

CCS SS SCS HCS HB 1606 -- POLITICAL SUBDIVISIONS

This bill changes laws regarding political subdivisions.

COUNTY CORONERS (Sections 50.327, 58.095, and 58.200, RSMo)

Currently, a raise is authorized for county coroners in counties of the second classification. The bill changes the authorization to apply to all non-charter counties. This bill provides that the salary commission of any third class county may amend the base salary schedules as provided by law for the computation of salaries for county officials to include assessed valuation factors in excess of \$300 million dollars, provided that the percentage of any adjustments must be equal for all county officials in that county. The bill also authorizes a coroner who is acting as sheriff per law, to receive a salary equivalent to the sheriff's salary while acting as such.

COUNTY FINANCIAL STATEMENTS (Sections 50.800, 50.810, 50.815, and 50.820)

Currently, counties of the first classification without a charter form of government are required to prepare and publish in a qualified paper a financial statement for the previous year by the first Monday in March. This bill requires all non-charter counties to prepare and publish in a qualified newspaper a financial statement for the previous year by June 30th. The financial statement must include the name, office, and current gross annual salary of each elected or appointed county official. The county clerk or other officer responsible for the preparation of the financial statement must preserve the documents relied upon in the making of the financial statements and shall provide an electronic copy free of charge to any newspaper requesting a copy of the data. The newspaper publishing the statement cannot charge more than its regular local classified advertising rate. The sections previously dealing with county financial statements and their publication for counties of the second, third, and fourth classifications are repealed.

COUNTY AUDITOR (Section 55.160)

In counties of the first and second classification, the county auditor is authorized to have access to and the ability to audit and examine claims of every kind and character for which a county officer has a fiduciary duty.

BOONE COUNTY SHERIFF (Section 57.317)

Excludes the sheriff of Boone County from the requirement that

sheriffs in counties of the first and second classification receive an annual salary equal to 80% of the compensation of an associate circuit judge of the county.

MARITAL STATUS REQUIRED ON DEEDS (Sections 59.310 and 442.130)

This bill requires that the marital status of all grantors on a deed and other documents presented for recording to recorders of deeds be provided. The recorder must not accept any document unless such information is included.

NEIGHBORHOOD IMPROVEMENT DISTRICTS (Sections 67.457 and 67.461, RSMo)

Currently, the governing body of a city or county is required to provide notice of a public hearing to consider the plans, specifications, and proposed assessment rolls for a neighborhood improvement district (NID), with such notice to be published in a newspaper of general circulation and mailed to each owner of real property subject to assessment within the boundaries of the NID.

This bill requires such notice to also be given to the Department of Revenue (DOR), which shall publish such information on its website. This bill also requires the governing body of a city or county establishing an NID to submit to the State Auditor and the DOR a description of the boundaries of the district, as well as information on assessments made in the district, as described in the bill. The governing body establishing an NID shall not order any assessments on property within the district until such information is submitted.

COMMUNITY IMPROVEMENT DISTRICTS (Sections 67.1421, 67.1431, and 67.1471)

Currently, the governing body of a municipality is required to provide notice of a public hearing to establish or amend a community improvement district (CID), with such notice to be published in a newspaper of general circulation and mailed to each owner of real property within the boundaries of the CID. This bill requires such notice to also be given to the DOR, which shall publish such information on its website.

This bill also requires the governing body of a city or county establishing a CID to submit to the State Auditor and the DOR a description of the boundaries of the district, as well as the rates of property tax and sales tax in the district, as described in the bill. The governing body establishing a CID shall not collect any taxes or assessments until such information is submitted.

Currently, the governing board of a CID is also required to provide a proposed annual budget to the governing body of the city, as well as submit a report including financial and other information to the municipal clerk and the Department of Economic Development. This bill requires such information to also be sent to the DOR and the State Auditor.

HOMELESSNESS PROGRAMS (Section 67.2300)

The bill provides that state funds for homelessness must be used for certain facilities, including parking areas, camping facilities, and short-term shelters and must comply with certain requirements as specified in the bill. Additionally, any person who owns or operates a private camping facility pursuant to this bill will be immune from liability as provided in the bill.

State funds otherwise used for permanent housing projects will be used to assist individuals with substance use, mental health treatment, and other services like short-term housing. The Department of Economic Development must award certain funds as bonuses for political subdivisions that reduce the number of individuals with days unhoused, days in jail, or days hospitalized.

This bill provides that no person shall be permitted to use state-owned lands for unauthorized sleeping, camping, or long-term shelters. Any violation shall be a Class C misdemeanor; however the first offense shall be a warning with no citation.

A political subdivision shall not adopt any policy under which the political subdivision prohibits the enforcement of any ordinance prohibiting public camping, sleeping, or obstruction of sidewalks. The Attorney General shall have the power to bring a civil action to enjoin the political subdivision from failing to enforce any ordinances prohibiting public camping, sleeping, or obstruction of sidewalks.

Any political subdivision with a higher per-capita homelessness rate than the state average will not receive further state funding until the Department determines the political subdivision has a lower homelessness rate than the state average or it enforces ordinances prohibiting unauthorized sleeping and camping.

A political subdivision may allocate up to 25% of the funds it receives from the state through grants for public safety to the creation of homeless outreach teams as specified in the bill. These provisions will not apply to shelters for domestic violence victims.

The provisions of this section have an effective date of January 1,

2023.

LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM (Section 70.631)

Currently, political subdivisions located in third class counties and Cape Girardeau County may, by majority vote of the governing body, elect to cover certain employee classes as public safety personnel members in the Local Government Employees' Retirement System (LAGERS). This bill removes this restriction and allows any political subdivision to cover such employee classes.

PROPERTY REGULATIONS (Sections 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.817, 92.825, 92.835, 92.840, 92.852, and 92.855).

For any improved parcel of land identified as being vacant by St. Louis City operating under the Municipal Land Reutilization Law, the city collector must, within two years, file suit in the circuit court against such lands or lots to enforce the lien of the state and the city as provided under the Municipal Land Reutilization Act. The failure of the collector to bring suit within two years will not constitute a defense or bar an action for the collection of taxes.

Currently, a suit for the foreclosure of certain tax liens begins by filing a petition with the circuit clerk and the land reutilization authority. For each petition filed, the city collector must make available to the public a list detailing each parcel included in the suit.

For any improved nonhomestead parcel, any person having any right, title or interest in, or lien upon, any parcel of real estate may redeem the parcel at any time prior to the time of the foreclosure sale of the real estate by paying all of the sums due as of the date of redemption to the city collector, including principal, interest, penalties, attorney's fees, costs then due, and all debts owed to the city, exclusive of any debts owed to a statutorily-created sewer district.

The city collector must mail a notice to the people named in the petition as having an interest in the parcel, or people otherwise known to the collector, at the address most likely to inform the parties of the proceedings.

The city collector must file with the court an affidavit of compliance with all notice requirements for the suit prior to any sheriff's sale. The affidavit must include the identities of all parties to whom notice was attempted and by what means. For notices returned undeliverable, the collector's affidavit must

certify what additional attempt was made and by what means.

The receipt of surplus funds will constitute a bar to any claim of right, title or interest in, or lien upon the parcel of real estate by the fund recipient. Currently, if the parcel of real estate is auctioned off at a sheriff's foreclosure sale for a sum greater than the total amount necessary to pay all the tax bills included in the judgment, all proceedings in the suit will be ordered dismissed as to taxes owed.

No later than 120 days prior to the sheriff's sale, the collector must obtain a title abstract or report on any unredeemed parcels, the report must include all conveyances, liens, and charges against the real estate, and the names and mailing addresses of any interested parties and lienholders. Additionally, no later than 20 days prior to the sheriff's sale, the collector must send notice of the sale to the interested parties which shall include the date, time, and place of the sale and other information as provided in the bill.

The bill modifies the requirement that the collector shall send notice of the sale to the parties having interest in the parcel no later than 40 days prior to the sheriff's sale, rather than 20 days. The notice must be sent to the addresses most likely to inform the parties of the proceedings.

No later than 20 days prior to the sheriff's sale, the sheriff must post a written notice on the parcel in a conspicuous location and attached to a structure. The notice must describe the property and advise that it is the subject of delinquent land tax collection proceedings and that it may be sold for the payment of delinquent taxes. This notice must also contain other information as provided in the bill. The sheriff must also attempt in person notice no later than 20 days prior to the sale to any person found at the property.

The city collector cannot enter into a redemption contract with respect to any improved parcel not occupied as a homestead. On an annual basis, the city collector will make publicly available the number of parcels under redemption contract.

The court must stay the sale of any parcel to be sold under foreclosure in an action for temporary possession of real property for rehabilitation, provided that the party who has brought such an action has, upon order of the court, paid to the circuit court the principal amount of all land taxes then due under the foreclosure judgment prior to the date of sale. Upon the granting by a court of temporary possession of the property, the court must direct payment to the collector of all principal land taxes paid to the

circuit court. Additionally, the court must order the permanent extinguishment of penalties and interest arising from actions to collect delinquent land taxes.

If the owner of the parcel moves for restoration of possession, the owner must pay into the circuit court all land tax amounts currently due, including all penalties, interest, attorney's fees, and court costs retroactive to the date of accrual. If the court orders the property be restored to the owner, all funds paid on the principal land taxes will be returned to the payer and all funds paid to the circuit court by the owner will be paid out to the collector.

No person will be eligible to bid at the time of the sheriff's sale unless the person has, no later than 10 days before the sale date, demonstrated to the collector or sheriff that they are not the owner of any parcel of real estate in the city which is subject to delinquent taxes or fees. A prospective bidder shall be prohibited from participating if he or she has previously bid at a sheriff's sale and failed to pay the bid amounts. The collector or sheriff may require prospective bidders to submit an affidavit attesting to the bid requirements of this bill.

Within six months after the sheriff sells the parcel of real estate, the court must set a hearing to confirm or set aside the foreclosure sale. The court's judgment must include a specific finding that adequate notice was provided to all necessary parties.

If there are any surplus funds from the sale then 10% of the funds will be distributed to the affordable housing trust fund of the city or its equivalent. The city may also, by ordinance, elect to allocate a portion of its share of the sale proceeds towards a fund for the purpose of defending against claims challenging the sufficiency of notice provisions under section 92.840.

The purchasers of the property must agree that in the event of their failure to obtain an occupancy permit prior to any subsequent transfer of the property, they will pay \$5,000 in damages without proof of loss or damages, except these damages shall not constitute a lien on the property. If any purchaser applies for an occupancy permit and inspectors do not inspect the parcel in 120 days, the cost of the application shall be dedicated to the sheriff for the purpose of providing notice to interested parties.

If the sale is not confirmed within six months after the sale, any set-aside of the sale may include a penalty of 25% of the bid amount over the opening bid amount and shall be paid to the affordable housing trust fund of the city or its equivalent.

Provisions relating to the recording of a sheriff's deed are modified. All such deeds must be recorded with the recorder of deeds within two months after the court confirms the sale, if no proceeding to set aside the confirmation judgment is before the court. The sheriff's deed will be prima facie evidence that the suit and all proceedings met the requirements of law.

The provision is repealed that after two years from the date of the recording of the deed, there shall be a presumption that the suit and all proceedings met the requirements of law and no suit may be filed to attack the validity of the claim.

TAX INCREMENT FINANCING (Sections 99.825, 99.830 and 99.865)

A tax increment financing (TIF) commission is required to provide notice of a public hearing prior to adoption of a redevelopment plan or project, this bill also requires the notice to be given to DOR, which must publish the information on its website.

The bill also requires the governing body establishing the redevelopment area to submit certain information to the State Auditor and DOR, and prohibits depositing any payments in lieu of taxes into the special allocation fund until the required information is submitted.

REQUIRED ANNUAL FINANCIAL STATEMENTS TO AUDITOR (Section 105.145)

This bill changes the laws regarding the consequences to a political subdivision for failure to file the required annual financial statement with the State Auditor.

If the failure to submit the annual financial statement was a result of fraud or other illegal conduct by any employee, the failure shall not result in a fine. Any political subdivision that has gross revenues of less than \$5,000 or that has not levied or collected a tax is not subject to the fine. If a political subdivision has outstanding fines due when filing its first annual financial statement after January 1, 2023, the Director of Revenue will make a one-time downward adjustment of the total amount due by no less than 90%. In addition, the Director of DOR has the authority to make a one-time downward adjustment to any fine he or she deems uncollectible.

DELINQUENT PROPERTY TAX AUCTIONS (Sections 140.170 and 140.190)

This bill allows a county collector to hold an auction of lands with delinquent property taxes through electronic media, including the internet, at the same time as the auction is held in person.

SALES TAX EXEMPTION FOR SOCCER TICKETS (Section 144.051)

Beginning June 1, 2026, and ending July 31, 2026, a sales tax exemption is authorized for the sale of tickets to matches of the 2026 FIFA World Cup soccer tournament held in Jackson County.

TRANSPORTATION DEVELOPMENT DISTRICTS (Sections 238.212 and 238.222)

This bill requires notice that a petition has been filed to create a Transportation Development District (TDD) to also be given to DOR, which shall publish the information on its website. It also requires the governing body establishing a TDD to submit certain information to the State Auditor and DOR, and prohibits any district taxes from being collected until the required information is submitted.

POLITICAL SUBDIVISION BUILDING CODES (Section 260.295)

The bill specifies that no building code adopted by a political subdivision can prohibit the use of refrigerants that are approved for use by federal law, provided any related equipment is installed in accordance with federal laws. Any provision of a building code that violates this section is null and void.

EMERGENCY VEHICLES (Section 304.022)

This bill adds county and municipal park ranger vehicles to the types of vehicles that are defined as "emergency vehicles".

PUBLIC ADMINISTRATORS (Section 473.742)

The bill provides that if a public administrator is appointed by the court as both a guardian and a conservator to the same ward or protectee, it will be considered two letters. Upon majority approval of the county salary commission, a public administrator may be paid according to the assessed valuation schedule set forth in the bill. If the salary commission elects to pay a public administrator according to the salary schedule it cannot thereafter change to paying the public administrator according to the average number of open letters. Beginning January 1, 2023, public administrators whose terms start on or after that date shall be deemed to have elected to receive a salary as provided in the bill.

CONDEMNATION (Section 523.061)

As specified in this bill, if a jury trial of exceptions occurs and the circuit judge presiding over the condemnation proceeding has determined that a homestead taking has occurred or heritage value is payable, then the judge must apply the provisions specified in

the bill to increase the jury verdict as appropriate. A circuit judge who determines that heritage value is payable must not increase the commissioners' award or jury verdict to provide for the additional compensation due where heritage value applies if the plaintiff is an incorporated city, town, or village, and moves for exclusion of the heritage value and shows, after an evidentiary hearing by a preponderance of the evidence, that the property taken has been abandoned, has been declared a nuisance and been ordered to be vacated, has been demolished or repaired after notice and a hearing, or has been shown to have materially and negatively contributed to a blighted area.

LAND CONVEYANCES (Sections 1, 2, 3, 4, 5)

The bill authorizes the Governor to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in land:

(1) Located in the City of Kirksville, Adair County, to the Kirksville R-III School District;

(2) Located in City of Kirksville, Adair County, to Truman State University;

(3) Located in the City of Rolla, Phelps County, to Edgewood Investments;

(4) Located in the City of St. Louis; and

(5) Located in St. Louis County.

The land to be conveyed is described in the bill. The Commissioner of Administration shall set the terms and conditions for the conveyance. The Attorney General shall approve the form of the instrument of conveyance.

PROHIBITION AGAINST REQUIRED VACCINATION (Section 6)

Public employees cannot be required by a political subdivision as defined in this section to receive a COVID-19 vaccination as a condition of commencing or continuing employment.