

“There she stands, proud in all her glory.”

Missouri County Record

Summer 2016



Audrain County Courthouse,
Mexico, Mo.

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On The Cover

Audrain County

Dennis Weiser

Missouri Courthouses: Building Memories On The Square

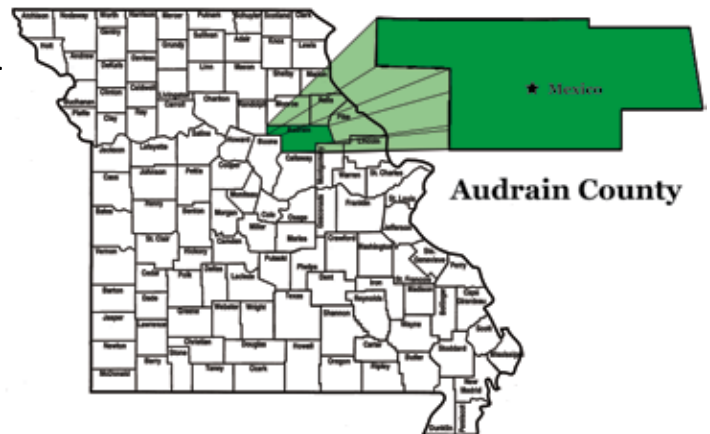
Rolling prairie land beckoned to settlers who were eager to farm open spaces. Audrain County was formed, and Mexico, the county seat, was named in honor of the widespread excitement Missourians were experiencing for Texas, then a republic fighting for its independence from Mexico.

Audrain County's first court met in 1837 in a one-story, hand-hewn log building erected as a temporary courthouse. In November 1840, the court moved to a two-story, brick building located at the center of the square. The county sold the sturdy log building.

During the Civil War, troops commandeered the courthouse as a barracks, and the building was damaged beyond repair. In 1868, work began on a

new courthouse that had ten rooms, with the courtroom on the second floor and a round tower atop the roof.

In 1947, the county decided the time was right to replace its aged courthouse and placed a bond on the ballot. The county residents voted to approve the obligation, but bids exceeded the \$500,000 amount approved by the voters, and court officials and architects had to adjust the plans to reduce costs. Work began in May 1950, and was finished in the fall of 1951.



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 516 East Capitol Avenue, PO Box 234, Jefferson City, MO 65102-0234
 Telephone: (573) 634-2120 Fax: (573) 634-3549
www.mocounties.com

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The Missouri Association of Counties, founded in 1972, is a nonprofit corporation and lobbying alliance of county elected and administrative officials who work to improve services for Missouri taxpayers. The board of directors meets on the third Wednesday of designated months in Jefferson City to promote passage of priority bills and monitor other legislation before the state General Assembly and the United States Congress. The Missouri County Record is produced four times annually by the association staff. Subscription rates for non-association members are \$15 per year prepaid. Rates for association members are included in membership service fees. All articles, photographs and graphics contained herein are the property of the association and may not be reproduced or published without permission. Advertising rates are available upon request.



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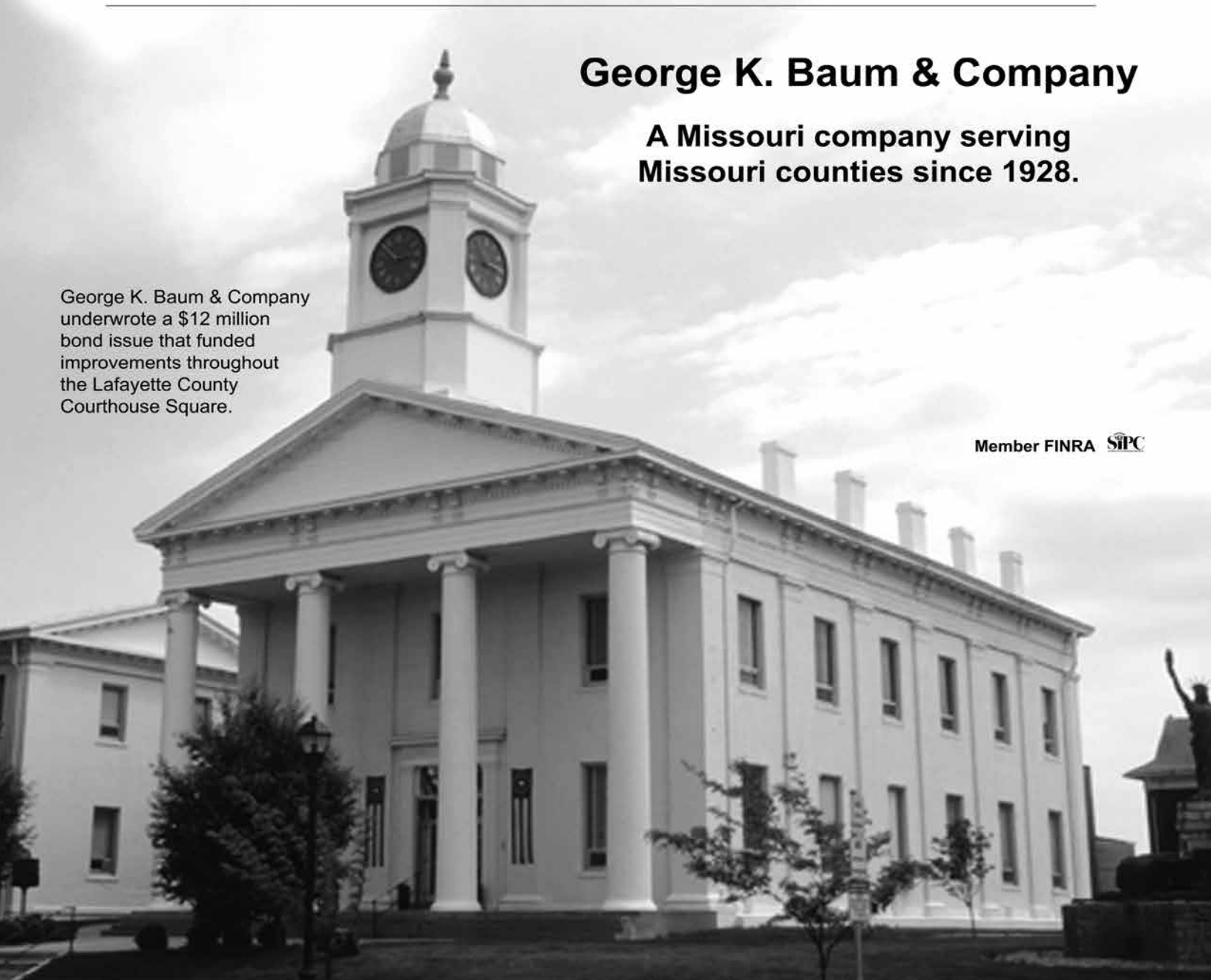
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Legislature Passes Long-Term Fix For Local MV/Marine Sales Tax Collections

.....

The History Of The Problem

Missouri county and city governments have been battling this since January 2012.

At that time, the state Supreme Court issued a ruling dubbed the “Street” decision. A Greene County resident, Craig Street purchased a boat, outboard motor, and trailer from a dealer located in Maryland. He asserted that his purchases were not subject to local sales taxes in Missouri because they occurred outside the state. The high court concurred.

The *Street* decision barred local governments from collecting their rightful taxes on motor vehicle and

marine purchases made out-of-state – unless, that is, the county or city had already passed a “use” tax.

That being said, counties without a “use” tax were in jeopardy of losing sales tax revenue from out-of-state car and boat dealers, as well as from sales between individuals in-state. The reasoning – these purchases were made from someone other than a licensed Missouri dealer.

Sen. Mike Kehoe, a former auto dealer himself and recipient of a MAC Legislative Award, worked for two sessions behind the scenes to rectify the problem. In 2013, laws were passed that provided a “fix.”

The laws take local taxation on car and boat purchases made across state lines, as well as those made

between individuals in-state, out of the “use” tax category and throw them back into the sales tax category – the way things were for over half a century before the Missouri Supreme Court’s *Street* decision.

Counties with a “use” tax have been able to collect the MV/Marine sales tax all along.

Counties without a “use” tax had restrictions imposed upon them. They had until the November 2016 general election to put basically the following question to the voters: “Do you want the county to stop collecting the local sales tax on cars and boats purchased out-of-state?”

With the November 2016 general election deadline right around the corner, 30 counties were left in a



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"Catch 22" situation. The reality is that they have many other important sales taxes to consider that also require voter approval. It simply has not been possible for every county to do so in the initial time-frame provided – until now, that is.

2016 General Assembly Passes Long-Term Fix

HB 2140, sponsored by Rep. Denny Hoskins, gives counties an additional two years, until November 2018, to accomplish the fundamental goal of protecting Missouri businesses, while providing the continuation of a stable revenue stream.

Rep. Hoskins in June received a County Advocate Award from the County Commissioners Association of Missouri for his efforts on HB 2140.

In essence, the bill extends the time period for local taxing authorities to place the question on the ballot in order to continue to tax motor vehicle/marine purchases from a source other than a licensed Missouri dealer until November 2018.

The ballot language in this instance continues to require a "NO" vote in order to continue collecting the titling tax.

Recommended Ballot Language Through The November 2018 General Election

According to the new law and upon recommendation from MAC's Legal Counsel Travis Elliott, the following language should be used:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers,

boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

___YES ___NO

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

Some have suggested that the ballot language is purposely deceptive in that when voters see the word "tax," they automatically vote "NO," a vote which is desired in this case. However, counties have been successful using this statutorily approved ballot language.

Recommended Ballot Language After The November 2018 General Election

However, HB 2140 also provides a long-term solution to the motor vehicle title tax issue.

Subsection (8) of Section 32.087.5 contains the new language," said MAC Legal Counsel Travis Elliott. "Basically, if a taxing authority fails to do the interim 'fix' before November 2018 (or the titling tax gets repealed), the taxing authority can put the question on the ballot, as essentially a new motor vehicle/marine titling tax. The ballot language in that instance requires a "YES" vote in order to collect the titling tax.

"At the end of the day, I recommend taxing authorities use the 'short-term fix' until November 2018," Elliott concluded. Then after November 2018, he said they would need to use the new provision and the following ballot language:

Shall the (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

___YES ___NO

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

HB 2140 had the blessing of the state Legislature early on in the session, passing the House overwhelmingly in mid-February and correspondingly the Senate in mid-April. Gov. Jay Nixon signed the bill early in May and it becomes effective on Aug. 28, 2016.

Counselor Elliott concluded, "This appears to be a long-term solution to this particular problem, and I am happy to see that it is not just a band-aid."

Must Counties Use The State Rate?

State Mileage Rate Remains At 37 Cents Per Mile

At press time, the state mileage allowance remains at 37 cents per mile for privately owned automobiles on state business. Chap. 33.095, *RSMo*, permits any county (with the exception of 1st-class charter who have their own authority) to pay a mileage allowance at the rate authorized by the state Commissioner of Administration.

Due to Missouri's up-and-down budget problems, the state rate (one of the lowest in the nation) has remained at 37 cents since May 2010. For continued updated information, log on to oa.mo.gov and search for "state mileage rate."

Most counties do follow the state rate.

However, a previous legal opinion points to the fact that the county commission can set the rate at whatever level it chooses.

When Chap. 50.333.10 is read in light of the other statute (the one cited above), the county commission can set the rate at whatever level it chooses, especially in light of the introductory wording "notwithstanding any other law."

Even though there is a potential conflict, usually courts read the laws in light of compatibility, rather than conflict. Also, Chap. 33 is primarily the administrative power of OA over state agencies and state budget administration, not regulation of other governmental entities. As such, the rate would be applicable to state moneys reimbursed to county governments under grants, etc., where vehicles are used for activity. Though it may be subject to more than one interpretation, neither statute has been interpreted by the courts.

Just as county governments may

continue using the 37-cent per mile rate authorized by the state or establish their own rates, this same rate will apply when determining the rate for workers' comp cases (for an injured employee's reimbursement for travel expenses for medical treatment), as well as for witness reimbursement. However, two new mandates have been passed subsequent to Chap. 33.095. According to Chap. 57.280.1, *RSMo*, sheriffs who use their own vehicles for work purposes shall receive the mileage rate allotted by the IRS. Until Dec. 31, 2016, that amount is 54 cents per mile.

In addition, Chap. 50.333.10, *RSMo*, states that officeholders and employees shall be paid at the highest rate allotted to any officer. In counties where sheriffs use their own vehicles for work purposes, county officials are entitled to the IRS rate of 54 cents.



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Four Percent More Revenue Projected For FY '17 CART Funds

Missouri Department of Transportation (MoDOT) officials project that for FY '17 each penny of the state gas tax is expected to bring in \$41.1 million. With the total gas tax set at 17 cents, that means \$699 million will be divided among the state, counties and cities for road and bridge maintenance and repair.

For 2017, the county share of the gas tax is projected to be approximately \$81.5 million. MoDOT also projects the county intake from the '17 motor vehicle sales/use tax will be \$15.3 million. Finally, they project vehicle fees for the new state fiscal year will net counties an estimated \$11 million.

Total county revenues from these three sources should be approximately \$107.8 million.

To compute your county's portion of 2017 County Aid Road Trust (CART) revenues, you may simply use the \$107.8 million times your new percentage share listed on this page.

Example #1 (for Callaway County) \$107.8 million X .0142 = \$1,530,760

If, however, you want to know the breakdown from each of the three sources that make up county CART revenues, use the following steps:

Example #2 (for Callaway County)

Gas Tax Revenues
\$81.5 million X .0142 = \$1,157,300

Motor Vehicle Sales/Use Tax Revenues
\$15.3 million X .0142 = \$217,260

Motor Vehicle Fees
\$11 million X .0142 = \$156,200

The tally of these three figures will approximate the amount in Example #1 and provide your county's estimated CART revenues for the state's FY '17 year.

County Aid Road Trust (CART) Funds

CART Funds are apportioned to counties on the basis of two factors: one-half of the funds are credited to the county based on the ratio that its road mileage bears to the total county road mileage in the unincorporated areas of the state, and one-half is credited to the county based on the ratio that its rural land valuation bears to the rural land valuation of the entire state. Total 2016 Missouri county road mileage is 73,476.3. Total 2016 assessed valuation in the unincorporated areas is \$23,524,074,005.

The CART distribution percentages for 2017 (shown in the accompanying table) are based on these 2016 figures.

County CART Percents For 2017 Budgeting

| | | | |
|----------------|-------|----------------|-------|
| Adair | .0058 | Linn | .0057 |
| Andrew | .0064 | Livingston | .0051 |
| Atchison | .0054 | McDonald | .0067 |
| Audrain | .0077 | Macon | .0074 |
| Barry | .0118 | Madison | .0031 |
| Barton | .0061 | Maries | .0041 |
| Bates | .0083 | Marion | .0052 |
| Benton | .0071 | Mercer | .0036 |
| Bollinger | .0050 | Miller | .0077 |
| Boone | .0151 | Mississippi | .0036 |
| Buchanan | .0054 | Moniteau | .0049 |
| Butler | .0108 | Monroe | .0059 |
| Caldwell | .0051 | Montgomery | .0051 |
| Callaway | .0142 | Morgan | .0115 |
| Camden | .0257 | New Madrid | .0076 |
| Cape Girardeau | .0091 | Newton | .0110 |
| Carroll | .0074 | Nodaway | .0100 |
| Carter | .0030 | Oregon | .0047 |
| Cass | .0123 | Osage | .0052 |
| Cedar | .0054 | Ozark | .0061 |
| Chariton | .0067 | Pemiscot | .0053 |
| Christian | .0129 | Perry | .0055 |
| Clark | .0046 | Pettis | .0098 |
| Clay | .0080 | Phelps | .0080 |
| Clinton | .0060 | Pike | .0054 |
| Cole | .0102 | Platte | .0140 |
| Cooper | .0051 | Polk | .0082 |
| Crawford | .0062 | Pulaski | .0078 |
| Dade | .0049 | Putnam | .0046 |
| Dallas | .0062 | Ralls | .0051 |
| Daviess | .0062 | Randolph | .0074 |
| DeKalb | .0058 | Ray | .0068 |
| Dent | .0058 | Reynolds | .0072 |
| Douglas | .0062 | Ripley | .0040 |
| Dunklin | .0073 | St. Charles | .0342 |
| Franklin | .0195 | St. Clair | .0056 |
| Gasconade | .0051 | St. Francois | .0074 |
| Gentry | .0046 | Ste. Genevieve | .0066 |
| Greene | .0320 | St. Louis | .1001 |
| Grundy | .0040 | Saline | .0068 |
| Harrison | .0067 | Schuyler | .0026 |
| Henry | .0071 | Scotland | .0041 |
| Hickory | .0042 | Scott | .0046 |
| Holt | .0043 | Shannon | .0056 |
| Howard | .0036 | Shelby | .0049 |
| Howell | .0107 | Stoddard | .0098 |
| Iron | .0036 | Stone | .0117 |
| Jackson | .0090 | Sullivan | .0045 |
| Jasper | .0127 | Taney | .0115 |
| Jefferson | .0379 | Texas | .0088 |
| Johnson | .0125 | Vernon | .0087 |
| Knox | .0042 | Warren | .0065 |
| Laclede | .0076 | Washington | .0050 |
| Lafayette | .0074 | Wayne | .0050 |
| Lawrence | .0094 | Webster | .0085 |
| Lewis | .0041 | Worth | .0021 |
| Lincoln | .0103 | Wright | .0062 |

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Also on the agenda are Mo. Supreme Court Chief Justice Patricia Breckenridge, sessions on leadership styles and conflict management, handling crucial conversations, identifying businesses not paying state and local sales taxes, culverts and storm water management, bridge building supplies, procurement policy changes, the DOL overtime pay issue, as well as active shooter preparedness.

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___ (X) County Officials' Early Registration by Nov. 10 = \$120 (payment must accompany registration)

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___ (X) Spouse's Early Registration by Nov. 10 = \$70 (payment must accompany registration)

Spouse's Name (If attending) _____

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**November 20-22, 2016
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MAC Headquarters Honored As A Historical Site

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The Missouri Association of Counties (MAC) was founded in 1972. The location of the original office was 211 East Capitol Avenue. Following two more moves around Jefferson City (to Monroe Street in 1975 and East McCarty Street in 1979), the association's current address is 516 (and 514) East Capitol Avenue.

The current MAC building dates back to the 1870s and was built by a prominent Jefferson City physician, Dr. Robert E. Young.

The MAC office will be featured in the Historic Jefferson City Homes Tour on September 25. It will feature seven homes that are included in the National Historic District of Jefferson City.

Back then, the location (two blocks east of the former Missouri State Penitentiary) was known for being the center of society. Many of the houses around the penitentiary were built with bricks or stone produced at the prison and inmate labor.

The taller 3-story structure on the left (516) was occupied by MAC in 1990. The two buildings had a common wall, but had no

(Continued On Page 14)

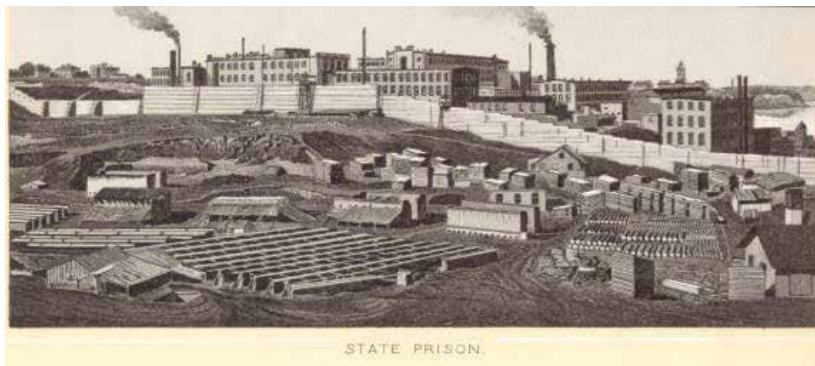


Above: A recent picture of the MAC building.

Bottom Left: Dr. Young in his Confederate uniform. He saw a lot of military action during the Civil War and even had his horse shot out from under him by a cannon ball.

Bottom Right: The house over a century ago.





Top Left: The building was named a Jefferson City landmark in May of 2010.

Bottom Left: The Missouri State Penitentiary was open from 1836-2004.

Top Right: Dr. Robert E. Young

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(Continued From Page 12)

passageway between the two. In 2003, MAC purchased the smaller carriage house (514) and began renovation, which entailed cutting through the concrete common wall.

Dr. Robert E. Young was the youngest of five children and the only boy. His father, William C. Young (an Irish immigrant), was a contractor and helped build the old Capitol that burned down Feb. 5, 1911. He also constructed the courthouses for Camden, Morgan and Wright Counties and was a judge for Cole County.

Dr. Young was appointed the Missouri State Prison physician in 1873. He was a civic leader and a successful physician. He was also the superintendent of the State Lunatic Asylum in Nevada, Mo.

Dr. Young's involvement in the community included Cole County School Commissioner, First Ward Alderman, organizer of the Cole County Fair Association, Board of Regents of Lincoln Institute (now Lincoln University founded by the 62nd and 65th U. S. Colored Regiments of Volunteers for colored people), State Board of Charities and Corrections, and Vice-President of the First National Bank.

Dr. Young married Charlotte McKenna on May 21, 1873. They had two sons, William Campbell Young II and James McKenna Young. There are believed to be no direct descendants of Dr. Young living today. He passed away at his residence (the MAC office) on January 8, 1904, from a sudden illness.

Dr. Young loved to preserve history. He wrote a series of letters about Jefferson City during his childhood and his experiences in the Civil War. These letters were compiled and published in the book, *Pioneers of High, Water, and Main*.

MAC Trust Online University - Quarter 3 Course List July 1, 2016 - September 30, 2016

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Department Of Labor Imposes New Rule On Overtime Pay Exemptions

.....

Travis Elliott

Ellis, Ellis, Hammons & Johnson, P.C.

The Fall 2015 issue of the *Missouri County Record* discussed the proposed regulatory changes to the executive, administrative and professional (EAP) overtime rule exemptions from the Department of Labor's (DOL) July 6, 2015, Notice of Proposed Rulemaking. On May 18, 2016, DOL announced the final rule on the overtime pay exemptions.

Readers will recall that Section 13(a)(1) of the Fair Labor Standards Act exempts employees in an executive, administrative, or professional capacity (the EAP exemption) from the minimum wage and overtime pay requirements. To be considered exempt, an employee must (a) be paid a predetermined and fixed salary that is not subject

to reduction due to variations in the quality or quantity of work performed; (b) the amount of salary paid must meet a minimum amount; and (c) the job duties must primarily involve executive, administrative or professional duties.

The key change to the rule nearly doubles the maximum salary required in order to satisfy the overtime exemption from \$23,660 to \$47,476 (a change from \$455 per week to \$913 per week). The final rule also incorporates automatic adjustments to the required salary level every three years, with the first update scheduled for Jan. 1, 2020. However, the existing job duty requirements remain unchanged. In general, all employees earning

less than \$913 per week will qualify for overtime pay under the final rule. However, there are specific exceptions for certain categories of employees that are not tied to the salary level requirement. The rule is effective Dec. 1, 2016.

The new rule will significantly impact those counties that rely upon the EAP overtime exemption for portions of their workforce. In order to determine the net effect the final rule will have, each county needs to identify how many employees are currently being treated as exempt under the EAP provision. Second, counties should compare current salaries of EAP employees to the new required minimum salary

(Continued On Page 18)

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(Continued From Page 16)


level and analyze and calculate the additional costs of the increased salary threshold requirement for job positions. Third, for EAP-exempt employees, identify the number of hours those employees are working in a given work week. Specific attention should be given to those employees that are regularly and consistently working more than 40 hours in a given work week and who are being treated as exempt under the EAP provision. Counties should identify the number of hours each EAP-exempt employee works over 40 hours on average in a work week.

For EAP-exempt employees that are not regularly working more than 40 hours in a work week or that only occasionally work more than 40 hours in a work week, adjusting those employees' salary levels to the new threshold may not serve as a cost-effective means of compliance. That is, from a budget standpoint, it may make more sense to pay those employees overtime at one and one-half times the regular rate for overtime hours worked, rather than attempting to comply with the new salary level threshold. However, for employees that are currently treated as EAP-exempt, and that regularly and consistently work significantly more than 40 hours in a work week over the course of the year, counties will have to make a determination as to whether to continue to treat those employees as exempt (and ensure that they are paid at least the amounts required under the new rule), or evaluate other options for compliance.

There are a number of options available to counties to ensure compliance with the wage and hour rules given this new requirement. For example, for EAP-exempt employees whose salaries are close to the new threshold and would otherwise fit within the EAP exemption, counties may choose to

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increase those employees' salaries to meet the new salary level threshold and maintain their exempt status, especially if those employees regularly and consistently work well over 40 hours on average in a work week.

Alternatively, as suggested above, counties could continue to pay employees their existing salaries, and in addition, pay these employees for any overtime hours worked at one and one half times the employee's regular rate. An important consideration in using this approach is to establish clearly defined standards for when overtime may be worked and to moderate the amount of overtime worked by employees.

A third option is to evaluate employees' job descriptions and positions and re-distribute workloads, ensure that staffing levels are adequate, and that employees are managing their time well, in order to avoid employees working overtime. A related option is to consider hiring additional part-time or full-time employees and re-assign or re-distribute appropriate

workloads to those new employees in order to reduce the number of hours worked by employees previously treated as exempt under the EAP provision.

In addition, counties have the option of providing compensatory time off, rather than paying cash for overtime worked. Note that providing compensatory time off in lieu of cash overtime payments is not without its own set of challenges and is not a budget-neutral alternative.

Because the salary level requirement is set to increase on Dec. 1, 2016, counties will have to decide how to handle the one month remaining in their budget year with respect to those employees that currently fit within the EAP overtime exemption. More importantly, the issues raised by this new rule should be included in each county's budget planning process this fall.

Please contact MAC Legal Counsel Travis Elliott with any questions at (417) 866-5091, or by e-mail at telliott@eehjfirm.com.



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High Court Sets Precedent With Macon County “Use Tax” Case

Macon County passed its “use tax” in 2012. The “use tax” rate is designed to follow the “ups and downs” of the current sales tax rate. At the time of passage, Macon County’s sales tax rate was 1.375 percent with .375 percent going to fund the Macon County 911 Emergency Services Board. However, the proposed “use tax” rate was only 1 percent, and it was designated for county general revenue.

Although the “use tax” was less than the sales tax level, the 911 Emergency Board did not oppose the rate. The board had been advised by an employee of the Missouri Department of

Revenue (DOR) that if the “use tax” were passed, the board would automatically receive part of the “use tax” that was proportional to the sales tax they were already receiving. From the date the DOR collected the funds until September 2014, that amounted to \$121,548.70. The county commission refused the 911 board’s request for a part of the “use tax” that it believed it was owed.

The Macon County Emergency Services Board filed a petition with the circuit court requesting part of the “use tax” funds that were proportional to the sales tax they were already receiving. The circuit court denied the board’s request

because Sec. 144. 757 does not mandate 3rd-class counties in their disbursement of “use tax.” The commission decides where the funds are disbursed unless mandated by statute.

The 911 Emergency Board appealed its case, but the ruling of the circuit court was affirmed by the Missouri Supreme Court on April 5 in the case of the *Macon County Emergency Services Board v. the Macon County Commission* (No. SC95003).

The ruling of the circuit court was upheld and the high court’s ruling sets precedent.



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“Use Tax” Revenue Collected in FY ’16 For Missouri Counties

| | | | | | |
|----------------|----------------|------------|--------------|------------|----------------|
| ADAIR | \$296,015.76 | DUNKLIN | \$219,057.08 | NODAWAY | \$508,724.47 |
| ANDREW | \$291,395.70 | GENTRY | \$37,362.93 | OSAGE | \$240,397.47 |
| ATCHISON | \$147,795.82 | HARRISON | \$87,116.38 | PERRY | \$395,378.76 |
| BATES | \$175,635.69 | HENRY | \$216,231.40 | PETTIS | \$536,178.51 |
| BENTON | \$118,254.98 | HOLT | \$349,061.12 | PLATTE | \$4,196,386.37 |
| BOLLINGER | \$81,978.29 | HOWARD | \$135,567.14 | PUTNAM | \$49,081.08 |
| BUCHANAN | \$1,964,418.20 | JOHNSON | \$852,477.17 | RALLS | \$258,975.37 |
| CALDWELL | \$109,503.72 | KNOX | \$49,613.35 | RANDOLPH | \$449,102.00 |
| CALLAWAY | \$0.00 | LAFAYETTE | \$432,193.17 | RAY | \$536,633.40 |
| CAMDEN | \$471,364.45 | LAWRENCE | \$277,901.72 | ST CHARLES | \$8,143,980.44 |
| CAPE GIRARDEAU | \$776,837.50 | LEWIS | \$304,935.51 | SALINE | \$343,887.38 |
| CARROLL | \$122,106.89 | LINN | \$110,972.24 | SCOTLAND | \$42,867.34 |
| CASS | \$2,967,338.40 | LIVINGSTON | \$108,466.50 | SCOTT | \$396,833.77 |
| CHARITON | \$174,755.47 | MACON | \$326,567.22 | SHELBY | \$64,930.17 |
| CLAY | \$4,119,089.45 | MARIES | \$68,930.29 | STONE | \$268,199.50 |
| CLINTON | \$129,463.67 | MARION | \$537,486.35 | SULLIVAN | \$144,530.82 |
| COLE | \$1,453,153.71 | MERCER | \$87,332.04 | WARREN | \$256,322.12 |
| COOPER | \$314,266.51 | MILLER | \$158,621.44 | WASHINGTON | \$208,615.57 |
| DADE | \$79,848.30 | MONITEAU | \$126,099.57 | WAYNE | \$13,446.08 |
| DAVISS | \$81,397.85 | MONROE | \$53,082.26 | WORTH | \$14,789.53 |
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The Initiative Petition Process

What Will Be On The November 2016 Ballot?

.....

The initiative petition process allows Missouri citizens to directly take part in their government. The 2016 November ballot measures will include four initiative petitions and two amendments placed by the Missouri State Legislature.

Constitutional Amendment 1

The first constitutional amendment, placed by the Legislature, would continue a one-tenth cent sales/use tax for soil and water conservation for state parks and historic sites. According to the Missouri Secretary of State's office, it "would continue to generate approximately \$90 million annually for soil and water conservation and operation of the state park system."

Constitutional Amendment 2

The second constitutional amendment, an initiative petition, would establish campaign finance limits. Missouri is one of 12 states that doesn't impose campaign finance limits for individuals, one of 18 for donations to state party committees, and one of six states that allows for corporations to donate an unlimited amount.

Specifically, it would limit campaign contributions by individuals or entities to political parties, political committees, or committees to elect candidates for state or judicial office. The amendment would also "prohibit individuals and entities from intentionally concealing the source of such contributions, require corporations or labor organizations to meet certain requirements in order to make such contributions, and provide a complaint process and penalties for any violations of the amendment."

Constitutional Amendment 3

The third constitutional amendment, an initiative petition, would increase the cigarette tax every year until 2020 amounting to 60 cents per pack of 20. The amendment would also "create a fee paid by cigarette wholesalers of 67 cents per pack of 20 on certain cigarettes, which fee shall increase annually, and deposit funds generated by these taxes and fees into a newly established Early Childhood Health and Education Trust Fund." At press time, this amendment is currently under court challenge.

Constitutional Amendment 4

The fourth constitutional amendment, an initiative petition, would prohibit any new tax on any services or transactions that aren't subject to a tax as of Jan. 1, 2015.

Constitutional Amendment 6

A constitutional amendment, proposed by the state Legislature, would require voters to show a valid form of government photo ID.

Proposition A

This Missouri statute amendment, an initiative petition, would "amend Missouri's law to increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20." It also would increase "the tax paid by sellers on other tobacco products by 5 percent of manufacturer's invoice price, provides that the funds generated by these taxes shall be used exclusively to fund transportation infrastructure projects, and would repeal these taxes if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot."



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The Secretary of State's Office is in charge with the supervision the process and certifying proposed petitions for the ballot. The details of the initiative petition process are outlined below.

Submitting A Proposed Petition

1. A petitioner submits a proposed petition, in the form in which it will be circulated, and a petition submission cover sheet to the Secretary of State's Office, which issues a receipt to the petitioner. If a person or committee, other than the petitioner, is funding a portion of the drafting or submission of the sample sheet, the petitioner must also attach to the proposed petition a copy of the filed statement of committee organization showing the date the statement was filed.

2. The Secretary of State's Office sends a copy of the proposed petition to the Attorney General's Office and the Auditor's Office.

3. The proposed petition is posted on the Secretary of State's Office website for a minimum 30-day public comment period.

4. The Attorney General's Office reviews the form and forwards its comments to the Secretary of State's Office within 10 days after receiving the proposed petition. The Auditor's Office prepares a fiscal note and fiscal note summary and forwards it to the Attorney General's Office within 20 days after receiving the proposed petition.

5. The Secretary of State's Office approves or rejects the form of the proposed petition within 15 days after receiving the proposed petition from the petitioner. The petitioner is informed of the approval or rejection.

6. The Secretary of State's Office prepares a proposed ballot summary statement and forwards it to the Attorney General's Office for review within 23 days after the approval of the proposed petition's form.

7. The Attorney General's Office forwards its review to the Secretary of State's Office within 10 days after receiving the proposed ballot summary statement. The Attorney General's Office also forwards its approval or rejection of the fiscal note and fiscal note summary to the Auditor's Office within 10 days after receiving the proposed fiscal note and fiscal note summary. The Auditor's Office then forwards the fiscal note

and fiscal note summary to the Secretary of State's Office.

8. Within three days after receiving the ballot summary statement, approved fiscal note summary and fiscal note, the Secretary of State's Office certifies the official ballot title, which consists of the ballot summary statement and fiscal note summary. The official ballot title is then posted on the Secretary of State's website.



Seated, left to right: James C. Bowers, Jr., Michael T. White, Aaron G. March, Standing, left to right: Ferdinand E. Niemann IV, Kimberley S. Spies, William B. Moore, Mark S. Bryant, Brian E. Engel, Patricia R. Jensen

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Circulating The Petition

Any registered Missouri voter can sign an initiative petition. Petition circulators, who must be at least 18 years of age and registered with the Secretary of State's Office, collect signatures on petition pages that contain the official ballot title and the full and correct text of the proposed measure. Each petition page may only contain signatures of voters from one county. Signatures of voters from counties other than the one designated by the circulator in the upper right-hand corner of the petition page will not be counted.

Submitting & Checking Signatures

All petitioners must deliver signed petitions to the Secretary of State's Office no less than six months before the election. For the 2016 election cycle, the submission deadline for signatures was 5:00 PM on May 8.

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Petitioners also submit paperwork showing the number of pages per county, as well as contact information for each petition. All pages of the petition must be submitted at one time, placed in order and numbered sequentially by county, unless an alternate numbering scheme is approved in writing by the Secretary of State's Office prior to submission. After verifying the count of signature pages, the Secretary of State's Office will issue a receipt to the petitioner.

Proposed constitutional amendments and statutory measures will be numbered or lettered in the order in which they were passed by the General Assembly or submitted by initiative petition.

The Secretary of State's Office will inventory every petition page by county, documenting any missing or duplicate pages.

Petition pages are then copied and distributed to local election authorities for signature verification. If only one petition is submitted to the Secretary of State's Office, the local election authority must receive the copies no later than two weeks after the petition is submitted. If three petitions are submitted, the local election authority must receive the copies no later than three weeks after the petition is submitted. If more than three petitions are submitted, the local election authority must receive the copies no later than four weeks after the petition is submitted. The Secretary of State's Office chooses whether to verify every signature or use random sampling and instructions for verifying the signatures are sent to local election authorities. If every signature is verified, verification must be certified and delivered to the Secretary of State's Office by 5:00 PM on the last Tuesday in July prior to the election. For the 2016 election cycle, the deadline was 5:00 PM on July 26.

Issuing The Certificate Of Sufficiency

Upon receiving verified signatures from each local election authority, the Secretary of State's Office determines the sufficiency of each petition by tallying the valid signatures.

Number Of Required Signatures

Petitions proposing statutory changes must be signed by 5 percent of legal voters in any six of the eight congressional districts. Petitions proposing constitutional changes must be signed by 8 percent of legal voters in any six of the eight congressional districts.

A more detailed instruction including the statute is available on the Missouri Secretary of State's website at <http://www.sos.mo.gov/elections/petitions>.

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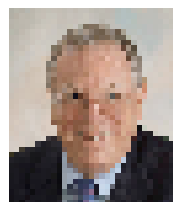
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Ms. [Name]
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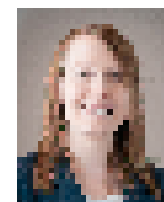
Ms. [Name]
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Promoting Citizen Awareness & Involvement In River & Stream Conservation

The Missouri Stream Team Program

.....

Kat Lackman

Missouri Department of Conservation Stream Team Coordination Biologist Southwest and Ozark Regions

Back in 1989, a small group of fly fisherman on Roubidoux Creek in Pulaski County discovered they were hooking more trash than fish in their little blue ribbon trout stream. Fed up with the tires, mattresses, and random appliances littering their sparkling trout stream, they banded together and sought out those most connected to conservation issues to try to establish a stream adoption program that could support large scale cleanups, so they could once again capture the fish they adore.

Inspired by ideas shared at the first Rivers and Streams Conference, the Missouri Stream Team Program was born by collaborating efforts of the Missouri Department of Conservation, the Department

of Natural Resources and the Conservation Federation of Missouri.

The very first cleanup on Roubidoux Creek in 1990 involved over 200 dedicated volunteers including then-Governor John Ashcroft and yielded a whopping 17 tons of garbage. Since then, more than 5,300 Stream Teams have signed on to the cause of education, stewardship, and advocacy for Missouri streams, removing over 11,500 tons of trash from our watersheds, planting over 320,000 trees along streambanks, and monitoring the water quality of over 3,000 sites throughout the state.

Missouri is a national leader in volunteer stream stewardship efforts thanks to the creativity



and determination of our citizen volunteers and strong agency support. While cleanups are a popular activity with volunteers, the Stream Team Program is about much more than just removing trash from streams. Stream Team is a fun, hands-on program for people who want to learn about, care for, and protect local waterways.

Stream Teams have on occasion

public finance

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Our public finance professionals provide financing options to fund public improvements. Their knowledge and expertise help community leaders raise the necessary capital through bond issues to help enhance the quality of life in communities across the Midwest, as well as those in neighboring states.

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contact us

Ameritas Investment Corp.
800 W. 47th Street, Suite 600
Kansas City, Missouri 64086
877-412-1191



Jack Holland
Jack.Holland@ameritas.com



Michael Short
Michael.Short@ameritas.com



Karolyn Cline
Karolyn.Cline@ameritas.com



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teamed up with local counties on projects. For the past 26 years, Jackson County Parks and Recreation have assisted with Project Blue River Rescue, Kansas City's largest organized stream cleanup, not only with manpower and equipment, but also with on-the-ground expertise critical to the success of such an event, which draws an average of 1,000 volunteers annually. The Lawrence and Newton County Health Departments provided access to their labs and the expertise to run water quality samples for several Cooperative Stream Investigation Special Monitoring Projects. County representatives have proven time and time again that they are in touch with their terrain and willing to provide the resources available to achieve the goals of its citizens.

If you would like to learn more about the Stream Team Program or would like to start your own Team, visit our website at www.mostreamteam.org. Simply fill out the online form, and we will send you additional information on how to get started. The Program provides the supplies and equipment needed for most activities, and all we ask in return is that teams report their



*Volunteers during the Project Blue River Rescue 2016.
Photos courtesy of Missouri Department of Conservation .*



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activities so that we can continue to provide items such as litter bags, gloves, first aid kits, water quality monitoring training and equipment, trees, storm drain stencils, T-shirts, and other "thank-you items" to encourage Stream Teams to stay active in their watersheds.

Just consider a stream near you or a favorite stream for fishing, floating, or other recreation that might need a little "TLC." Ensure you have permission to access the stream if on private property, and the sky is the limit on what you can do to keep that stream healthy and clean.

For questions or information about Missouri Stream Team visit www.mostreamteam.org or contact Stream Team at 1-800-781-1986 or streamteam@mdc.mo.gov.

Phelps, Pulaski, Texas and Laclede Counties Economically Benefit From Ft. Leonard Wood

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Earlier this year, the Fort Leonard Wood Region was named one of 10 Great American Defense Communities (GADC) by the Association of Defense Communities (ADC).

The award was officially presented to the Fort Leonard Wood Region in Washington, D.C. on Tuesday, June 21, during the ADC National Summit 2016. Missouri's congressional delegation, along with local and regional officials, were invited to receive the award.

The Sustainable Ozarks Partnership (SOP) is building on the Fort Leonard Wood region's strong past and preparing the region for a healthy, resilient future. The nonprofit organization works to bring all of the region's stakeholders to the table to drive regional development and advocate for new or expanded military and federal missions.

To be eligible for the award, the community must be a region that is home to an active military installation and a community or region that is an ADC member in good standing. States and private sector organizations are not eligible to submit nominations.

"The only challenge we had in nominating our region was limiting the information we submitted. The Fort Leonard Wood region has a strong connection with our installation through various organizations and formalized programs. It was a pleasure to showcase those in the nomination," said SOP Executive Director Joe Driskill.

This inaugural class of communities was selected by a panel of defense community advocates and experts from dozens of nominees based on the broad range of efforts they carry out on behalf of military



Above: Missouri Senator Roy Blunt with Missouri Military Advocate Joe Driskill and other dignitaries accepting the award.

Opposite Page Left: Businesses and organizations are displaying this logo to support the Ft. Leonard Wood area.

Opposite Page Right Corner: Missouri Senator Claire McCaskill with Driskill and other dignitaries.

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personnel and their families, covering areas such as education, job opportunities, housing, family support during deployments and community appreciation.

The board of directors of the County Commissioners Association of Missouri was apprised that including indirect revenue and jobs created off post, Fort Leonard Wood delivers an estimated economic impact of over \$3 billion to the region. Over 80,000 military members and civilians are trained at the installation each year. Over 200,000 family members visit the region to attend graduation ceremonies.



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With our public finance expertise for Missouri counties, you can count on Piper Jaffray to understand your needs and provide the best financing solutions available. Whether your journey involves a new capital improvement or refinancing an existing bond issue, we know the surest routes available.

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Kansas City Public Finance Investment Banking

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jack.c.dillingham@pjc.com

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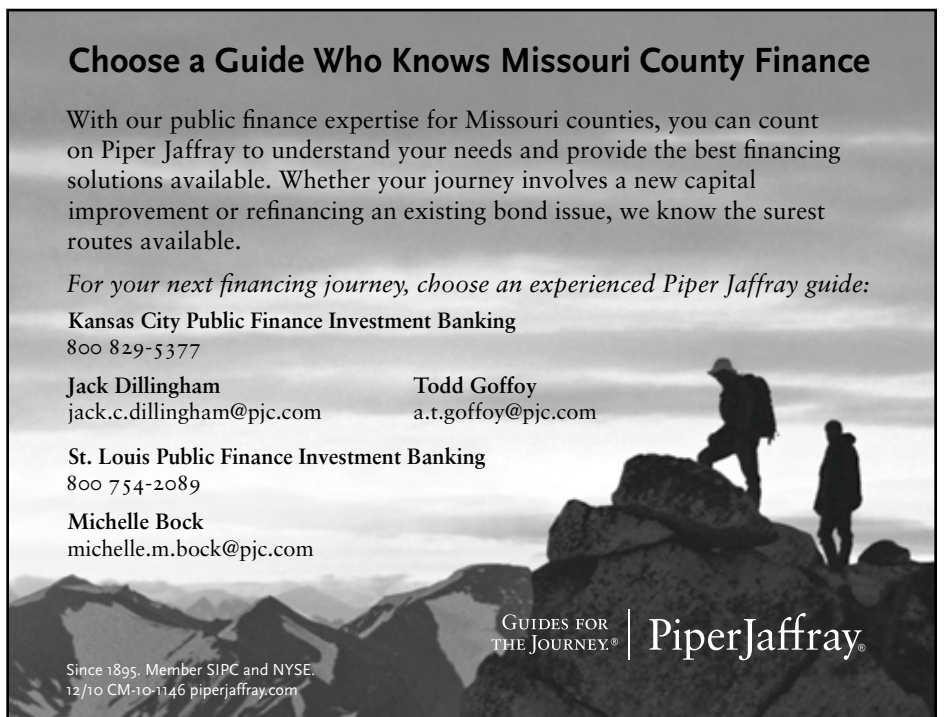
Michelle Bock

michelle.m.bock@pjc.com

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County Appropriations Take Another “Hit”!

Citing the need to balance the FY 2017 budget, Gov. Nixon early in July restricted \$115.5 million in new or increased spending.

The state budget approved by the Legislature included a \$2 increase in the **prisoner per diem** from \$20.58 to \$22.58. However, the governor restricted \$2.6 million out of \$3.5 million. In other words, counties will receive only a 25 percent increase – which translates to 50 cents! The prisoner per diem will now be \$21.08 for FY '17.

Whether that withholding will ever be released is highly doubtful if history repeats itself.

In the 2014 legislative session, the biggest news came in the form of a \$3 increase in the prisoner per diem, taking it from \$19.58 to \$22.58! It represented a \$5.3 million increase for Missouri county governments. This was historically the highest amount Missouri counties had seen, a major step forward, and one that was both overdue and desperately needed – given the fact that the average daily cost to house a state prisoner is \$45.

Then the governor's restriction hit again! Out of the \$3 legislative increase, two-thirds was withheld. Counties only saw a \$1 increase.

Funding for **assessment maintenance** was similarly affected this year. The Legislature approved roughly a 15-cent per parcel increase, taking last year's \$3.15 level to approximately \$3.30.

On July 6, Gov. Nixon also restricted \$866,060 out of \$1.15 million for assessment maintenance. In other words, counties will receive only a 3 ¾ -cent increase for a state-mandated duty. The new per parcel allotment will be \$3.1875.

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County Government Team:

Ellie Blankenship
314.221.5235
eblankenship@ctsgroup.com

Jim Thurman
636.284.5031
jthurman@ctsgroup.com