund, for a period of one year, of
17 two percent of the amount collected after receipt of such notice
18 to cover possible refunds or overpayment of the tax and to redeem
19 dishonored checks and drafts deposited to the credit of such
20 accounts. After one year has elapsed after the effective date of
21 abolition of the tax in such district, the director of revenue
22 shall remit the balance in the account to the district and close
23 the account of that district. The director of revenue shall
24 notify each district of each instance of any amount refunded or
25 any check redeemed from receipts due the district.

26 7. Except as modified in this section, all provisions of
27 sections 32.085 and 32.087 shall apply to the tax imposed
28 pursuant to this section.

1 473.730. 1. Every county in this state, except the City of
2 St. Louis, shall elect a public administrator at the general
3 election in the year 1880, and every four years thereafter, who
4 shall be ex officio public guardian and conservator in and for
5 the public administrator's county. A candidate for public
6 administrator shall be at least twenty-one years of age and a
7 resident of the state of Missouri and the county in which he or
8 she is a candidate for at least one year prior to the date of the
9 general election for such office. The candidate shall also be a
10 registered voter and shall be current in the payment of all
11 personal and business taxes. Each candidate for public
12 administrator shall provide to the election authority a copy of a
13 signed affidavit from a surety company, indicating that the
14 candidate meets the bond requirements for the office of public
15 administrator under this section.

16 2. Before entering on the duties of the public
17 administrator's office, the public administrator shall take the
18 oath required by the constitution, and enter into bond to the
19 state of Missouri in a sum not less than ten thousand dollars,
20 with [two] one or more securities, approved by the court and
21 conditioned that the public administrator will faithfully
22 discharge all the duties of the public administrator's office,
23 which bond shall be given and oath of office taken on or before
24 the first day of January following the public administrator's
25 election, and it shall be the duty of the judge of the court to
26 require the public administrator to make a statement annually,
27 under oath, of the amount of property in the public
28 administrator's hands or under the public administrator's control

1 as such administrator, for the purpose of ascertaining the amount
2 of bond necessary to secure such property; and such court may
3 from time to time, as occasion shall require, demand additional
4 security of such administrator, and, in default of giving the
5 same within twenty days after such demand, may remove the
6 administrator and appoint another.

7 [2.] 3. The public administrator in all counties, in the
8 performance of the duties required by chapters 473, 474, and 475,
9 is a public officer. The duties specified by section 475.120 are
10 discretionary. The county shall defend and indemnify the public
11 administrator against any alleged breach of duty, provided that
12 any such alleged breach of duty arose out of an act or omission
13 occurring within the scope of duty or employment.

14 [3.] 4. After January 1, 2001, all salaried public
15 administrators shall be considered county officials for purposes
16 of section 50.333, subject to the minimum salary requirements set
17 forth in section 473.742.

18 [4.] 5. The public administrator for the city of St. Louis
19 shall be appointed by a majority of the circuit judges and
20 associate circuit judges of the twenty-second judicial circuit,
21 en banc. Such public administrator shall meet the same
22 qualifications and requirements specified in subsection 1 of this
23 section for elected public administrators. The elected public
24 administrator holding office on August 28, 2013, shall continue
25 to hold such office for the remainder of his or her term.

26 [49.330. The county commission shall appoint some
27 suitable person to superintend the erection of the
28 buildings who shall take an oath to discharge
29 faithfully and impartially the duties enjoined on him
30 by sections 49.310 to 49.470. The superintendent of

1 the county buildings shall receive the compensation for
2 his services that the county commission deems
3 reasonable, to be paid out of the county treasury. The
4 county commission shall fill any vacancy which occurs
5 in the office of superintendent.】
6

7 Section B. Because immediate action is necessary to
8 preserve access to quality health care facilities for the
9 citizens of Missouri, the repeal and reenactment of section
10 197.315 of this act is deemed necessary for the immediate
11 preservation of the public health, welfare, peace, and safety,
12 and is hereby declared to be an emergency act within the meaning
13 of the constitution, and the repeal and reenactment of section
14 197.315 of this act shall be in full force and effect upon its
15 passage and approval.