

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 267
92ND GENERAL ASSEMBLY

Taken up for Perfection April 2, 2003.

House Substitute for House Bill No. 267 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1005L.03P

AN ACT

To repeal sections 49.079, 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.276, 49.278, 67.1775, and 137.082, RSMo, and to enact in lieu thereof seven new sections relating to county commissions.

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

Section A. Sections 49.079, 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 2 49.273, 49.276, 49.278, 67.1775, and 137.082, RSMo, are repealed and seven new sections 3 enacted in lieu thereof, to be known as sections 49.079, 49.170, 49.266, 49.278, 49.650, 67.1775, 4 and 137.082, to read as follows:

49.079. [The county commission in all counties of the second class having a population 2 of over thirty thousand inhabitants and containing a part of a city having a population of more 3 than four hundred fifty thousand inhabitants may appoint a sewer supervisor and fix his 4 compensation. The sewer supervisor shall supervise the construction and extension of sewers 5 within the county and shall have the other duties that the county commission may provide.] **The 6 county commission in all counties may appoint any person to fill any position in any 7 department governed by the county as the commission deems necessary, and may fix the 8 compensation for the position.**

49.170. Four terms of the county commission shall be held in each county annually, at 2 the place of holding commission meetings therein, commencing on the first Mondays in 3 [February, May, August and November] **January, April, July, and October.** The county

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

4 commissions may alter the times for holding their stated terms, giving notice thereof in such
5 manner as to them shall seem expedient; provided, that in counties now containing or that may
6 hereafter contain seventy-five thousand or more inhabitants, and where county commissions are
7 now or may hereafter be held at more places than one and at other places than the county seat,
8 the terms of the commission shall be held monthly and alternately at the county seat and such
9 other place as may be provided for the holding of a meeting, and each monthly term shall
10 commence on the first Monday in each month.

49.266. 1. The county commission in [first class] **all** counties may by order or ordinance
2 promulgate reasonable regulations concerning the use of county property, the hours, conditions,
3 methods and manner of such use and the regulation of pedestrian and vehicular traffic and
4 parking thereon.

5 2. Violation of any regulation so adopted is an infraction.

6 3. The regulations so adopted shall be codified, printed and made available for public
7 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

49.278. 1. The county governing body in all counties may contribute to the cost of a
2 plan, including a plan underwritten by insurance, for furnishing all or a part of hospitalization
3 or medical expenses, life insurance, or similar benefits for elected officials and their employees,
4 and to appropriate and utilize its revenues and other available funds for these purposes.

5 2. No contract shall be entered into by the county to purchase any insurance policy or
6 policies pursuant to the terms of this section unless such contract shall have been submitted to
7 competitive bidding and such contract be awarded to the lowest and best bidder.

8 **3. The governing authority of all counties may provide, in addition to any other**
9 **programs or plans, workers' compensation, health insurance, life insurance, and**
10 **retirement plans for all county employees.**

49.650. 1. **The governing authority of each county without a charter form of**
2 **government shall have the power to adopt reasonable ordinances, resolutions, or**
3 **regulations relating to its property, affairs, and local government for which no provision**
4 **has been made in the constitution of this state or state statute. If any such ordinance, order,**
5 **or resolution conflicts with a municipal ordinance, the municipal ordinance provisions**
6 **shall prevail within the corporate boundaries of the municipality. All ordinances adopted**
7 **pursuant to this section shall remain effective until repealed or amended by the governing**
8 **authority, except that the general assembly shall have the power to further define, broaden,**
9 **limit, or otherwise regulate the power of each such county to adopt ordinances, resolutions,**
10 **or regulations.**

11 **2. The governing body of each county without a charter form of government may**
12 **submit to the qualified voters of the county any ordinance, resolution, or regulation**

13 **proposed pursuant to this section for the approval of the qualified voters of the county.**
14 **Any ordinance, resolution, or regulation submitted to the qualified voters pursuant to this**
15 **section shall become effective if a majority of the qualified voters voting on the ordinance,**
16 **resolution, or regulation are in favor of its adoption, but no ordinance, resolution, or**
17 **regulation shall become effective if a majority of the qualified voters voting on the**
18 **ordinance, resolution, or regulation are opposed to its adoption.**

19 **3. Any qualified voter in each county without a charter form of government may**
20 **circulate a petition to propose, enact, or reject, by initiative or referendum, any ordinance,**
21 **resolution, or regulation that the county would have authority to adopt pursuant to this**
22 **section. The petition shall be signed by the number of registered voters in the county equal**
23 **to at least fifteen percent of the total votes cast in the county for governor at the last**
24 **gubernatorial election, and shall be filed with the governing body of the county. Upon the**
25 **filing of a valid petition, the governing authority of the county shall place the question on**
26 **the ballot at the next general election for the approval of or rejection by the qualified**
27 **voters of the county. Any proposed ordinance, resolution, or regulation shall be printed**
28 **clearly at the top of each petition before the signatures on the petition are acquired.**

67.1775. 1. The governing body of a city not within a county, or any county of [the first
2 classification with a charter form of government with a population not less than nine hundred
3 thousand inhabitants, or any county of the first classification with a charter form of government
4 with a population not less than two hundred thousand inhabitants and not more than six hundred
5 thousand inhabitants, or any noncharter county of the first classification with a population not
6 less than one hundred seventy thousand and not more than two hundred thousand inhabitants,
7 or any noncharter county of the first classification with a population not less than eighty thousand
8 and not more than eighty-three thousand inhabitants, or any third classification county with a
9 population not less than twenty-eight thousand and not more than thirty thousand inhabitants,
10 or any county of the third classification with a population not less than nineteen thousand five
11 hundred and not more than twenty thousand inhabitants] **this state** may, after voter approval
12 pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the
13 purpose of providing services described in section 210.861, RSMo, including counseling, family
14 support, and temporary residential services to persons nineteen years of age or less. The question
15 shall be submitted to the qualified voters of the county at a county or state general, primary or
16 special election upon the motion of the governing body of the county or upon the petition of eight
17 percent of the qualified voters of the county determined on the basis of the number of votes cast
18 for governor in such county at the last gubernatorial election held prior to the filing of the
19 petition. The election officials of the county shall give legal notice as provided in chapter 115,
20 RSMo. The question shall be submitted in substantially the following form:

21 Shall County be authorized to levy a sales tax of (not to exceed
22 one-quarter of a cent) in the county for the purpose of establishing a community children's
23 services fund for the purpose of providing services to protect the well-being and safety of
24 children and youth nineteen years of age or less and to strengthen families?

25 Yes No

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
28 of the question, then the tax shall be levied and collected as otherwise provided by law. If a
29 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
30 the question, then the tax shall not be levied unless and until the question is again submitted to
31 the qualified voters of the county and a majority of such voters are in favor of such a tax, and not
32 otherwise.

33 2. All revenues generated by the tax prescribed in this section shall be deposited in the
34 county treasury to the credit of a special "Community Children's Services Fund". Such fund shall
35 be administered by a board of directors, established pursuant to section 210.861, RSMo.

137.082. 1. Notwithstanding the provisions of sections 137.075 and 137.080, to the
2 contrary, a building or other structure classified as residential property pursuant to section
3 137.016, newly constructed and occupied on any parcel of real property shall be assessed and
4 taxed on such assessed valuation as of the first day of the month following the date of occupancy
5 for the proportionate part of the remaining year at the tax rates established for that year, in all
6 taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this
7 section. Newly constructed residential property which has never been occupied shall not be
8 assessed as improved real property until such occupancy or the first day of January of the second
9 year following the year in which construction of the improvements was completed.

10 2. The assessor may consider a property residentially occupied upon personal verification
11 or when any two of the following conditions have been met:

12 (1) An occupancy permit has been issued for the property;

13 (2) A deed transferring ownership from one party to another has been filed with the
14 recorder of deeds' office subsequent to the date of the first permanent utility service;

15 (3) A utility company providing service in the county has verified a transfer of service
16 for property from one party to another;

17 (4) The person or persons occupying the newly constructed property has registered a
18 change of address with any local, state or federal governmental office or agency.

19 3. In implementing the provisions of this section, the assessor may use occupancy
20 permits, building permits, warranty deeds, utility connection documents, including telephone
21 connections, or other official documents as may be necessary to discover the existence of newly

22 constructed properties. No utility company shall refuse to provide verification monthly to the
23 assessor of a utility connection to a newly occupied single family building or structure.

24 4. In the event that the assessment under subsections 1 and 2 of this section is not
25 completed until after the deadline for filing appeals in a given tax year, the owner of the newly
26 constructed property who is aggrieved by the assessment of the property may appeal this
27 assessment the following year to the county board of equalization in accordance with chapter
28 138, RSMo, and may pay any taxes under protest in accordance with section 139.031, RSMo.
29 The collector shall impound such protested taxes and shall not disburse such taxes until
30 resolution of the appeal.

31 5. The increase in assessed valuation resulting from the implementation of the provisions
32 of this section shall be considered new construction and improvements under the provisions of
33 this chapter.

34 6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount
35 not to exceed ten percent of all ad valorem property tax collections on newly constructed and
36 occupied residential property allocable to each taxing authority within counties of the first
37 classification having a population of nine hundred thousand or more, one-tenth of one percent
38 of all ad valorem property tax collections allocable to each taxing authority within all other
39 counties of the first classification **other than any county of the first classification with more**
40 **than eighty-two thousand but less than eighty-two thousand one hundred inhabitants** and
41 one-fifth of one percent of all ad valorem property tax collections allocable to each taxing
42 authority within counties of the second, third and fourth classifications **and any county of the**
43 **first classification with more than eighty-two thousand but less than eighty-two thousand**
44 **one hundred inhabitants**, in addition to the amount prescribed by section 137.720 shall be
45 deposited into the assessment fund of the county for collection costs.

46 7. For purposes of figuring the tax due on such newly constructed residential property,
47 the assessor or the board of equalization shall place the full amount of the assessed valuation on
48 the tax book upon the first day of the month following occupancy. Such assessed valuation shall
49 be taxed for each month of the year following such date at its new assessed valuation, and for
50 each month of the year preceding such date at its previous valuation. The percentage derived
51 from dividing the number of months at which the property is taxed at its new valuation by twelve
52 shall be applied to the total assessed valuation of the new construction and improvements, and
53 such product shall be included in the next year's base for the purposes of figuring the next year's
54 tax levy rollback. The untaxed percentage shall be considered as new construction and
55 improvements in the following year and shall be exempt from the rollback provisions.

56 8. Subsections 1 to 7 of this section shall be effective in those counties including any city
57 not within a county in which the governing body of such county elects to adopt a proposal to

58 implement the provisions of subsections 1 to 7 of this section. Such subsections shall become
59 effective in such county on the first day of January of the year following such election.

60 9. In any county which adopts the provisions of subsections 1 to 7 of this section prior
61 to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such
62 county shall, upon application of the property owner, remove on a pro rata basis from the tax
63 book for the current year any residential real property improvements destroyed by a natural
64 disaster if such property is unoccupied and uninhabitable due to such destruction. On or after
65 the first day of June, the board of equalization shall perform such duties. Any person claiming
66 such destroyed property shall provide a list of such destroyed property to the county assessor.
67 The assessor shall have available a supply of appropriate forms on which the claim shall be
68 made. The assessor may verify all such destroyed property listed to ensure that the person made
69 a correct statement. Any person who completes such a list and, with intent to defraud, includes
70 property on the list that was not destroyed by a natural disaster shall, in addition to any other
71 penalties provided by law, be assessed double the value of any property fraudulently listed. The
72 list shall be filed by the assessor, after he has provided a copy of the list to the county collector
73 and the board of equalization, in the office of the county clerk who, after entering the filing
74 thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,
75 considers such property occupied as provided in subsection 2 of this section, the assessor shall
76 consider such property new construction and improvements and shall assess such property
77 accordingly as provided in subsection 1 of this section. For the purposes of this section, the term
78 "natural disaster" means any disaster due to natural causes such as tornado, fire, flood, or
79 earthquake.

80 10. Any political subdivision may recover the loss of revenue caused by subsection 9 of
81 this section by adjusting the rate of taxation, to the extent previously authorized by the voters of
82 such political subdivision, for the tax year immediately following the year of such destruction
83 in an amount not to exceed the loss of revenue caused by this section.

2 [49.091. 1. In counties of the third and fourth classification, the county
3 commission or the county commission's designee shall, on or before the tenth day of
4 the first month in each calendar quarter of each year, make a personal examination
5 and inspection of all county lands and buildings, including the county farm, and shall
6 prepare a report to be filed, as a matter of public record, with the county clerk not
7 later than twenty days after such examination. The report shall contain a detailed
8 statement of the physical condition and the state of repair of all such county lands and
9 buildings, the use to which they are currently put, and a statement of the farm
10 operations of the county, if any, the condition of growing crops and the amount of
11 grain or other produce on hand.

2. The reports required by this section shall be signed by the county clerk.]

[49.095. 1. The county commissioners in counties of the second class shall:

2 (1) Make a personal examination and inspection of all county lands and
 3 buildings, including the county farm, on or before the tenth day of the first month in
 4 each calendar quarter of each year, and prepare a report to be filed, as a matter of
 5 public record, with the county auditor not later than twenty days after the
 6 examination. The report shall contain a detailed statement of the physical condition
 7 and the state of repair of all county lands and buildings, the use to which they are
 8 currently put, and a statement of the farm operations of the county, if any, the
 9 condition of growing crops and the amount of grain or other produce on hand;

10 (2) Inspect and inventory all office equipment and machines, road machinery,
 11 farm supplies, equipment and produce on hand and all other personal property
 12 belonging to the county of an original value of two hundred fifty dollars or more of
 13 whatsoever kind or description annually, on or before the tenth day of October. The
 14 inventory shall list the property by keeping a continuous annual inventory of each
 15 item identified by descriptive name, and on manufactured goods the manufacturer's
 16 serial number, model, age and estimated market value, and there shall be attached to
 17 each inventory a statement or explanation of any material changes over that of the
 18 previous year, showing in particular the disposition of any county property, the
 19 reason for its disposal, to whom disposed and the amount received therefor.

20 2. The reports required by this section may be signed by all the
 21 commissioners or if any commissioner is in disagreement with any statement
 22 contained therein, he may refuse to sign the report and shall issue his own minority
 23 report.]

2 [49.267. Notwithstanding other provisions of law, the county commission of
 3 any county of the second class may set a speed limit on any county road, not within
 4 the limits of any incorporated city, town, or village, lower than that otherwise
 5 provided by law. However, in no case shall the speed limit be set lower than
 6 twenty-five miles per hour. The commission shall send copies of any such order to
 7 the superintendent of the state highway patrol. After the roads have been properly
 8 marked by signs indicating the speed limits set by the county commission, the speed
 limits so set shall be in full force and effect.]

2 [49.268. The limits on speed set by section 49.267 do not apply to the
 3 operation of any emergency vehicle as defined in section 304.022, RSMo. Nothing
 4 in sections 49.267 to 49.269 shall make the speeds prescribed therein lawful in a
 5 situation that requires lower speed for compliance with the basic rule declared in
 subsection 1 of section 304.010, RSMo.]

2 [49.269. Any person who violates any provision of sections 49.267 to 49.269
 is guilty of a class C misdemeanor.]

2 [49.273. The county commission in all counties of the first and second class,
 3 including those having a charter form of government, may elect to accept the
 provisions of chapter 287, RSMo, governing workers' compensation.]

2 [49.276. County commissions of third and fourth class counties may provide
 3 motor vehicles for the use of law enforcement personnel who are county employees.
 Such motor vehicles shall be used by authorized personnel only, and each sheriff

4 shall prescribe rules and regulations for the use of the motor vehicles. The county
5 commission may acquire title to such vehicles in the name of the county and may
6 purchase insurance on the vehicles. County commissions may sell or otherwise
7 convey such vehicles and may do all acts consistent with maintenance and operating
8 costs of the vehicles at county expense. The motor vehicles authorized herein shall
9 be of such size, type, make and horsepower as is determined by the county
10 commission. The county commission and the Missouri state highway patrol may
11 cooperate in the purchase and disposal of such vehicles, either pursuant to the
12 provisions of sections 67.330 to 67.450, RSMo, or otherwise. Costs incident to
13 purchase of such vehicles, other than the purchase price, shall be paid by the county
14 commission.]