

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 267

92ND GENERAL ASSEMBLY

1005S.10T

2003

AN ACT

To repeal sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273, 49.278, 49.370, 49.380, 60.010, 67.1775, and 473.730, RSMo, and section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to county commissions, with penalty provisions.

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

Section A. Sections 49.091, 49.095, 49.170, 49.266, 49.267, 49.268, 49.269, 49.273,
2 49.278, 49.370, 49.380, 60.010, 67.1775, and 473.730, RSMo, and section 67.399, RSMo, as
3 enacted by senate committee substitute for house substitute for house committee for house bills
4 nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 67.399,
5 RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general
6 assembly, second regular session, section 150.150 as enacted by house bill no. 1566, eighty-
7 seventh general assembly, second regular session and section 150.150 as enacted by house
8 substitute for house committee substitute for senate bill no. 579, eighty-seventh general

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.

9 assembly, second regular session, are repealed and twelve new sections enacted in lieu thereof,
10 to be known as sections 49.170, 49.266, 49.278, 49.370, 49.650, 60.010, 64.907, 67.399,
11 67.1775, 150.150, 473.730, and 1, to read as follows:

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
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 of the first, second or**
2 **fourth classification** may by order or ordinance promulgate reasonable regulations concerning
3 the use of county property, the hours, conditions, methods and manner of such use and the
4 regulation of pedestrian and vehicular traffic and 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.**

49.370. **1.** The county commission shall designate the place whereon to erect any county
2 building, on any land belonging to such county, at the established seat of justice thereof. **If there**
3 **is no suitable ground belonging to said county within the limits of the original town known**
4 **as the established seat of justice, the county commission shall select a proper piece of**
5 **ground anywhere within the corporate limits of the town known as the county seat, and**
6 **may purchase or receive by donation a lot or lots of ground for that purpose, and shall take**

7 a good and sufficient deed in fee simple for the same to the county, and shall make report
8 to the circuit court at its next sitting.

9 **2. The provisions of subsection 1 of this section notwithstanding, any county may**
10 **acquire, own, erect, operate, manage, and maintain buildings and property outside the**
11 **limits of the established seat of justice, so long as the buildings or property is located within**
12 **the county.**

49.650. 1. The governing authority of each county of the first, second, or fourth
2 **classification without a charter form of government shall have the power to adopt**
3 **ordinances or resolutions relating to its property, affairs, and local government for which**
4 **no provision has been made in the constitution of this state or state statute regarding the**
5 **following:**

6 **(1) County roads controlled by the county;**

7 **(2) Emergency management, as it specifically relates to the actual occurrence of a**
8 **natural or man-made disaster of major proportions within the county when the safety and**
9 **welfare of the inhabitants of such county are jeopardized;**

10 **(3) Nuisance abatement, excluding agricultural and horticultural property as**
11 **defined in section 137.016, RSMo;**

12 **(4) Stormwater control, excluding agricultural and horticultural property as**
13 **defined in section 137.016, RSMo;**

14 **(5) The promotion of economic development for job creation purposes; and**

15 **(6) Parks and recreation.**

16 **If any such ordinance, order, or resolution conflicts with a municipal, fire protection**
17 **district, or ambulance district ordinance, the provisions of such municipality, fire**
18 **protection district, or ambulance district shall prevail within the corporate boundaries of**
19 **the municipality, of such municipality, fire protection district, or ambulance district. All**
20 **ordinances adopted pursuant to this section shall remain effective until repealed or**
21 **amended by the governing authority, except that the general assembly shall have the power**
22 **to further define, broaden, limit, or otherwise regulate the power of each such county to**
23 **adopt ordinances, resolutions, or regulations.**

24 **2. The governing body of each county of the first, second, or fourth classification**
25 **without a charter form of government may submit to the qualified voters of the county any**
26 **ordinance, resolution, or regulation proposed pursuant to this section for the approval of**
27 **the qualified voters of the county. Any ordinance, resolution, or regulation submitted to**
28 **the qualified voters pursuant to this section shall become effective if a majority of the**
29 **qualified voters voting on the ordinance, resolution, or regulation are in favor of its**
30 **adoption, but no ordinance, resolution, or regulation shall become effective if a majority**

31 of the qualified voters voting on the ordinance, resolution, or regulation are opposed to its
32 adoption.

33 **3. Notwithstanding any other provision of this section to the contrary, no tax or fee**
34 **shall be submitted to the voters of the county unless the tax or fee has been authorized by**
35 **statute by the general assembly.**

36 **4. No county of the first, second, or fourth classification shall have the power to**
37 **adopt any ordinance, resolution, or regulation pursuant to this section governing any**
38 **railroad company, telecommunications or wireless companies, public utilities, rural electric**
39 **cooperatives, or municipal utilities.**

60.010. 1. At the regular general election in the year 1948, and every four years
2 thereafter, the voters of each county of this state in [classes two, three and four] **counties of the**
3 **second, third, and fourth classification** shall elect a registered land surveyor as county
4 surveyor, who shall hold his office for four years and until his successor is duly elected,
5 commissioned and qualified. The person elected shall be commissioned by the governor.

6 **2. No person shall be elected or appointed surveyor unless he be a citizen of the**
7 **United States, over the age of twenty-one years, be a registered land surveyor, and shall**
8 **have resided within the state one whole year. An elected surveyor shall have resided within**
9 **the county for which he is elected six months immediately prior to his election and shall**
10 **after his election continue to reside within the county for which he is surveyor. An**
11 **appointed surveyor need not reside within the county for which he is surveyor.**

12 **3. Notwithstanding the provisions of subsection 1 of this section, or any other law**
13 **to the contrary, the county commission of any county of the third or fourth classification**
14 **may appoint a surveyor following a general election in which the office of surveyor is on**
15 **the ballot, if no qualified candidate seeks said office. The appointed surveyor shall serve**
16 **at the pleasure of the county commission, however, an appointed surveyor shall forfeit said**
17 **office once a qualified individual, who has been duly elected at a regularly scheduled**
18 **general election where the office of surveyor is on the ballot and who has been**
19 **commissioned by the governor, takes office. The county commission shall fix appropriate**
20 **compensation, which need not be equal to that of an elected surveyor.**

64.907. 1. Any county subject to Environmental Protection Agency rules 40 C.F.R.
2 **Parts 9, 122, 123, and 124 concerning storm water discharges is authorized to adopt rules,**
3 **regulations, or ordinances reasonably necessary to comply with such federal regulations**
4 **including but not limited to rules, regulations, or ordinances which promote the best storm**
5 **water management practices in regulating storm water discharges established by the**
6 **Environmental Protection Agency.**

7 **2. Any county adopting rules, regulations, or ordinances under subsection 1 of this**

8 section is authorized to establish by rule, regulation, or ordinance a storm water control
9 utility or other entity to administer any such rules, regulations, or ordinances adopted
10 under subsection 1 of this section which shall include authority to impose user fees to fund
11 the administration of such rules, regulations, or ordinances.

12 3. Any county adopting rules, regulations, or ordinances under subsection 1 of this
13 section is authorized to establish by rule, regulation, or ordinance a storm water control
14 utility tax in such amount as is deemed reasonable and necessary to fund public storm
15 water control projects if such tax is approved by majority of the votes cast.

16 4. The tax authorized in this section shall be in addition to the charge for the storm
17 water control and all other taxes imposed by law, and the proceeds of such tax shall be
18 used by the county solely for storm water control. Such tax shall be stated separately from
19 all other charges and taxes.

20 5. The ballot of submission for the tax authorized in this section shall be in
21 substantially the following form:

22 Shall (insert the name of the county) impose a tax on the charges for storm
23 water control in (name of county) at a rate of (insert rate of percent) percent for
24 the sole purpose of storm water control?

25 YES

NO

26 If a majority of the votes cast on the question by the qualified voters voting thereon are in
27 favor of the question, then the tax shall become effective on the first day of the second
28 calendar quarter following the calendar quarter in which the election was held. If a
29 majority of the votes cast on the question by the qualified voters voting thereon are
30 opposed to the question, then the tax authorized by this section shall not become effective
31 unless and until the question is resubmitted pursuant to this section to the qualified voters
32 of the county and such question is approved by a majority of the qualified voters of the
33 county voting on the question.

67.399. 1. The governing body of any municipality or county with a charter form of
2 government and with more than one million inhabitants may, by ordinance, establish a
3 semiannual registration fee not to exceed two hundred dollars which shall be charged to the
4 owner of any parcel of residential property improved by a residential structure, or commercial
5 property improved by a structure containing multiple dwelling units, that is vacant, has been
6 vacant for at least six months, and is characterized by violations of applicable housing codes
7 established by such municipality.

8 2. The municipality shall designate a municipal officer to investigate any property that
9 may be subject to the registration fee. The officer shall report his findings and recommendations,
10 and shall determine whether any such property shall be subject to the registration fee. Within

11 five business days, the clerk of the municipality **or county with a charter form of government**
12 **and with more than one million inhabitants** shall notify by mail the owners of property on
13 which the registration fee has been levied at their last known address according to the records
14 of the city and the county. The property owner shall have the right to appeal the decision of the
15 office to the municipal court within thirty days of such notification. Absent the existence of any
16 valid appeal or request for reconsideration pursuant to subsection 3 of this section, the
17 registration fee shall begin to accrue on the beginning of the second calendar quarter after the
18 decision of the municipal officer.

19 3. Within thirty days of the municipality **or county with a charter form of government**
20 **and with more than one million inhabitants** making such notification, the property owner may
21 complete any improvements to the property that may be necessary to revoke the levy of the
22 registration fee, and then may request a reinspection of the property and a reconsideration of the
23 levy of the registration fee by the municipality **or county with a charter form of government**
24 **and with more than one million inhabitants**. If the municipal **or county** officer revokes the
25 registration fee, no such assessment shall be made and the matter shall be considered closed. If
26 the [municipal] officer affirms the assessment of the registration fee, the property owner shall
27 have the right to appeal the reconsideration decision of the [municipal] officer to the municipal
28 court within thirty days of such decision. Absent the existence of any valid appeal to the
29 municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue
30 on the beginning of the second calendar quarter after the reconsideration decision of the
31 municipal governing body.

32 4. The municipal governing body shall establish by ordinance procedures for payment
33 of the registration fee and penalties for delinquent payments of such fees. Any registration fees
34 which are delinquent for a period of one year shall become a lien on the property and shall be
35 subject to foreclosure proceedings in the same manner as delinquent real property taxes. The
36 owner of the property against which the assessment was originally made shall be able to redeem
37 the property only by presenting evidence that the violations of the applicable housing code cited
38 by the municipal officers have been cured and presenting payment of all registration fees and
39 penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered
40 released and the delinquent registration fee forgiven.

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,

9 50.1000 to 50.1200, RSMo.

473.730. 1. Every county in this state, and the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. **A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes.** Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

20 2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, RSMo, and 475, RSMo, is a public officer. The duties specified by section 475.120, RSMo, are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

25 3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, RSMo, subject to the minimum salary requirements set forth in section 473.742.

Section 1. 1. In all counties, other than counties of the first classification having a charter form of government, using data processing systems of record keeping, in addition to other duties provided by law, the county collector and treasurer ex officio collector shall from the inception establish an adequate system of bookkeeping and accounting, authorize and prescribe the method and manner of calculation, extension and collection of taxes, and specify the format of the tax books, and the form and manner of preparation of tax bills.

7 **2. Any computer enhancements, changes, modifications, or any purchases of new**
8 **or additional computer software or equipment shall interface with the computer software**

9 **and equipment in use, so that any such changes and procedures shall not interrupt, cause**
 10 **suffering or any loss of mechanical or electronic performances to the office or offices whose**
 11 **duties are directly affected by such procedural changes.**

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
 the superintendent of the state highway patrol. After the roads have been properly

7 marked by signs indicating the speed limits set by the county commission, the speed
8 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
subsubsection 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,
including those having a charter form of government, may elect to accept the
3 provisions of chapter 287, RSMo, governing workers' compensation.]

2 [49.380. If there is no suitable ground for that purpose belonging to said
3 county within the limits of the original town known as the established seat of justice,
4 the superintendent shall select a proper piece of ground anywhere within the
5 corporate limits of the town known as the county seat, and may purchase or receive
6 by donation a lot or lots of ground for that purpose, and shall take a good and
7 sufficient deed in fee simple for the same to the county, and shall make report of his
proceedings to the county commission and the circuit court at its next sitting.]

2 [67.399. 1. The governing body of any municipality contained wholly or
3 partially within a county with a population of over six hundred thousand and less
4 than nine hundred thousand may adopt an ordinance as provided in this section. The
5 ordinance may establish a semiannual registration fee not to exceed two hundred
6 dollars which shall be charged to the owner of any parcel of residential property
7 improved by a residential structure, or commercial property improved by a structure
8 containing multiple dwelling units, that is vacant, has been vacant for at least six
9 months, and is characterized by violations of applicable housing codes established
by such municipality.

10 2. The municipality shall designate a municipal officer to investigate any
11 property that may be subject to the registration fee. The officer shall report his
12 findings and recommendations, and shall determine whether any such property shall
13 be subject to the registration fee. Within five business days, the clerk of the
14 municipality shall notify by mail the owners of property on which the registration fee
15 has been levied at their last known address according to the records of the city and
16 the county. The property owner shall have the right to appeal the decision of the
17 office to the municipal court within thirty days of such notification. Absent the
18 existence of any valid appeal or request for reconsideration pursuant to subsection
19 3 of this section, the registration fee shall begin to accrue on the beginning of the
20 second calendar quarter after the decision of the municipal officer.

21 3. Within thirty days of the municipality making such notification, the
22 property owner may complete any improvements to the property that may be
23 necessary to revoke the levy of the registration fee, and then may request a
24 reinspection of the property and a reconsideration of the levy of the registration fee

25 by the municipality. If the municipal officer revokes the registration fee, no such
26 assessment shall be made and the matter shall be considered closed. If the municipal
27 officer affirms the assessment of the registration fee, the property owner shall have
28 the right to appeal the reconsideration decision of the municipal officer to the
29 municipal court within thirty days of such decision. Absent the existence of any
30 valid appeal to the municipal court or other court of competent jurisdiction, the
31 registration fee shall begin to accrue on the beginning of the second calendar quarter
32 after the reconsideration decision of the municipal governing body.

33 4. The municipal governing body shall establish by ordinance procedures for
34 payment of the registration fee and penalties for delinquent payments of such fees.
35 Any registration fees which are delinquent for a period of one year shall become a
36 lien on the property and shall be subject to foreclosure proceedings in the same
37 manner as delinquent real property taxes. The owner of the property against which
38 the assessment was originally made shall be able to redeem the property only by
39 presenting evidence that the violations of the applicable housing code cited by the
40 municipal officers have been cured and presenting payment of all registration fees
41 and penalties. Upon bona fide sale of the property to an unrelated party said lien
42 shall be considered released and the delinquent registration fee forgiven.]

2 [150.150. Except as otherwise provided in this section, the collector shall,
3 at the time of delivering such license, collect the sum of five dollars, the fee allowed
4 in this section to the clerk for issuing the license, except that any fees herein received
5 by the collector shall be paid into the county or city treasury, as provided by law. In
6 any county of the first classification with a charter form of government which
7 contains all or part of a city with a population of three hundred fifty thousand or more
8 inhabitants, the collector shall, at the time of delivering such license, collect a fee set
9 by the governing body of the county, except that such fee shall not exceed one
10 hundred dollars and the governing body of the county may, in lieu of altering the fee
11 otherwise prescribed in this section, elect to not collect any fee for the issuance and
delivery of such licenses.]