

Senate Bill Summary



Second Regular Session of the 98th General Assembly

March 2, 2016

The following is a list of bills that have been filed as of February 26. The MAC website – www.mocounties.com – offers links for House and Senate Bill tracking, as well as bill summaries, hearing schedules and committee rosters. MAC's legislative bulletins and summaries are also available online.

Elections

SB 594 – Kraus – establishes identification requirements for voting. This act is contingent on the passage of a constitutional amendment establishing voter photo identification for elections.

SB 597 – Brown – requires that a primary election be held for every special election at least 45 days prior to the special election. Nonpartisan elections and elections in which only one candidate has filed do not require a primary election. This act also requires that notice of both the primary and special elections be published with the name of the office to be filled, the dates of the primary and special elections, and the dates by which candidates must be filed for office.

SB 637 – Hegeman – modifies requirements for special road district commissioner elections.

SB 749 – Sifton – allows emergency workers to request, receive and submit absentee ballots.

SB 750 – Sifton – modifies class one election offenses.

SB 757 – Chappelle-Nadal – modifies the law relating to elections including electronic signatures, violations, creates the Disabled Voter Protection Office and gives those convicted of a felony or imprisoned the right to vote .

SB 771 – Onder – modifies the law relating to paper ballots.

SB 786 – Kraus – modifies the law relating to the prosecution of election offenses.

SB 787 – Kraus – modifies provisions relating to election challengers.

SB 924 – Schaaf – allows felons who are on probation or parole the right to vote.

SB 1032 – Wieland – any nonpartisan election in Jefferson County, the election authority or political subdivision responsible for the oversight of filing for a particular election may designate the Jefferson County Clerk as the entity responsible for overseeing filing. If an election authority or political subdivision chooses to designate its filing responsibilities, the county clerk is required to assume the filing responsibilities, and the election authority or political subdivision shall publish legal notice, indicating where persons may file for office.

SB 1068 – Holsman & Schupp – modifies provisions of law relating to voting machines for persons who are blind or visually-impaired

SJR 20 – Kraus – modifies provisions of law relating to voter photo identification.

SJR 23 – Sater – modifies the law relating to initiative petitions.

SJR 25 – Emery – eliminates income taxes and replaces them with an expanded sales and use tax and creates a property tax relief credit.

SJR 33 – Schmitt – amends the *Constitution* to limit general revenue appropriations and mandate state income tax rate reductions in certain situations.

SB 1041 – Schatz – creates the National Popular Vote Act. It establishes an interstate compact on the agreement among the states to elect the president by national popular vote. Further, the agreement terminates upon the abolishment of the Electoral College.

Taxation & Assessment

SB 596 – Kraus – adds the real property of a vineyard and related buildings to the definition of "agricultural and horticultural property" for property tax purposes.

SB 622 – Romine – modifies provisions relating to mine property and its assessment.

SB 623 – Libla – raises the tax on motor fuel by one and one-half cents per gallon and three and one-half cents per gallon for diesel fuel beginning on Oct. 1, 2016.

SB 634 – Sifton – reauthorizes the Homestead Preservation Act tax credit program. The program will begin with the 2017 tax year and will sunset on Aug. 28, 2022.

SB 642 – Schatz – eliminates a provision allowing for property tax levy adjustments for inflation and modifies standing for Hancock Amendment challenges.

SB 645 – Onder – requires a portion of sales and use taxes collected to be deposited into the State Road Fund.

SB 706 – Dixon – creates a sales tax exemption for fitness facilities, gyms, and dance studios.

SB 708 – Parson – makes motor vehicles that are at least 10 years old exempt from the state and local sales tax on the titling of motor vehicles. This exemption does not apply to motor vehicles with a sales price of more than \$15,000.

SB 753 – Dixon – allows Greene County, or any city within the county, to impose a sales tax, upon voter approval, to fund early childhood education.

SB 783 – Onder – authorizes telephone companies to elect to have their tangible personal property assessed in accordance with a depreciation schedule.

SB 784 – Onder – creates a state sales and use tax exemption for utilities, equipment, and materials used to generate or transmit electricity.

SB 788 – Schatz – requires that municipalities in the St. Louis County sales tax pool receive at least 50 percent of the revenue generated inside a given municipality.

SB 794 – Wallingford – creates a sales tax exemption for parts and accessories of certain types of medical equipment.

SB 795 – Wallingford – implements the Streamlined Sales and Use Tax Agreement.

SB 805 – Onder – modifies provisions relating to tax increment financing in St. Louis, St. Charles, and Jefferson Counties.

SB 817 – Wieland – repeals provisions of law that required the licensing and taxation of peddlers by counties.

SB 823 – Kraus – creates a state and local sales tax exemption for

internet access or the use of internet access.

SB 834 – Sifton – authorizes a retail sales tax in St. Louis County to fund county law enforcement.

SB 869 – Schmitt – prohibits the adoption of any tax increment financing from superseding, altering, or reducing sheltered workshop property tax levies.

SB 895 – Hegeman – modifies provisions relating to tax increment financing, emergency service providers, and board members of fire protection and ambulance districts.

SB 906 – Wasson – extends the Nov. 2016 deadline for an election on retaining local sales tax on titling of motor vehicles, trailers, and outboard motors until Nov. 2022, and it establishes the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors." The bill also provides new ballot language.

SB 937 – Wallingford – extends the authority for regional jail districts to impose a sales tax until Sept. 30, 2027.

SB 984 – Parson – allows Cedar County to establish, if approved by voters, a local sales tax for the purpose of funding libraries.

SB 1003 – Onder – prohibits political subdivisions from participating in any action in federal court as either a representative or member of a class to enforce or collect any tax.

SB 1025 – Kraus – exempts instructional classes from sales tax.

SB 1034 – Romine – Under current law, a county collector receiving taxes paid under protest must disburse the undisputed amount to the proper official and place the amount in dispute in a separate fund. Under this act, county collectors shall disburse an amount equal to the last agreed assessment rate to the proper official and the difference between the last

agreed assessment and the current assessment shall be placed in a separate fund.

SB 1093 – Romine – modifies provisions relating to property assessments for energy efficiency improvements.

SB 1094 – Kehoe – creates a property tax exemption for trails operated through railroad easements.

SJR 18 – Schaaf – Raises motor fuel tax and shifts responsibility for lettered roads to counties under a new funding formula.

SJR 33 – Schmitt – limits state general revenue appropriations to the amount of appropriations made in the previous fiscal year increased by an inflationary growth factor. In any fiscal year where net general revenue collections exceed total state general revenue appropriations by more than one percent of total general revenue appropriations, the excess over one percent will be transferred to the newly created cash operating reserve fund to be used to reduce all state income tax rates.

SJR 35 – Kraus – creates property tax exemptions for the elderly.

Judiciary, Corrections & Law Enforcement

SB 572 – Schmitt – adds a definition for municipal ordinance violations which are added to the calculation limiting the percentage of annual general operating revenue that can come from fines and court costs for minor violations. Municipal ordinance violations are also added to the disincorporation language if a municipality fails to remit excess annual general operating revenue to the Department of Revenue for the county school fund.

SB 585 – Wasson – divides the Thirty-Eighth Judicial Circuit, consisting of Christian and Taney County, and creates a new Forty-

Sixth Judicial Circuit. This act contains an emergency clause.

SB 588 – Dixon – modifies provisions relating to petitions for the expungement of criminal records.

SB 603 – Curls – expands the crimes eligible for expungement and modifies the time period a person must wait before being eligible to petition for expungement.

SB 618 – Wallingford – requires any juvenile certified as an adult be detained in a juvenile facility until the juvenile has been sentenced or turned seventeen years of age.

SB 656 – Munzlinger – specifies that no additional fee beyond \$100 may be charged to process concealed carry permit applications and allows military members extra time to renew their permits.

SB 658 – Wasson – allows certain offenses to be prosecuted in the county in which the victim resides or conducts business or where stolen property was located.

SB 661 – Dixon – modifies a provision specifying when law enforcement officers are justified in using deadly force.

SB 663 – Dixon – modifies provisions in, or relating to, the Revised Criminal Code.

SB 681 – Cunningham – requires a probation officer to notify the prosecutor if he or she has probable cause to believe a probationer has violated a condition of probation.

SB 684 – Wallingford – specifies that courts must order an evaluation by the Division of Youth Services to determine whether dual jurisdiction is appropriate for certain juvenile offenders.

SB 685 – Wallingford – requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

SB 689 – Romine – prohibits two-way telecommunications devices and their component parts in correctional centers and jails.

SB 705 – Dixon – modifies laws relating to public defenders.

SB 707 – Dixon – specifies that two or more contiguous counties in a judicial circuit may share a prosecuting attorney pursuant to procedures under current law allowing cooperation among counties. The shared prosecuting attorney is to be elected at the 2022 general election and every four years thereafter. The bill allows any prosecuting attorney to represent state agencies in debt collection cases. The prosecuting attorney retains 20 percent of all debt collected on behalf of state agencies with one-half of the fee to go to the Missouri Office of Prosecution Services Fund and one-half to go to the county treasurer to be used solely for the prosecutor's office. Prosecuting attorneys representing multiple counties must receive compensation equal to that of an associate circuit judge. The bill provides that part-time prosecutors may receive a salary of up to 75 percent of the compensation of an associate circuit judge and, beginning in 2019, must receive a minimum compensation equal to 40 percent of the compensation of an associate circuit judge. In 2023, part-time prosecutors must receive a minimum compensation of at least 45 percent of the compensation of an associate circuit judge, and beginning in 2027, part-time prosecutors must receive a minimum compensation equal to 50 percent of the compensation of an associate circuit judge.

SB 726 – Nasheed – modifies the statute specifying when police officers are justified in using deadly force.

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SB 733 – Dixon – authorizes additional circuit judges for certain circuits when indicated by a judicial performance report.

SB 734 – Dixon – allows sheriffs and deputies to assist in other counties throughout the state.

SB 735 – Dixon – repeals a provision requiring the Commission on Judicial Resources to report to certain Senate and House committees regarding office space for public defenders.

SB 765 – Schmitt – expands a provision prohibiting traffic citation quotas to apply to all political subdivisions, not just St. Louis County.

SB 782 – Onder – allows the concealed carry of firearms on public transportation systems and the transporting of non-functioning or unloaded firearms on public buses.

SB 840 – Keaveny – modifies provisions regarding the administration of small probate estates.

SB 842 – Keaveny – requires law enforcement agencies to develop certain policies for eyewitness identification procedures.

SB 846 – Parson – modifies provisions regarding county law enforcement restitution funds.

SB 860 – Riddle – allows the presiding judge of certain circuits to appoint a circuit court marshal.

SB 871 – Wallingford – modifies provisions relating to emergency communications services including silver alert systems and 911.

SB 894 – Munzlinger – specifies that a private nuisance action cannot be brought if the owner of the property, subject of the action, is in good faith compliance with any order or permit issued by DNR, the EPA, U.S. Army Corps of Engineers, or the Attorney General.

SB 903 – Dixon – modifies the state's requirements to reimburse counties for certain costs related to imprisonment and electronic monitoring for criminal offenders.

SB 918 – Wallingford – provides that a juvenile's attorney must have the right to be heard on a request that restraints not be used in juvenile court.

SB 921 – Riddle – modifies requirements for the reporting of crimes and domestic violence incidents by law enforcement agencies.

SB 962 – Curls – requires certain policies on police-worn cameras, allows for the collection of a court fee and creates a fund for the cameras, and makes data from the cameras closed records.

SB 1004 – Onder – modifies Supreme Court Rule 52.08 to prohibit political subdivisions from joining certain class actions.

SB 1012 – Dixon – allows any single noncharter county judicial circuit to collect a court surcharge to be used towards the maintenance and construction of judicial facilities.

SB 1037 – Schaefer – modifies exemptions to duty to retreat when using force against another person. A person does not have a duty to retreat from any place such person (who is not engaged in an unlawful activity) has a right to be.

SB 1077 – Parson – repeals and re-enacts, with technical changes, provisions of law regarding county prosecutors enacted in SB 672 (2014) that were declared unconstitutional by a circuit court judge based on procedural defects.

SB 1083 – Wallingford – modifies procedures in guardianship proceedings for incapacitated persons.

Labor, Wages & Workers' Comp

SB 598 – Brown – repeals the law pertaining to the prevailing wage. The act also contains a referendum clause submitting the repeal to voters for approval.

SB 606 – Sater – modifies the definition of "construction" for purposes of prevailing wage laws. The definition of "maintenance work" is also modified to include repairs that restore existing facilities to a previous state or condition or improve the utility or enhance the appearance of existing facilities provided that the size, type or extent of the existing facilities is not thereby changed or increased. Maintenance work further includes any improvement done that does not exceed the original cost of the facility. Does not apply to charter counties.

SB 639 – Riddle – allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement System.

SB 889 – Onder – modifies provisions of law relating to project labor agreements.

SB 982 – Wieland – requires that a hearing be held within 30 days from the date that a public employee was placed on administrative leave to determine if the employee engaged in alleged misconduct. The act further requires that such employee be advised in writing within three days of being placed on administrative leave, the reason or reasons for being placed on administrative leave.

Legislature & Elected Officials

SB 679 – Emery – modifies bond requirements for county collector, treasurer, and collector-treasurer.

SB 698 – Hegeman – requires a candidate for public administrator to provide an affidavit stating that the candidate meets the bonding requirements.

SB 701 – Schatz – modifies the law relating to vacancies in the office of county commissioner.

SB 730 – Munzlinger – modifies provisions relating to the election of political parties.

SB 756 – Chappelle-Nadal – enacts new sections of law relating to publicly-financed elections.

SB 872 – Munzlinger – allows vacancies in any county office of a noncharter county to be filled by the county commission. In the event that the county commission consists of two members who cannot come to an agreement on an appointee, the presiding commissioner shall fill the vacancy.

SB 892 – Chappelle-Nadal – requires St. Louis City and St. Louis County to increase the number of contracts awarded to women's and minority business enterprises.

SB 993 – Curls – allows a charter county to submit to voters a proposal for a \$5 user fee on instruments recorded with the Recorder of Deeds for an assistance program for homeless persons.

SB 1007 – Munzlinger – provides that county officers in non-charter counties can receive up to 200 percent of the maximum compensation allowed under statute. A provision of current law that allows counties in which all officers receive 100 percent of the maximum allowable compensation to raise county officer salaries beyond any statutory limitation is repealed. In addition, this act provides that beginning Jan. 1, 2017, the compensation of each officer must increase by 10 percent as a cost of living adjustment regardless of any action taken by the county salary commission to increase or decrease salaries. On January 1 each year thereafter, county officers must receive a cost of living increase of two percent until the officer's total compensation is at 200 percent of the maximum compensation allowed under statute. Under current law, the prosecuting attorney serves on the county salary commission. This act removes the prosecuting attorney as a member of the commission.

SJR 31 – Chappelle-Nadal – requires the question of whether to recall the

county executive to be submitted to voters in St. Louis County.

Local Ordinances and Authority

SB 595 – Kraus – modifies provisions of law relating to construction management.

SB 660 – Wasson – modifies provisions of law relating to bidding procedures for county depositories.

SB 676 – Sater – extends the expiration date on a provision that allows counties to decrease their annual budgets to July 1, 2026.

SB 769 – Munzlinger – prohibits political subdivisions from enacting ordinances relating to the labeling or use of fertilizers or soil conditioners.

SB 781 – Schatz – authorizes any political subdivision to use a design-build contractor for waste water and water treatment projects. The Department of Economic Development is required to consider design-build waste water or water treatment projects when disbursing grants under the Community Development Block Grant program.

SB 789 – Wasson – modifies provisions relating to construction contracts entered into by political subdivisions.

SB 867 – Sater – allows for consolidation of road districts within a county.

SB 874 – Pearce – allows a county commissioner in all counties serving on various boards and commissions under 49.098 to participate in the affairs of the University Extension and vote on any funding request submitted to the county commission.

SB 926 – Riddle – adds sheltered workshop boards to the definition of "political subdivision" for purposes of laws allowing political subdivisions to cooperate with public and private entities.

SB 949 – Wasson – provides that change in population shall not remove a city, county or political subdivision from operation of a law.

SB 1024 – Parson – prohibits political subdivisions from requiring that pet shops sell only animals obtained from a pound, animal shelter, or contract kennel.

SB 1044 – Wasson – modifies provisions required to be in nuisance abatement ordinances enacted by municipalities and counties. The costs the municipality or county incurs in demolishing, repairing, securing, or cleaning the property may be added to the annual real estate tax bill and must be collected in the same manner as real estate taxes are collected. This act also provides that if the costs are not paid, the tax bill must be considered delinquent and collected in accordance with the laws governing delinquent and back taxes.

SJR 21 – Chappelle-Nadal – makes St. Louis City a part of St. Louis County.

Environment

SB 1011 – Cunningham – requires the Director of the Department of Natural Resources to sell at public auction property located in Oregon County by Dec. 31, 2016.

SB 1035 – Romine – creates the Land Reclamation Legal Settlement Commission to be composed of 4 members from three regional planning commissions. The Commission shall develop and implement a plan for primary restoration projects for areas affected by lead mining in southeast Missouri. Further, it also creates a fund which shall consist of moneys derived from DNR's sale of land located in Oregon County. The moneys shall be used to implement the Commission's plan for restoration projects.