

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1023

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

5365S.06P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 182.711, 182.802, and 488.426, RSMo, and to enact in lieu thereof three new sections relating to libraries.

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

Section A. Sections 182.711, 182.802, and 488.426, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 182.711, 182.802, and 488.426, to read as
4 follows:

182.711. 1. The fiscal year for each urban public
2 library district shall be July first to June thirtieth,
3 **unless otherwise set by the board of trustees**, and each year
4 the librarian shall submit to the board of trustees a budget
5 for the forthcoming fiscal year. The board of trustees
6 shall approve the budget after making any changes therein
7 that it deems necessary. The budget shall be approved on or
8 before [June thirtieth] **the last day of the fiscal year**
9 preceding the fiscal year for which the budget was
10 prepared. The board of trustees on its own motion or at the
11 request of the librarian, from time to time, may amend or
12 modify the approved budget. A copy of the approved budget
13 shall be filed with the state auditor.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 2. The treasurer of the board of trustees of an urban
15 public library district shall receive and be the custodian
16 of all money belonging to the district from whatever source
17 derived. All funds of the urban public library district
18 derived from local taxation to be used for normal operations
19 of the district shall be kept in a library operating fund.
20 All funds belonging to the district which are to be used for
21 building purposes shall be kept in a library building fund;
22 all funds derived from state aid or federal grants, other
23 than land, building and furnishing grants, shall be kept in
24 the library operating fund; and the board of trustees may
25 establish any other funds that it deems necessary. The
26 treasurer shall deposit all moneys belonging to the urban
27 public library district in the depositories that are
28 selected by the board of trustees. The treasurer shall also
29 be the custodian of all bonds or other securities belonging
30 to the urban public library district.

31 3. Urban public library district moneys shall be
32 disbursed by the treasurer by appropriate instrument of
33 payment only upon due authorization of the board of trustees
34 and duly certified for payment by the president. The
35 certification shall specify the amount to be paid, to whom
36 payment is to be made and the purpose for which payment is
37 being made. The board of trustees by resolution may direct
38 that the signature of the president or treasurer be a
39 facsimile signature in the manner provided by sections
40 105.272 to 105.278.

41 4. No authorization or certification shall be made,
42 and no instrument of payment shall be issued for the payment
43 of any urban public library district indebtedness unless
44 there is sufficient money in the treasury and the proper

45 fund for the payment of the indebtedness and the
46 indebtedness is in the proper form.

47 5. The treasurer of the board of trustees shall submit
48 to the board of trustees, at each regularly scheduled
49 meeting thereof, an accounting reflecting receipt and
50 disbursement of funds belonging to the urban public library
51 district.

182.802. 1. (1) Any public library district located
2 in any of the following counties may impose a tax as
3 provided in this section:

4 (a) At least partially within any county of the third
5 classification without a township form of government and
6 with more than forty thousand eight hundred but fewer than
7 forty thousand nine hundred inhabitants;

8 (b) Any county of the third classification without a
9 township form of government and with more than thirteen
10 thousand five hundred but fewer than thirteen thousand six
11 hundred inhabitants;

12 (c) Any county of the third classification without a
13 township form of government and with more than thirteen
14 thousand two hundred but fewer than thirteen thousand three
15 hundred inhabitants;

16 (d) Any county of the third classification with a
17 township form of government and with more than twenty-nine
18 thousand seven hundred but fewer than twenty-nine thousand
19 eight hundred inhabitants;

20 (e) Any county of the second classification with more
21 than nineteen thousand seven hundred but fewer than nineteen
22 thousand eight hundred inhabitants;

23 (f) Any county of the third classification with a
24 township form of government and with more than thirty-three

25 thousand one hundred but fewer than thirty-three thousand
26 two hundred inhabitants;

27 (g) Any county of the third classification without a
28 township form of government and with more than eighteen
29 thousand but fewer than twenty thousand inhabitants and with
30 a city of the third classification with more than six
31 thousand but fewer than seven thousand inhabitants as the
32 county seat;

33 (h) Any county of the fourth classification with more
34 than twenty thousand but fewer than thirty thousand
35 inhabitants; [or]

36 (i) Any county of the third classification with more
37 than thirteen thousand nine hundred but fewer than fourteen
38 thousand inhabitants;

39 (j) Any county with more than one hundred thousand but
40 fewer than one hundred twenty thousand inhabitants and with
41 a county seat with more than twelve thousand but fewer than
42 fourteen thousand inhabitants;

43 (k) Any county with more than thirty-five thousand but
44 fewer than forty thousand inhabitants and with a county seat
45 with more than eight thousand but fewer than ten thousand
46 inhabitants;

47 (l) Any county with more than fourteen thousand but
48 fewer than fifteen thousand seven hundred inhabitants and
49 with a county seat with more than two thousand but fewer
50 than three thousand inhabitants;

51 (m) Any county with more than twenty-two thousand but
52 fewer than twenty-five thousand inhabitants and with a
53 county seat with more than one thousand four hundred but
54 fewer than one thousand nine hundred inhabitants;

55 (n) Any county with more than eighty thousand but
56 fewer than one hundred thousand inhabitants and with a

57 county seat with more than seventy thousand but fewer than
58 eighty thousand inhabitants;

59 (o) Any county with more than eight thousand nine
60 hundred but fewer than nine thousand nine hundred
61 inhabitants and with a county seat with more than one
62 thousand but fewer than two thousand inhabitants;

63 (p) Any county with more than twelve thousand five
64 hundred but fewer than fourteen thousand inhabitants and
65 with a county seat with more than four thousand but fewer
66 than five thousand inhabitants;

67 (q) Any county with more than eight thousand but fewer
68 than eight thousand nine hundred inhabitants and with a
69 county seat with more than three hundred but fewer than six
70 hundred inhabitants;

71 (r) Any county with more than twenty-two thousand but
72 fewer than twenty-five thousand inhabitants and with a
73 county seat with more than one hundred but fewer than five
74 hundred inhabitants;

75 (s) Any county with more than two hundred sixty
76 thousand but fewer than three hundred thousand inhabitants;

77 (t) Any county with more than two hundred thousand but
78 fewer than two hundred thirty thousand inhabitants;

79 (u) Any county with more than one hundred twenty
80 thousand but fewer than one hundred fifty thousand
81 inhabitants;

82 (v) Any county with more than fifty thousand but fewer
83 than sixty thousand inhabitants and with a county seat with
84 more than ten thousand but fewer than twelve thousand six
85 hundred inhabitants;

86 (w) Any county with more than one hundred thousand but
87 fewer than one hundred twenty thousand inhabitants and with

88 a county seat with more than nine thousand but fewer than
89 eleven thousand inhabitants;

90 (x) Any county with more than thirty thousand but
91 fewer than thirty-five thousand inhabitants and with a
92 county seat with more than three thousand eight hundred but
93 fewer than six thousand inhabitants;

94 (y) Any county with more than fifty thousand but fewer
95 than sixty thousand inhabitants and with a county seat with
96 more than seventeen thousand but fewer than twenty-one
97 thousand inhabitants;

98 (aa) Any county with more than thirty-five thousand
99 but fewer than forty thousand inhabitants and with a county
100 seat with more than five thousand but fewer than eight
101 thousand inhabitants;

102 (bb) Any county with more than thirty-five thousand
103 but fewer than forty thousand inhabitants and with a county
104 seat with more than ten thousand but fewer than fourteen
105 thousand inhabitants;

106 (cc) Any county with more than forty thousand but
107 fewer than fifty thousand inhabitants and with a county seat
108 with more than twenty-one thousand but fewer than thirty-one
109 thousand inhabitants;

110 (dd) Any county with more than nineteen thousand but
111 fewer than twenty-two thousand inhabitants and with a county
112 seat with more than one thousand but fewer than two thousand
113 two hundred twenty inhabitants;

114 (ee) Any county with more than fifteen thousand seven
115 hundred but fewer than seventeen thousand six hundred
116 inhabitants and with a county seat with more than seven
117 thousand but fewer than nine thousand inhabitants;

118 (ff) Any county with more than twenty-two thousand but
119 fewer than twenty-five thousand inhabitants and with a

120 county seat with more than nine hundred but fewer than one
121 thousand four hundred inhabitants;

122 (gg) Any county with more than eight thousand but
123 fewer than eight thousand nine hundred inhabitants and with
124 a county seat with more than eight hundred but fewer than
125 one thousand three hundred inhabitants;

126 (hh) Any county with more than twenty-two thousand but
127 fewer than twenty-five thousand inhabitants and with a
128 county seat with more than nine thousand but fewer than
129 twelve thousand five hundred inhabitants;

130 (ii) Any county with more than eighty thousand but
131 fewer than one hundred thousand inhabitants and with a
132 county seat with more than thirteen thousand but fewer than
133 seventeen thousand inhabitants;

134 (jj) Any county with more than eight thousand nine
135 hundred but fewer than nine thousand nine hundred
136 inhabitants and with a county seat with more than five
137 thousand but fewer than six thousand inhabitants;

138 (kk) Any county with more than fourteen thousand but
139 fewer than fifteen thousand seven hundred inhabitants and
140 with a county seat with more than eight thousand but fewer
141 than ten thousand inhabitants;

142 (ll) Any county with more than fifty thousand but
143 fewer than sixty thousand inhabitants and with a county seat
144 with more than four thousand but fewer than seven thousand
145 inhabitants;

146 (mm) Any county with more than twelve thousand five
147 hundred but fewer than fourteen thousand inhabitants and
148 with a county seat with more than one thousand but fewer
149 than two thousand inhabitants;

150 (nn) Any county with more than seventy thousand but
151 fewer than eighty thousand inhabitants;

152 (oo) Any county with more than forty thousand but
153 fewer than fifty thousand inhabitants and with a county seat
154 with more than eighteen thousand but fewer than twenty-one
155 thousand inhabitants;

156 (pp) Any county with more than seventeen thousand six
157 hundred but fewer than nineteen thousand inhabitants and
158 with a county seat with more than four thousand but fewer
159 than five thousand fifty inhabitants;

160 (qq) Any county with more than nineteen thousand but
161 fewer than twenty-two thousand inhabitants and with a county
162 seat with more than two thousand five hundred but fewer than
163 four thousand inhabitants;

164 (rr) Any county with more than seventeen thousand six
165 hundred but fewer than nineteen thousand inhabitants and
166 with a county seat with more than eight thousand but fewer
167 than ten thousand inhabitants;

168 (ss) Any county with more than thirty-five thousand
169 but fewer than forty thousand inhabitants and with a county
170 seat with more than five hundred but fewer than two thousand
171 inhabitants;

172 (tt) Any county with more than nine thousand nine
173 hundred but fewer than eleven thousand inhabitants and with
174 a county seat with more than six hundred but fewer than one
175 thousand inhabitants;

176 (uu) Any county with more than twenty-five thousand
177 but fewer than thirty thousand inhabitants and with a county
178 seat with more than two thousand five hundred but fewer than
179 six thousand inhabitants;

180 (vv) Any county with more than twenty-five thousand
181 but fewer than thirty thousand inhabitants and with a county
182 seat with more than fourteen thousand but fewer than twenty
183 thousand inhabitants;

184 (ww) Any county with more than fourteen thousand but
185 fewer than fifteen thousand seven hundred inhabitants and
186 with a county seat with more than four thousand five hundred
187 fifty but fewer than four thousand nine hundred inhabitants;

188 (xx) Any county with more than four hundred thousand
189 but fewer than five hundred thousand inhabitants;

190 (yy) Any county with more than twenty-two thousand but
191 fewer than twenty-five thousand inhabitants and with a
192 county seat with more than twelve thousand five hundred but
193 fewer than sixteen thousand inhabitants that was formerly
194 described by paragraph (h) of this subdivision where the
195 question to impose the sales tax pursuant to this section
196 was approved by a majority of the qualified voters of said
197 public library district voting thereon prior to the issuance
198 of the notice of change of classification by the state
199 auditor pursuant to section 48.030.

200 (2) Any public library district listed in subdivision
201 (1) of this subsection may, by a majority vote of its board
202 of directors, impose a tax not to exceed one-half of one
203 cent, or for any county with more than one hundred thousand
204 but fewer than one hundred twenty thousand inhabitants and
205 with a county seat with more than nine thousand but fewer
206 than eleven thousand inhabitants or any county with more
207 than fifty thousand but fewer than sixty thousand
208 inhabitants and with a county seat with more than seventeen
209 thousand but fewer than twenty-one thousand inhabitants, not
210 to exceed one-third of one cent, on all retail sales subject
211 to taxation under sections 144.010 to 144.525 for the
212 purpose of funding the operation and maintenance of public
213 libraries within the boundaries of such library district.
214 If the library board approves placing the sales tax
215 authorized by this section on the ballot, then the county

216 **commission shall comply and place the measure before the**
217 **voters.** The tax authorized by this subsection shall be in
218 addition to all other taxes allowed by law. No tax under
219 this subsection shall become effective unless the board of
220 directors submits to the voters of the district, at a county
221 or state general, primary or special election, a proposal to
222 authorize the tax, and such tax shall become effective only
223 after the majority of the voters voting on such tax approve
224 such tax.

225 2. **(1)** In the event the district seeks to impose a
226 sales tax under this subsection, the question shall be
227 submitted in substantially the following form:

228 Shall a _____ cent sales tax be levied on all
229 retail sales within the district for the purpose
230 of providing funding for _____ library district?

231 YES NO

232 If a majority of the votes cast on the proposal by the
233 qualified voters voting thereon are in favor of the
234 proposal, then the tax shall become effective. If a
235 majority of the votes cast by the qualified voters voting
236 are opposed to the proposal, then the board of directors
237 shall have no power to impose the tax unless and until
238 another proposal to authorize the tax is submitted to the
239 voters of the district and such proposal is approved by a
240 majority of the qualified voters voting thereon. The
241 provisions of sections 32.085 and 32.087 shall apply to any
242 tax approved under this subsection.

243 **(2) (a) For any district located in a county with**
244 **more than four hundred thousand but fewer than five hundred**

245 thousand inhabitants, any sales tax imposed pursuant to this
246 section shall be in conjunction with a real and personal
247 property tax reduction for each year in which the sales tax
248 is imposed. The ballot of submission for such district
249 shall contain, but need not be limited to, the following
250 language:

251 Shall the _____ library district impose a district-
252 wide sales tax of _____ (insert amount) and reduce
253 its total real and personal property tax levy
254 annually by one hundred percent of the total amount
255 of sales tax revenue collected in the same tax year
256 for the purpose of providing funding for _____
257 library district?

258 YES NO

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

262 If a majority of the votes cast on the proposal by the
263 qualified voters voting thereon are in favor of the
264 proposal, then the ordinance or order and any amendments
265 thereto shall be in effect. If a majority of the votes cast
266 by the qualified voters voting are opposed to the proposal,
267 then the board of directors shall have no power to impose
268 the sales tax and reduce the property tax as herein
269 authorized unless and until the board of directors shall
270 again have submitted another proposal to authorize the board
271 of directors to impose the sales tax and reduce the property
272 tax under the provisions of this section and such proposal
273 is approved by a majority of the qualified voters voting
274 thereon.

275 (b) Each year in which a sales tax is imposed pursuant
276 to this section, the board of directors shall, after
277 determining its budget, within the limits set by the
278 constitution and laws of this state for the following
279 calendar year and the total property tax levy needed to
280 raise the revenues required by such budget, reduce that
281 total real and personal property tax levy in an amount
282 sufficient to decrease the total property taxes it will
283 collect by an amount equal to one hundred percent of the
284 sales tax revenue collected in the tax year for which the
285 property taxes are being levied, provided that for the first
286 three years following the adoption of the sales tax pursuant
287 to this section, the reduction made pursuant to this
288 subdivision shall be equal to thirty-three percent, sixty-
289 six percent, and one hundred percent, respectively, of the
290 sales tax revenue collected.

291 (3) For any district located in a county with more
292 than one hundred thousand but fewer than one hundred twenty
293 thousand inhabitants and with a county seat with more than
294 nine thousand but fewer than eleven thousand inhabitants or
295 any county with more than fifty thousand but fewer than
296 sixty thousand inhabitants and with a county seat with more
297 than seventeen thousand but fewer than twenty-one thousand
298 inhabitants, any sales tax imposed pursuant to this section
299 shall be in conjunction with the elimination of all real and
300 personal property tax levies imposed by the district for
301 each year in which the sales tax is imposed. The ballot of
302 submission for such district shall contain, but need not be
303 limited to, the following language:

304 Shall the _____ library district impose a district-
305 wide sales tax of _____ (insert amount) and

306 eliminate its total real and personal property tax
307 levy for the purpose of providing funding for _____
308 library district?

309 YES NO

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

313 If a majority of the votes cast on the proposal by the
314 qualified voters voting thereon are in favor of the
315 proposal, then the ordinance or order and any amendments
316 thereto shall be in effect. If a majority of the votes cast
317 by the qualified voters voting are opposed to the proposal,
318 then the board of directors shall have no power to impose
319 the sales tax and eliminate the property tax as herein
320 authorized unless and until the board of directors shall
321 again have submitted another proposal to authorize the board
322 of directors to impose the sales tax and eliminate the
323 property tax under the provisions of this section and such
324 proposal is approved by a majority of the qualified voters
325 voting thereon.

326 3. As used in this section, "qualified voters" or
327 "voters" means any individuals residing within the district
328 who are eligible to be registered voters and who have
329 registered to vote under chapter 115, or, if no individuals
330 are eligible and registered to vote reside within the
331 proposed district, all of the owners of real property
332 located within the proposed district who have unanimously
333 petitioned for or consented to the adoption of an ordinance
334 by the governing body imposing a tax authorized in this
335 section. If the owner of the property within the proposed

336 district is a political subdivision or corporation of the
337 state, the governing body of such political subdivision or
338 corporation shall be considered the owner for purposes of
339 this section.

340 4. For purposes of this section the term "public
341 library district" shall mean any city library district,
342 county library district, city-county library district,
343 municipal library district, consolidated library district,
344 or urban library district.

345 5. **The provisions of section 1.100 shall apply to any**
346 **sales tax approved by the voters of a public library**
347 **district located in a county described in subsection 1 of**
348 **this section. Once a library district located in such**
349 **county has come under the operation of this section, a**
350 **subsequent change in population or classification shall not**
351 **remove that county from the operation of this section**
352 **regardless of whether the county comes under the operation**
353 **of this section after the effective date of this section.**

488.426. 1. The judges of the circuit court, en banc,
2 in any circuit in this state may require any party filing a
3 civil case in the circuit court, at the time of filing the
4 suit, to deposit with the clerk of the court a surcharge in
5 addition to all other deposits required by law or court
6 rule. Sections 488.426 to 488.432 shall not apply to
7 proceedings when costs are waived or are to be paid by the
8 county or state or any city.

9 2. The surcharge in effect on August 28, 2001, shall
10 remain in effect until changed by the circuit court. The
11 circuit court in any circuit, except the circuit court in
12 Jackson County, **the circuit court in the city of St. Louis,**
13 or the circuit court in any circuit that reimburses the
14 state for the salaries of family court commissioners under

15 and pursuant to section 487.020, may change the fee to any
16 amount not to exceed fifteen dollars. The circuit court in
17 Jackson County, **the circuit court in the city of St. Louis,**
18 or the circuit court in any circuit that reimburses the
19 state for the salaries of family court commissioners under
20 and pursuant to section 487.020 may change the fee to any
21 amount not to exceed twenty dollars. A change in the fee
22 shall become effective and remain in effect until further
23 changed.

24 3. Sections 488.426 to 488.432 shall not apply to
25 proceedings when costs are waived or are paid by the county
26 or state or any city.

27 [4. In addition to any fee authorized by subsection 1
28 of this section, any county of the first classification with
29 more than one hundred one thousand but fewer than one
30 hundred fifteen thousand inhabitants may impose an
31 additional fee of ten dollars excluding cases concerning
32 adoption and those in small claims court. The provisions of
33 this subsection shall expire on December 31, 2019.]

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