

CCS SS#2 SCS HCS HB 271 -- LOCAL GOVERNMENT

MISSOURI LOCAL GOVERNMENT EXPENDITURE DATABASE (Section 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, RSMo)

This bill establishes the "Missouri Local Government Expenditure Database", to be maintained by the Office of Administration. For each fiscal year beginning after December 31, 2022, the database must include extensive information about a given municipality's or county's expenditures and the vendors to whom payments were made. The database must be accessible by the public without charge and have multiple ways to search and filter the information.

A municipality or county may voluntarily participate in the database, or may be required to participate if a requisite number of residents of the municipality request that it participate, as specified in the bill. A link to the database on a municipal or county website is required.

The Office of Administration may stipulate a format for information and will provide a template for municipalities and counties to use in sending information. Other duties and responsibilities of the Office of Administration regarding the database are detailed in the bill. Financial reimbursement to municipalities and counties for costs associated with the database is authorized.

COUNTY COMMISSIONS (Sections 49.266, 49.310, 476.083, and 50.530)

Currently, the county commissions in first, second, and fourth class counties are authorized to promulgate regulations concerning the use of county property. This bill authorizes the county commission in all first, second, third, and fourth class counties to promulgate such regulations.

In absence of any local agreement, any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related usage. The county commission shall have authority over all other areas of the courthouse.

This bill repeals the provision that in Cass County the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.

COUNTY OFFICIALS (Section 50.166, 50.327, 59.021, 59.100, 82.390, 84.400, 91.450, 115.127)

Currently, a county clerk may transmit in the form of a warrant the

amount due for a grant, salary, pay, and expenses to the county treasurer.

This bill provides that, upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant. If the warrant is received in the absence of a check, then the county treasurer shall have access to the information necessary to process the warrant.

Additionally, no official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county office that is financially relevant to the salaries of county officers and assistants; however, a county official may redact, remove, or delete any personal identifying information before submission to the county treasurer. Finally, no county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

Currently, the compensation for non-charter county coroners is based on salary schedules established by law. Under this bill, upon majority approval of the salary commission, the annual compensation of a county coroner in a second class county may be increased up to \$14,000 greater than the compensation provided by the salary schedule established by law.

The bill provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements of the office.

Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not less than \$1,000, with sufficient sureties. Under this bill, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. For all recorders of deeds elected after December 31, 2021, in first, second, and third classification, counties shall enter into bond with the state for an amount set by the county commission of not be less than \$5,000, with sufficient sureties.

This bill provides that beginning January 1, 2022, the license collector of St. Louis City shall receive a salary of \$125,000 per year and such salary may be annually increased by an amount equal to the annual salary adjustment for employees of St. Louis City as approved by the board of aldermen.

This bill provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

This bill allows residents of a county that receive services from a board of public works in certain cities to be appointed to serve on such board.

Currently, the period for filing a declaration of candidacy in certain political subdivisions and special districts is from 8:00 a.m. on the 16th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election. Additionally, the opening date for filing a declaration of candidacy in Kansas City, and any political subdivision or special district within Kansas City, is 8:00 a.m. on the 15th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election.

This bill makes the filing period for declarations of candidacy in all political subdivisions and special districts that have not otherwise required a filing period by law or charter to be 8:00 a.m. on the 17th Tuesday prior to the election until 5:00 p.m. on the 14th Tuesday prior to the election.

COMPETITIVE BID PROCESS (Section 50.660 and 50.783)

Currently, all contracts and purchases made by a county shall be given to the lowest and best bidder after opportunity for competition, except that advertising is not required in the case of contracts or purchases involving an expenditure of less than \$6,000. It is not necessary to obtain bids on any purchases in the amount of \$6,000 or less made from any one person or corporation during any period of 90 days. Additionally, the county commission may waive the requirement of competitive bidding, except on any single feasible source purchase where the estimated expenditure is over \$6,000, the commission shall post notice of the proposed purchase and advertise the commission's intent in at least one daily and one weekly newspaper in regular circulation.

This bill changes the threshold from \$6,000 to \$12,000 for these expenditures. It shall not be necessary to advertise or obtain bids for expenditures less than \$12,000.

PROPERTY MAINTENANCE (Section 64.207 and 67.398)

This bill authorizes Boone County to adopt property maintenance regulations and ordinances as provided in the bill. The

unavailability of a utility service due to nonpayment is not a violation of the property maintenance code.

Under this bill, the property maintenance code must require the county commission to create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threaten the health or safety of the tenants. When a written complaint is filed, the owner of any rental residence must be served with a notice specifying the condition alleged in the complaint and state a reasonable date by which abatement of the condition must commence. If work to abate the condition does not commence as determined by the designated officer, the complaint shall be given a hearing before the county commission. If the county commission finds that the rented residence has a dangerous condition that is harmful to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. If the owner violates an order issued by the county commission the owner may be punished by a penalty, which shall not exceed a Class C misdemeanor.

This bill adds that Franklin County may enact ordinances to provide for the abatement of a condition of any lot that has the presence of a nuisance or debris of any kind.

PUBLIC HEALTH ORDERS (Section 67.265 and 192.300)

A political subdivision shall not issue a public health order, defined in the bill as an order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease, during a state of emergency declared by the Governor that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 30 calendar days in a 180-day period. Such orders may be extended more than once upon a simple majority vote of the political subdivision's governing body.

A political subdivision shall not issue a public health order of general applicability during a time other than a state of emergency that directly or indirectly closes an entire classification of businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 21 days in a 180-day period. Such orders may be extended more than once upon a two-thirds vote of the political subdivision's governing body.

The governing bodies of the political subdivisions issuing orders under this bill shall at all times have the authority to terminate an order issued or extended under this section upon a simple

majority vote of the body.

No rule promulgated by the Department of Health and Senior Services shall authorize a local public health official to create or enforce any public health orders inconsistent with this bill.

Finally, this bill modifies provisions that a county health board shall not impose standards or requirements on an agricultural operation that are inconsistent with, in addition to, different from, or more stringent than any other law or regulation concerning such agricultural operations.

These provisions contain an emergency clause.

SENIOR CITIZENS' SERVICES FUND (67.990 and 67.993)

Currently, counties and the City of St. Louis may collect a tax for a Senior Citizens' Services Fund. This bill provides that deposits in such a fund shall be expended only upon approval of the board of directors and, if in a county, only in accordance with the fund budget approved by the county.

Additionally, this bill provides that the board of directors of the City of St. Louis may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.

COUNTY CONVENTION AND SPORTS FACILITIES AUTHORITY (Section 67.1153 and 67.1158)

This bill provides that the commissioners of a county convention and sports facilities authority shall be appointed by the county executive of the county in which the authority is created with the advice and consent of the county legislative body. If there is no county executive, then the commissioners shall be appointed by the governing body of the county.

Additionally, currently, counties that have established a county convention and sports facilities authority may impose a transient guest tax. This bill provides that after the effective date of such tax, the county may enter into an agreement with the authority for the authority to collect the tax.

Finally, any tax collected by the authority shall be due on the first day of the next calendar quarter. If any taxes are not paid within 30 days after the due date, the authority may collect 1% interest per month on the unpaid taxes and a penalty of 2% per

month on the unpaid tax. Any suits to enforce the collection of the tax shall be filed and prosecuted only by the authority. The authority shall be entitled to recover costs and attorney's fees incurred in collecting the tax.

TELECOMMUNICATIONS (Section 67.1847, 67.2680, and 71.100)

This bill provides that a political subdivision, including a grandfathered political subdivision, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company or other public utility. However, a political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than 5% of gross telecommunications service revenue in lieu of linear foot fees in addition to any permit fees imposed to recover actual rights of way management costs.

Under this bill, the state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, on satellite or streaming video services.

This bill allows two or more municipalities to form a broadband infrastructure improvement district for the delivery of broadband Internet service to the residents of such municipalities. A district created under the bill shall have to power partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities as specified in the bill.

A district may finance the provision or expansion of broadband Internet service through grants, loans, bonds, user fees, or a sales tax, not to exceed 1%. The bill also sets forth the composition and operation of the district governing board.

UTILITIES (91.025, 386.800, 393.106, 394.020, 394.315, 204.569)

This bill provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded

service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the bill. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

Currently, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This bill states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the bill, of the subdistrict.

This bill also changes the term "fair and reasonable compensation" to be 200%, rather than 400%, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body.

Nothing in this bill shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

Additionally, this bill changes the definition of "rural area" for the purposes of Chapter 394 to include any area not included within the boundaries of any city, town, or village having a population in excess of 1,600 inhabitants. The bill also adds that the above number of inhabitants to be increased by 6% every 10 years after each census beginning in 2030.

EXPENDITURE OF PUBLIC FUNDS (Section 115.646)

This bill prohibits the contribution or expenditure of public funds

by any school district or by any officer, employee, or agent of any school district:

(1) To support or oppose the nomination or election of any candidate for public office;

(2) To support or oppose the passage or defeat of any ballot measure;

(3) To any committee supporting or opposing candidates or ballot measures; or

(4) To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

Any purposeful violation of this bill is punishable as a class four election offense.

PROPERTY TAX (Section 137.280 and 139.100)

This bill allows a county assessor, upon request of a taxpayer, to send personal property tax lists and notices in electronic form.

Current law requires a county collector to assess penalties on property tax payments not made as of the first of January. For all property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, this bill allows the St. Louis County collector to enter into an agreement with any taxpayer for the payment of such taxes, including a waiver or reduction of penalties, provided that any such agreement requires such taxes to be paid not later January 8, 2021. If the penalties are waived or reduced, the portion of the penalties and interest paid may be credited to the taxpayer. The county may then reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties waived or reduced.

This provision contains an emergency clause.

REIMBURSEMENTS TO COUNTIES (Section 221.105)

Currently, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the bill. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This bill repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

THE SALE OF METALS (Section 407.297, 407.300, and 570.030)

No person shall engage in the business of a copper property peddler, as such term is defined in the bill, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the bill.

The requirements for the application for a license are specified in the bill. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the two years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the bill.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This bill requires records of sales of certain metals to be maintained for three years rather than two years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for five business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter shall be subject to penalties as specified in the bill.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This bill repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed \$50, unless the material is a catalytic converter.

The records requirement of the bill does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The bill also specifies that transactions for metal that is a minor

part of heating and cooling equipment shall not be subject to the records requirement in the bill.

The offense of stealing shall be a class E felony if the property is a catalytic converter.

MARRIAGE LICENSES (Section 451.040)

This bill provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process.

If a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless both applicants are at least 18 years of age and at least one of the applicants is a resident of the county in which the application was submitted.

COURTS (Section 485.060 and 488.2235)

Beginning January 1, 2022, this bill provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

Currently, in addition to all other court costs for municipal ordinance violations, Kansas City may collect additional court costs up to \$5 per case filed before a municipal division judge. This bill extends the sunset provision to August 28, 2026.

DOCUMENTATION OF VACCINATION (Section 1)

This bill provides that no county, city, town, or village receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation system or services or any other public accommodations.