

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1667**  
**97TH GENERAL ASSEMBLY**

5753H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 43.535, 43.543, 72.401, 182.815, and 182.817, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions, with a penalty provision.

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

Section A. Sections 43.535, 43.543, 72.401, 182.815, and 182.817, RSMo, are repealed  
2 and seven new sections enacted in lieu thereof, to be known as sections 43.535, 43.543, 67.313,  
3 72.401, 182.815, 182.817, and 1, to read as follows:

43.535. 1. [Law enforcement agencies within the state of Missouri may perform a  
2 Missouri criminal record review for only open records through the MULES system for the  
3 purpose of hiring of municipal or county governmental employees. For each request, other than  
4 those related to the administration of criminal justice, the requesting entity shall pay a fee to the  
5 central repository, pursuant to section 43.530. For purposes of this section, "requesting entity"  
6 shall not be the law enforcement agency unless the request is made by the law enforcement  
7 agency for purposes of hiring law enforcement personnel.

8 2.] Municipalities [and] , counties, **and other political subdivisions** may, by local or  
9 county ordinance **or political subdivision policy, rule, or regulation**, require the fingerprinting  
10 of applicants or licensees in specified occupations for the purpose of receiving criminal history  
11 record information by local [or] , county, **or other political subdivision** officials. A copy of the  
12 ordinance, **policy, rule, or regulation** must be forwarded for approval to the Missouri state  
13 highway patrol prior to the submission of fingerprints to the central repository. The local or  
14 county law enforcement agency, **or for a political subdivision the county law enforcement**  
15 **agency** shall submit a set of fingerprints of the applicant or licensee, accompanied with the  
16 appropriate fees, to the central repository for the purpose of checking the person's criminal  
17 history. The set of fingerprints shall be used to search the Missouri criminal records repository

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal  
19 criminal history files if necessary. The fingerprints shall be submitted on forms and in the  
20 manner prescribed by the Missouri state highway patrol. Notwithstanding the provisions of  
21 section 610.120, all records related to any criminal history information discovered shall be  
22 accessible and available to the municipal [or] , county, **or political subdivision** officials making  
23 the record request.

24 [3.] 2. All criminal record check information shall be confidential and any person who  
25 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

43.543. Any state agency listed in section 621.045, the division of professional  
2 registration of the department of insurance, financial institutions and professional registration,  
3 the department of social services, the supreme court of Missouri, the state courts administrator,  
4 the department of elementary and secondary education, the department of natural resources, the  
5 Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency  
6 which screens persons seeking employment with such agencies or issuance or renewal of a  
7 license, permit, certificate, or registration of authority from such agencies; or any state,  
8 municipal, or county agency or committee, **or political subdivision**, or state school of higher  
9 education which is authorized by state statute or executive order, or local or county ordinance  
10 to screen applicants or candidates seeking or considered for employment, assignment,  
11 contracting, or appointment to a position within state, municipal, or county government; or the  
12 Missouri peace officers standards and training, POST, commission which screens persons, not  
13 employed by a criminal justice agency, who seek enrollment or access into a certified POST  
14 training academy police school, or persons seeking a permit to purchase or possess a firearm for  
15 employment as a watchman, security personnel, or private investigator; or law enforcement  
16 agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or  
17 registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri  
18 state highway patrol, Missouri criminal records repository, for the purpose of checking the  
19 person's criminal history. The first set of fingerprints shall be used to search the Missouri  
20 criminal records repository and the second set shall be submitted to the Federal Bureau of  
21 Investigation to be used for searching the federal criminal history files if necessary. The  
22 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state  
23 highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner  
24 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section  
25 610.120, all records related to any criminal history information discovered shall be accessible  
26 and available to the state, municipal, or county agency making the record request.

**67.313. 1. Beginning January 1, 2015, if approved by a majority of the voters  
2 voting on the proposal, any city, town, village, sewer district, or water supply district**

3 located within this state may, by order or ordinance, levy and impose annually, upon  
4 lateral sewer service lines providing sewer service to residential property having four or  
5 fewer dwelling units within the jurisdiction of such city, town, village, sewer district, or  
6 water supply district, a fee not to exceed three dollars per month or thirty-six dollars  
7 annually.

8       2. The ballot of submission shall be in substantially the following form:

9       For the purpose of repair or replacement of lateral sewer service lines extending  
10 from the residential dwelling to its connection with the public sewer system line, due to  
11 failure of the line, shall ..... (city, town, village, sewer district, or water supply district) be  
12 authorized to impose a fee not to exceed three dollars per month or thirty-six dollars  
13 annually on residential property for each lateral sewer service line providing sewer service  
14 within the (city, town, village, sewer district, or water supply district) to a residential  
15 property having four or fewer dwelling units for the purpose of paying for the costs of  
16 necessary lateral sewer service line repairs or replacements?

17       3. For the purpose of this section, a lateral sewer service line may be defined by  
18 local order or ordinance, but shall not include more than the portion of the sewer line  
19 which extends from the sewer mains owned by the utility or municipality to the point of  
20 entry into the premises receiving sewer service, and shall not include facilities owned by  
21 the utility or municipality. For purposes of this section, repair may be defined and limited  
22 by local ordinance, and may include replacement or repairs.

23       4. If a majority of the voters voting thereon approve the proposal authorized in  
24 subsection 1 of this section, the governing body of the city, town, village, sewer district, or  
25 water supply district may enact an order or ordinance for the collection of such fee. The  
26 funds collected under such ordinance shall be deposited in a special account to be used  
27 solely for the purpose of paying for the reasonable costs associated with and necessary to  
28 administer and carry out the lateral sewer service line repairs as defined in the order or  
29 ordinance and to reimburse the necessary costs of lateral sewer service line repair or  
30 replacement. All interest generated on deposited funds shall be accrued to the special  
31 account established for the repair of lateral sewer service lines.

32       5. The city, town, village, sewer district, or water supply district may establish, as  
33 provided in the order or ordinance, regulations necessary for the administration of  
34 collections, claims, repairs, replacements, and all other activities necessary and convenient  
35 for the implementation of any order or ordinance adopted and approved under this  
36 section. The city, town, village, sewer district, or water supply district may administer the  
37 program or may contract with one or more persons, through a competitive process, to  
38 provide for administration of any portion of implementation activities of any order or

39 ordinance adopted and approved under this section, and reasonable costs of administering  
40 the program may be paid from the special account established under this section not to  
41 exceed five percent of the fund on an annual basis.

42 **6. Notwithstanding any other provision of law to the contrary, the collector in any**  
43 **city, town, village, sewer district, or water supply district that adopts an order or ordinance**  
44 **under this section, who now or hereafter collects any fee to provide for, ensure, or**  
45 **guarantee the repair of lateral sewer service lines, may add such fee to the general tax levy**  
46 **bills of property owners within the city, town, village, sewer district, or water supply**  
47 **district. All revenues received on such combined bill which are for the purpose of**  
48 **providing for, ensuring, or guaranteeing the repair of lateral sewer service lines shall be**  
49 **separated from all other revenues so collected and credited to the appropriate fund or**  
50 **account of the city, town, village, sewer district, or water supply district. The collector of**  
51 **the city, town, village, sewer district, or water supply district may collect such fee in the**  
52 **same manner and to the same extent as the collector now or hereafter may collect**  
53 **delinquent real estate taxes and tax bills.**

72.401. 1. If a commission has been established pursuant to section 72.400 in any  
2 county with a charter form of government where fifty or more cities, towns and villages have  
3 been established, any boundary change within the county shall proceed solely and exclusively  
4 in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory  
5 provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and  
7 villages have been established, if the governing body of such county has by ordinance established  
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such  
9 county shall proceed only as provided in sections 72.400 to 72.423.

10 3. The commission shall be composed of eleven members as provided in this subsection.  
11 No member, employee or contractor of the commission shall be an elective official, employee  
12 or contractor of the county or of any political subdivision within the county or of any  
13 organization representing political subdivisions or officers or employees of political  
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this  
15 subsection shall appoint persons who shall be residents of their respective locality so described.  
16 The appointing authority making the appointments shall be:

17 (1) The chief elected officials of all municipalities wholly within the county which have  
18 a population of more than twenty thousand persons, who shall name two members to the  
19 commission as prescribed in this subsection each of whom is a resident of a municipality within  
20 the county of more than twenty thousand persons;

21 (2) The chief elected officials of all municipalities wholly within the county which have  
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one  
23 member to the commission as prescribed in this subsection who is a resident of a municipality  
24 within the county with a population of twenty thousand or less but more than ten thousand  
25 persons;

26 (3) The chief elected officials of all municipalities wholly within the county which have  
27 a population of ten thousand persons or less, who shall name one member to the commission as  
28 prescribed in this subsection who is a resident of a municipality within the county with a  
29 population of ten thousand persons or less;

30 (4) An appointive body consisting of the director of the county department of planning,  
31 the president of the municipal league of the county, one additional person designated by the  
32 county executive, and one additional person named by the board of the municipal league of the  
33 county, which appointive body, acting by a majority of all of its members, shall name three  
34 members of the commission who are residents of the county; and

35 (5) The county executive of the county, who shall name four members of the  
36 commission, three of whom shall be from the unincorporated area of the county and one of  
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be  
38 automatically vacated when the commissioner changes his or her residence so as to no longer  
39 conform to the terms of the requirements of the commissioner's appointment. The commission  
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing  
42 a boundary commission, the governing body of the county shall, within ten days, send by United  
43 States mail written notice of the passage of the ordinance to the chief elected official of each  
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection  
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the  
47 commission to compile its list of appointees. Each list shall be delivered to the county executive  
48 within forty-one days of the passage of such ordinance. The county executive shall appoint  
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the  
50 time specified, the county executive shall appoint the members using the criteria of subsection  
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting  
52 of the commission appointed after the effective date of the ordinance, the commissioners shall  
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for  
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve  
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner

56 shall serve more than two consecutive full terms. Full terms shall include any term longer than  
57 two years.

58         6. When a member's term expires, or if a member is for any reason unable to complete  
59 his term, the respective appointing authority shall appoint such member's successor. Each  
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely  
61 manner, when a member's term expires or as soon as possible when a member is unable to  
62 complete his term. A member whose term has expired shall continue to serve until his successor  
63 is appointed and qualified.

64         7. The commission, its employees and subcontractors shall be subject to the regulation  
65 of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open  
66 meetings and records under chapter 610.

67         8. Notwithstanding any provisions of law to the contrary, any boundary adjustment  
68 approved by the residential property owners and the governing bodies of the affected  
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal  
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous  
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall  
72 not be subject to commission review. Such a boundary adjustment or annexation is not  
73 prohibited by the existence of an established unincorporated area.

74         **9. Any annexation of property or defined areas of properties approved by a**  
75 **majority of property owners residing thereon and by ordinance of any municipality that**  
76 **is a service provider for both the water and sanitary sewer within the municipality shall**  
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**  
78 **review. The annexation shall not be prohibited by the existence of an established**  
79 **unincorporated area.**

182.815. As used in this section and section 182.817, the following terms shall mean:

2         (1) **"Digital resource or material", any E-book, digital periodical, digital thesis,**  
3 **digital dissertation, digital report, application, website, database, or other data available**  
4 **in digital format from a library for display on a computer screen or handheld device;**

5         (2) **"E-book", any book composed or converted to digital format for display on a**  
6 **computer screen or handheld device;**

7         (3) "Library", any library established by the state or any political subdivision of the state,  
8 or combination thereof, by any community college district, or by any college or university, and  
9 any private library open to the public;

10         [(2)] (4) "Library material", any book, **E-book, digital resource or material**, document,  
11 film, record, art work, or other library property which a patron may use, borrow or request;

12            [(3)] (5) "Library record", any document, record, or other method of storing information  
13 retained, received or generated by a library that identifies a person or persons as having  
14 requested, used, or borrowed library material, and all other records identifying the names of  
15 library users. The term "library record" does not include nonidentifying material that may be  
16 retained for the purpose of studying or evaluating the circulation of library material in general.

182.817. 1. Notwithstanding the provisions of any other law to the contrary, no library  
2 [or] , employee or agent of a library, **or third party contracted by a library that receives,**  
3 **transmits, maintains, or stores library records** shall [be required to] release or disclose a  
4 library record or portion of a library record to any person or persons except:

5            (1) In response to a written request of the person identified in that record, according to  
6 procedures and forms giving written consent as determined by the library; or

7            (2) In response to an order issued by a court of competent jurisdiction upon a finding that  
8 the disclosure of such record is necessary to protect the public safety or to prosecute a crime.

9            2. **Any person whose privacy is compromised as a result of an alleged violation of**  
10 **this section may file a written complaint within one hundred eighty days of the alleged**  
11 **violation with the office of the attorney general describing the facts surrounding the alleged**  
12 **violation. Such person may additionally bring a private civil action in the circuit court of**  
13 **the county in which the library is located to recover damages. The court may, in its**  
14 **discretion, award punitive damages and may award to the prevailing party attorney's fees,**  
15 **based on the amount of time reasonably expended, and may provide such equitable relief**  
16 **as it deems necessary or proper. A prevailing respondent may be awarded attorney fees**  
17 **under this subsection only upon a showing that the case is without foundation.**

          3. Upon receipt of a complaint filed in accordance with subsection 2 of this section,  
2 the attorney general shall review each complaint and may initiate legal action if deemed  
3 appropriate.

          Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,  
2 grant, and convey all interest in fee simple absolute in property owned by the state in St.  
3 Francois County to the City of Farmington. The property to be conveyed is more  
4 particularly described as follows:

5            A tract of land located in the County of St. Francois and the State of  
6 Missouri, lying in part of Lot 89 of F W Rohland Subdivision of United  
7 States Survey 2969, A Subdivision filed for record in Book F at Page 441 of  
8 the Land Records of St. Francois County, Missouri, described as follows, to-  
9 wit: Commencing at a found 4" X 12" limestone with a cut X marking the  
10 Southwest corner of said Lot 89, the POINT OF BEGINNING of the tract  
11 herein described; thence along the West boundary of said Lot 89 North  
12 07°02'33" East 477.44' to a found No. 4 rebar cap PLS 1955 on the North  
13 right-of-way of Vargo Road; thence along the North right-of-way of Vargo

14           **Road as follows South 45°30'07" East 112.78' to a found No. 5 rebar; thence**  
15           **South 49°22'11" East 138.02' to a found No. 5 rebar; thence South 45°18'14"**  
16           **East 117.09' to a found No. 5 rebar; thence South 33°19'54" East 117.56' to**  
17           **a found No. 5 rebar; thence South 28°53'49" East 66.39' to a found No. 5**  
18           **rebar; thence South 37°47'46" East 103.11' to a found No. 4 rebar cap PLS**  
19           **1955; thence South 32°37'49" East 48.52' to a found No. 4 rebar cap PLS**  
20           **1955; thence leaving said North right-of-way of Vargo Road South**  
21           **07°43'18" West 13.68' to a found No. 4 rebar cap PLS 1955 on the South**  
22           **boundary of said Lot 89; thence along said South boundary of Lot 89 North**  
23           **82°14'11" West 515.89' to the point of beginning. Containing 3.22 acres,**  
24           **more or less.**

25           **2. The commissioner of administration shall set the terms and conditions for the**  
26           **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
27           **include, but are not limited to, the number of appraisals required, the time, place, and**  
28           **terms of the conveyance.**

29           **3. The attorney general shall approve the form of the instrument of conveyance.**

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