

LEGISLATIVE BILL SUMMARY



The 95th General Assembly – Second Regular Session

Members of the Missouri Legislature have introduced approximately 2,000 bills and/or joint resolutions during the 2010 legislative session. The bills below represent those that are of special interest to county officials and are most prominent at this time.

MAC's website – www.mocounties.com -- offers a number of governmental Internet links including the Missouri House and Senate home pages. Bills, summaries, hearing schedules, committee rosters, etc. are all available to online users under [Missouri Government](#) and [Bills & Legislative Bulletins](#) in the left-hand menu.

Appropriations:

The state is facing a \$500 million shortfall in the proposed FY 2011 budget. As a result, the Legislature will have to make even deeper cuts affecting virtually every area of the budget. The Senate Appropriations Committee last week cut the House passed prisoner per diem reimbursement rate from \$22 to \$19.58. They also cut the additional \$1 per parcel increase in assessment maintenance reimbursement the House had included taking it down to \$4 per parcel. Both items will be reconciled by House and Senate budget conferees. The state budget must be adopted by 6 pm on Friday, May 7.

Property Tax Reform:

Under current law, enacted under 2008's SB 711, assessors in charter counties and the City of St. Louis are required to provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value. Assessors in all other counties will be subject to the same projected tax liability notice requirements effective Jan. 1, 2011.

SS/SCS/SB 588 (Nodler) and HCS/HB 1316 (Deeken) extend the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County to Jan. 1 following the year in which such assessors receive software from the state tax commission which is necessary to provide such notices. For all calendar years prior to Jan. 1 following receipt of such software, all assessors in counties without a charter form of government and Jefferson County will be required to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed value may impact the record owner's tax liability, and provide proce-

dures and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes. The bills also state that effective Jan. 1, 2011, the St. Louis County Assessor must provide taxpayers with a notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address whenever the assessor notifies such taxpayers of changes in assessed value. Such notification shall provide the assessor's contract information so taxpayers without internet access can request and receive such information. This bill language is included in the local government omnibus bill (SB 580) as well.

Status: 4/8/10 -- *SS/SCS/SB 588 passed the Senate and was heard by the House Ways and Means Committee. HCS/HB 1316 was voted "Do Pass" by the House Ways and Means Committee on March 25.*

Property Tax Collection:

HB 1424 (Franz) changes several provisions regarding property tax collection. Among these changes, the bill (1) specifies that in counties adopting a charter form of government after Jan. 1, 2008, is the county collector will receive a 7 percent fee for the collection of delinquent and back taxes rather than the 2 percent or 3 percent fee that all other charter county collectors receive (currently, this only applies to Jefferson County); (2) allows certain first and second classification counties to collect property taxes using electronic records and disbursements; (3) specifies that a county adopting a charter form of government after Jan. 1, 2008, is required to have a tax maintenance fund (currently, this only applies to Jefferson County); (4) specifies that the county collector-treasurer will assume all duties,

compensation, fee schedules, and requirements of the collector-treasurer if a third or fourth class county abolishes its township form of government or a county collector becomes a collector-treasurer; (5) requires county auditors in first and second class counties to have access to all records for county-issued licenses and to receive a monthly listing of the licenses issued with the specified related information from each county office issuing the licenses (currently, these county auditors are required to countersign all county-issued licenses and keep a record of them); (6) and requires county collectors in first and second class counties to file with the county clerk and auditor by the fifteenth day of each month a detailed statement of all taxes and license fees collected during the preceding month and to disburse those funds, less commissions, to the appropriate taxing entities and the Dept. of Revenue. Taxing authorities are required to request notification of current taxes paid under protest by Feb. 1, and county collectors must provide information by March 1.

Status: 4/7/10 -- *Passed the House and was heard by the Senate Ways and Means Committee.*

County Budget Law:

HCS/HB 1793 (Molendorp) authorizes a county to amend its budget to reflect any increases or decreases in revenues that could not have been estimated or anticipated when the budget was adopted. This language is also included in SB 580.

Status: 3/24/10 -- *Voted "Do Pass" by the House Local Government Committee.*

Assessment Funding:

HB 1507 (Sutherland) requires the total sum of state reimbursements and collections deposited into a county assessment fund to equal \$7 per parcel or an addi-

tional percentage of all property tax collections will be deducted to ensure that the \$7 per parcel is achieved.

Status: 2/4/10 - Heard by the House Ways and Means Committee

Fair Tax Amendment:

SS/SCS/SJR 29 (Purgason) proposes a constitutional amendment replacing the corporate income, corporate franchise, and bank franchise, and state sales and use taxes effective Jan. 1, 2013. For each tax year beginning Jan. 1, 2013, the tax rates for the state individual income tax will be reduced by 20 percent from the previous year's rate until all such rates are zero. Effective Jan. 1, 2018, state taxes upon income will be prohibited. Beginning July 1, 2013, a new state tax on taxable purchases and services will be imposed at a rate not to exceed seven percent. The General Assembly must provide for annual rate adjustments to ensure revenue neutrality during the phase out of the individual income tax. Component parts or ingredients of a new tangible personal property to be sold at retail, intangible property, previously taxed property, motor fuel, insurance premiums, donations to and purchases by charitable organizations, federal government purchases, tuition paid for educational services, and business-to-business transactions including agriculture will be exempt from the new tax while all other exemptions and tax credits will be eliminated. The enactment of any new exemptions will require a two-thirds affirmative vote by the General Assembly and approval by the governor. The conservation sales tax, the soil and parks sales tax, and local sales taxes will be recalculated to produce substantially the same amount of revenue. The General Assembly is authorized to provide by law a method to provide sales tax rebate or prebates to exempt a portion of taxable purchases made by Missouri residents.

Similar to the Senate resolution, **HJR 56 (Emery)** replaces the state individual and corporate income tax and state sales and use tax with a fair sales tax of 5.11 percent on retail sales of new tangible personal property and taxable services beginning Jan. 1, 2012. The General Assembly, with or without a recommendation from the Tax Adjustment Commission which is established in the amendment, can make one rate adjustment to be effective no later than July 1, 2012, to adjust the amount of revenue received to make the tax revenue-neutral and to provide continued funding for programs.

Status: 3/4/10 -- SS/SCS/SJR 29 was voted "Do Pass" by the Governmental Accountability and Fiscal Oversight Committee and placed on the Senate informal calendar. HJR 56 was heard by the

House Ways and Means Committee on March 18.

Sunshine Law:

HCS/HB 1445 (Jones, Timothy) changes the Sunshine Law to (1) require information to be made available in an electronic format if a public body keeps records in an electronic format; (2) increase the maximum penalty for a purposeful violation of Secs. 610.010-610.026, *RSMo*, from up to \$5,000 to up to \$8,000 and the penalty for a knowingly violation from "up to" \$1,000 to \$1,000; (3) require the governing body of any city, county, town, village or any entity created by these political subdivisions to hold a public meeting and to allow public comment five business days prior to voting on an issue involving fee or tax increases, eminent domain, zoning, transportation development districts, capital improvement districts, commercial improvement districts, or tax increment financing (4) specify that in any legal proceeding, there will be a presumption that a meeting, record, or vote is open to the public -- the burden to prove that it should be closed is on the public governmental body; and (5) require any elected or appointed official, or their designated public information coordinator, who is a member of a public governmental body subject to the Sunshine Law to complete a training course offered by the Office of the Attorney General (at no cost) regarding the responsibilities of the body and its members on the Sunshine Law.

Status: 3/16/10 -- Voted "Do Pass" by the House Special Standing Committee on General Laws.

Local Government Omnibus Bill:

SS/SCS/SB 580 (Griesheimer) is this year's local government omnibus bill. A summary of the provisions included in SB 580 is located on our website, www.mocounties.com, under the "Bills & Legislative Bulletins" page located in the left-hand menu (this summary is the same as the one printed in our February bulletin).

Status: 4/7/10 - Passed the Senate and was heard by the House Local Government Committee

Elections:

HCS/HB 1966 (Diehl) changes the laws regarding elections. Among several provisions in the bill, it establishes advance voting requirements and allows citizens to vote absentee for any or no reason. The bill also establishes photo identification requirements for voting in public elections.

Status: 4/6/10 -- Voted "Do Pass" by the House Rules Committee.

Photo ID:

HJR 64 (Cox) proposes a constitutional amendment authorizing the General Assembly to require a person to provide a photo identification in order to vote in elections.

Status: 4/12/10 -- Sent to the House formal calendar for perfection.

Initiative Petitions:

SCS/SB 818 (Lembke) modifies current statutes regarding initiative petitions. Among other provisions, SB 818 creates a 30-day window to validate signatures collected after the final day for filing, it changes procedures for modifying ballot title language, it reduces the timeline for approval or rejection notifications of petitions submitted to the Secretary of State from 30 days to 15 days, and it makes it a misdemeanor to knowingly and fraudulently gather signatures.

Status: 3/2/10 -- Voted "Do Pass" by the Senate Financial and Governmental Organizations and Elections Committee and placed on the Senate informal calendar.

HCS/HB 1788 (Parson) changes the laws regarding initiative petitions. Among its provisions, it prohibits anyone that has been convicted of forgery to be a petition circulator, it prohibits compensation of petition circulators on a per-signature basis, and it specifies that anyone knowingly signing any name other than his/her own is guilty of a class one election offense.

Status: 4/12/10 -- Sent to the House formal calendar for perfection.

HCS/HJR 63 (Parson) proposes a constitutional amendment which, upon voter approval, changes the requirements for submitting an initiative petition by increasing the number of signatures required. Currently, a petition must be signed by 8 percent of the legal voters in each of two-thirds of the state's Congressional districts before it can be placed on the ballot. The resolution requires 15 percent of the legal voters in each of the Congressional districts to sign the petition. The number of signatures required for a petition proposing a law is also increased from 5 percent to 10 percent of those voters.

Status: 4/12/10 -- Sent to the House formal calendar for perfection.

HCS/HJR 94 (Dethrow) proposes a constitutional amendment that, upon voter approval, changes the minimum legal voter signature requirement for placing a constitutional amendment on the ballot

through the initiative petition process from 8 percent of the legal voters in two-thirds of the Congressional districts in Missouri to 8 percent of the legal voters in each of the Congressional districts.

Status: 4/12/10 -- Sent to the House formal calendar for perfection.

County Classification Changes:

SS/SCS/SB 605 (Mayer) and HCS/HB 1806 (Franz) increase the assessed valuation a county must maintain in order to move into a higher classification. The bills increase the minimum assessed valuation threshold from \$600 million to \$900 million for first class counties and from \$450 million to \$600 million for second class counties. All counties with an assessed valuation of less than \$600 million will be third class counties. Also, the bills state that the required assessed valuation for each classification shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for all urban consumers (CPI-U) or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties. The language in these bills is also included in the local government omnibus bill (SB 580).

Status: 4/1/10 -- SS/SCS/SB 605 passed the Senate and is scheduled to be heard by the House Special Scheduling Committee on General Laws on April 13. HCS/HB 1806 passed the House and is scheduled to be heard by the Senate Jobs, Economic Development, and Local Government Committee on April 14.

Cadastral Mapping:

SB 621 (Lager) establishes standards and provisions for digital cadastral mapping. The Office of the State Land Surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping.

Status: 3/1/10 - Passed the Senate and was sent to the House.

Plumbing Codes:

SB 886 (Schaefer) establishes that effective August 28, 2012, the governing body of each county in this state shall adopt, by ordinance, a plumbing code that has equivalent or higher standards than the uniform plumbing code, as published by the international association of plumbing and mechanical officials, and as amended. Any county or municipality may

adopt such code, or any amendment to such code, by reference as permitted under section 67.280.

Status: 3/24/10 -- Heard by the Senate Jobs, Economic Development and Local Government Committee.

SB 1006 (Schaefer) modifies provisions relating to water quality. Specifically concerning counties, it states that any county that contains any portion of a water body that runs through or borders a state park or national park must adopt a plumbing code. The code must be at least as stringent as a nationally recognized plumbing code. Agricultural buildings are exempt from having to comply with such a code.

Status: 3/30/10 -- Heard by the Senate Commerce, Consumer Protection, Energy and the Environment Committee.

Sales Tax On Ticket Sales:

SS/SB 928 (Lager), HB 2040 (Munzlinger) and HCS/HB 2048 (Sutherland) provides that sales taxes on purchases of tickets for entertainment venues are paid at the time of the original transaction and not at subsequent sales.

Status: 4/6/10 -- SS/SB 928 passed the Senate and was sent to the House. HB 2040 was voted "Do Pass" by the House Ways and Means Committee on March 25. HCS/HB 2048 passed the House on April 8 and was sent to the Senate.

Streamlined Sales Tax:

SS/SCS/SB 905 (Bray) and HB 2302 (Sutherland) bring Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement. This modifies provisions in current tax law to do the following: (1) When a political subdivision changes the rate of tax such change must take effect on the first day of the second calendar quarter after the Director of Revenue receives notice of such change; (2) If a political subdivision repeals an existing tax, such repeal will become effective on the last day of the last calendar year quarter; (3) all sales taxes must be administered at the state level if they are not already; (4) all state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical; (5) certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement; (6) the Department of Revenue can require electronic filing and payment of the sales and use tax; (7) registration for out of state sellers is simplified and no bond is required; (8) no caps or thresholds may

exist on the collection of sales or use taxes; and (9) out of state sellers must be offered uniform, simplified, electronic filing.

Status: 3/31/10 - SS/SCS/SB 905 was voted "Do Pass" by the Senate Ways and Means Committee and has been placed on the Informal Calendar for perfection. HB 2302 was heard by the House Ways and Means Committee on March 31.

Driving While Intoxicated:

HCS/HB 1695 (Stevenson) changes the laws regarding driving while intoxicated. Among its many provisions, it modifies court procedures regarding DWI litigation, it raises the penalty for DWI from a class B misdemeanor to a class A misdemeanor if the offender's blood alcohol content is .15 or higher, increases the minimum imprisonment duration for a recurring offender, and it allows any circuit court to establish a DWI docket.

Status: 4/7/10 -- Perfected with House amendments.

Delinquent Tax Collection:

HCS/HB 1420 (Franz) changes the laws regarding the sale of real property for the collection of delinquent taxes and allows a collector of revenue to refuse to accept a delinquent tax payment under certain circumstances.

Status: 3/25/10 -- Voted "Do Pass" by the House Ways and Means Committee and was referred to the House Rules Committee.

Public Administrators' Training:

SCS/SB 808 (Callahan) specifies that the required continuing instruction for certain public administrators in counties of the first classification does not have to be "classroom" instruction. Public administrators from a second, third, or fourth classification county or St. Louis City, who choose to receive an annual salary shall receive \$2,000 of such salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of the county public administrators of Missouri. The professional association approving the program shall provide a certificate of completion for the training and send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the public administrator in the same manner as other expenses. This bill language is included in the local government omnibus bill (SB 580) as well.

Status: 4/8/10 -- Passed the Senate and was sent to the House.

County Depository:

SB 771 (Scott) specifies that each bid from a bank to be the depository for the county must be accompanied by a certified check for an amount equal to a certain percentage of the county general revenue, rather than all county revenue. Such check serves as guaranty of good faith that the required security will be provided. This act also changes outdated references to "ex officio treasurer" to reflect the current term, "collector treasurer".

Status: 4/7/10 -- Passed the Senate and was heard by the House Financial Institutions Committee.

District Attorney System:

SB 797 (Green) provides for the prosecuting attorney system in Missouri to be converted to a district attorney system. District attorneys shall be elected during the 2014 general election in each judicial circuit for counties that elect to be part of the system. They shall serve four year terms. The district attorney must be a resident of the judicial circuit for one year before being elected and shall receive the same annual salary as the circuit judge. District attorneys shall be included in the "Prosecuting Attorneys' and Circuit Attorneys' Retirement Fund" and shall be treated as prosecuting attorneys for such purposes.

Status: 3/23/10 -- Voted "Do Pass" by the Senate Judiciary and Civil and Criminal Jurisprudence Committee and placed on the informal calendar for perfection.

Prisoner Per Diem:

SB 1014 (Bartle) modifies various provisions related to crime. For the period of July 1, 2008, to June 30, 2009, the department of corrections shall determine from each county the average end of month population of persons committed from each county to the department for a nonviolent offense. Eighty-five percent of such number shall be the maximum number of persons from each county that shall be serving a sentence of imprisonment for a nonviolent offense with the department of corrections at any one time. The department shall calculate and provide such number to each county prior to Aug. 28, 2010. A county may choose to exceed the maximum number of commitments permitted if it reimburses the state for the cost of incarcerating each person committed that exceeds the maximum number permitted. As an alternative to reimbursing the state for incarceration of such person, the county may, at its own expense, incarcerate the person in a county or municipal jail. The county may make agree-

ments with other counties to incarcerate such person. The General Assembly shall appropriate any annualized savings generated from this act shall be appropriated as follows: 1) one-half shall revert to the general revenue fund; 2) one-sixth shall be appropriated to the department of corrections for community supervision costs, 3) one-sixth shall be appropriated to the drug court resource fund, and 4) one-sixth shall be appropriated to the "County Corrections Stabilization Fund", which is created under this act to be used by counties to fund the probation services and housing of inmates who would otherwise be incarcerated in the department. The department shall administer the County Corrections Stabilization Fund and disburse the money to the counties that comply with the maximum number of permitted incarcerations with the department to reimburse actual costs of incarceration if: 1) the prisoner pleads guilty to or is found guilty of a state offense for which he or she is sentenced to the Department of Corrections but received credit for the time served in the county jail prior to sentencing; or 2) the prisoner is held in a county jail for a state offense on a sentence or portion of a sentence following a plea or finding of guilty or is incarcerated under section 559.026. Currently, these types of costs of incarceration are not reimbursed by the state to the counties under Section 221.105, but would be reimbursed under this act from the fund. If there are insufficient moneys in the fund, each county shall receive a pro rata share of the amount available. If additional moneys are available after reimbursement, each county shall receive a pro rata share based on the percentage of the total number of nonviolent offenders who are reduced in the department because of this act for which each county is responsible. The money in the fund shall not revert back to the general revenue fund. This act shall expire Aug. 28, 2013, except that savings resulting from implementation of this section during the year ending Aug. 28, 2013, shall be calculated and distributed after such date.

Status: 4/12/10 -- Sent to the Senate formal calendar for perfection.

Public Funds For Lobbying:

HB 1872 (Schoeller) establishes that no state agency, political subdivision, or private entity that receives any amount of funding appropriated by the state or any amount collected from any local tax authorized by statute shall use any public resources to pay the costs of employing or contracting for the services of any person who lobbies on behalf of the state agency, political subdivision, or private entity receiving state appropriations in an attempt to influence the passage or defeat of any legislative measure. No state agency or

political subdivision shall use any public resources to pay any membership dues on behalf of the agency or political subdivision or any officer or employee of the agency or political subdivision to any organization or association if such dues directly or indirectly pay all or part of the salary of any person required to register as a lobbyist under this chapter in an attempt to influence the passage or defeat of any matter pending before a legislative committee in either chamber of the general assembly or before the general assembly. Any person who accepts public funds as compensation for lobbying in violation of this section may be prohibited from registering as a legislative lobbyist for a period not to exceed two years.

Status: 2/4/10 -- Heard by the House Special Standing Committee on Government Accountability and Ethics Reform.