

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617
100TH GENERAL ASSEMBLY

3762H.06C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 29.230, 44.080, 163.011, 163.024, 192.300, 321.015, 321.190, 321.300, and 321.603, RSMo, and to enact in lieu thereof fourteen new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

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

Section A. Sections 29.230, 44.080, 163.011, 163.024, 192.300, 321.015, 321.190, 321.300, and 321.603, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 29.230, 44.080, 67.309, 163.011, 163.024, 192.300, 217.850, 321.015, 321.190, 321.300, 321.603, 321.621, 577.800, and 632.460, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision

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

15 determined on the basis of the registered voters eligible to vote at the last gubernatorial election
16 held prior to the filing of the petition;

17 (2) If the number of qualified voters of the political subdivision determined on the basis
18 of the votes cast in the last gubernatorial election held prior to the filing of the petition is one
19 thousand or more but less than five thousand, fifteen percent of the qualified voters of the
20 political subdivision determined on the basis of the votes cast in the last gubernatorial election
21 held prior to the filing of the petition, provided that the number of qualified voters signing such
22 petition is not less than two hundred;

23 (3) If the number of qualified voters of the political subdivision determined on the basis
24 of the votes cast in the last gubernatorial election held prior to the filing of the petition is five
25 thousand or more but less than fifty thousand, ten percent of the qualified voters of the political
26 subdivision determined on the basis of the votes cast in the last gubernatorial election held prior
27 to the filing of the petition, provided that the number of qualified voters signing such petition is
28 not less than seven hundred fifty;

29 (4) If the number of qualified voters of the political subdivision determined on the basis
30 of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty
31 thousand or more, five percent of the qualified voters of the political subdivision determined on
32 the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition,
33 provided that the number of qualified voters signing such petition is not less than five thousand.

34 3. The political subdivision shall pay the actual cost of audit. The petition that requests
35 an audit of a political subdivision shall state on its face the estimated cost of the audit and that
36 it will be paid by the political subdivision being audited. The estimated cost of the audit shall
37 be provided by the state auditor within sixty days of such request. The costs of the audit may be
38 billed and paid on an interim basis with individual billing periods to be set at the state auditor's
39 discretion. Moneys held by the state on behalf of a political subdivision may be used to offset
40 unpaid billings for audit costs of the political subdivision. All moneys received by the state in
41 payment of the costs of petition audits shall be deposited in the state treasury and credited to the
42 "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as
43 custodian. The general assembly may appropriate additional moneys to the fund as it deems
44 necessary. The state auditor shall administer the fund and approve all disbursements, upon
45 appropriation, from the fund to apply to the costs of performing petition audits. The provisions
46 of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and
47 placed to the credit of general revenue until the amount in the fund at the end of any biennium
48 exceeds one million dollars. The amount in the fund which shall lapse is the amount which
49 exceeds one million dollars. No political subdivision shall be audited by petition more than once
50 in any three calendar or fiscal years.

51 4. Any person who allegedly signed or has signed the original petition may submit a
52 sworn statement to the state auditor that the person did not sign such petition or that the person
53 wishes to rescind such signature. Such statement shall be required to be made within ten days
54 from submission of the petition to the state auditor. If such statement is timely filed, such
55 signature shall be withdrawn and shall not count in the determination of the number of qualified
56 voters necessary to compel an audit under subsection 2 of this section.

57 **5. (1) The provisions of section 29.185 to the contrary notwithstanding, in the**
58 **course of conducting any audit in any county of the third classification pursuant to**
59 **subsection 1 of this section, the state auditor shall not conduct a performance audit if:**

60 **(a) The county commission has elected not to be subject to a performance audit**
61 **through the passage of a resolution; and**

62 **(b) The county has undergone an audit examination by a certified public**
63 **accountant licensed pursuant to chapter 326 in accordance with generally accepted**
64 **auditing standards at least once in the preceding two years.**

65 **(2) Any resolution adopted pursuant to subdivision (1) of this subsection shall be**
66 **transmitted to the state auditor within sixty days of its passage.**

67 **(3) The county commission shall transmit to the state auditor a copy of any audit**
68 **report conducted by a certified public accountant licensed pursuant to chapter 326 not**
69 **later than October thirty-first following the close of the fiscal period covered by the audit.**
70 **In the event the report is not transmitted to the state auditor by such date, absent good**
71 **cause shown, the state auditor may conduct a performance audit.**

 44.080. 1. Each political subdivision of this state shall establish a local organization for
2 disaster planning in accordance with the state emergency operations plan and program. The
3 executive officer of the political subdivision shall appoint a coordinator who shall have direct
4 responsibility for the organization, administration and operation of the local emergency
5 management operations, subject to the direction and control of the executive officer or governing
6 body. Each local organization for emergency management shall be responsible for the
7 performance of emergency management functions within the territorial limits of its political
8 subdivision, and may conduct these functions outside of the territorial limits as may be required
9 pursuant to the provisions of this law.

10 2. In carrying out the provisions of this law, each political subdivision may:

11 (1) Appropriate and expend funds, make contracts, obtain and distribute equipment,
12 materials, and supplies for emergency management purposes; provide for the health and safety
13 of persons; the safety of property; and direct and coordinate the development of disaster plans
14 and programs in accordance with the policies and plans of the federal and state governments; and

15 (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and
16 other emergency operations teams, units or personnel who may serve without compensation.

17 **3. No state of emergency declared by a county executive shall be imposed or**
18 **continue for more than fifteen days without a sixty percent majority vote of the county**
19 **governing body approving and setting the number of days beyond the fifteen days.**

67.309. No political subdivision of this state shall adopt an ordinance, resolution,
2 **regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection**
3 **or reconnection of a utility service based upon the type or source of energy to be delivered**
4 **to an individual customer. Nothing in this section shall limit the ability of a political**
5 **subdivision to choose utility services for properties owned by such political subdivision.**

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and
3 incidental funds for a school district as reported to the proper officer of each county pursuant to
4 section 164.011;

5 (2) "Average daily attendance", the quotient or the sum of the quotients obtained by
6 dividing the total number of hours attended in a term by resident pupils between the ages of five
7 and twenty-one by the actual number of hours school was in session in that term. To the average
8 daily attendance of the following school term shall be added the full-time equivalent average
9 daily attendance of summer school students. "Full-time equivalent average daily attendance of
10 summer school students" shall be computed by dividing the total number of hours, except for
11 physical education hours that do not count as credit toward graduation for students in grades
12 nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours
13 required in section 160.011 in the school term. For purposes of determining average daily
14 attendance under this subdivision, the term "resident pupil" shall include all children between
15 the ages of five and twenty-one who are residents of the school district and who are attending
16 kindergarten through grade twelve in such district. If a child is attending school in a district
17 other than the district of residence and the child's parent is teaching in the school district or is a
18 regular employee of the school district which the child is attending, then such child shall be
19 considered a resident pupil of the school district which the child is attending for such period of
20 time when the district of residence is not otherwise liable for tuition. Average daily attendance
21 for students below the age of five years for which a school district may receive state aid based
22 on such attendance shall be computed as regular school term attendance unless otherwise
23 provided by law;

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for

27 instruction and support services except capital outlay and debt service expenditures minus the
28 revenue from federal categorical sources; food service; student activities; categorical payments
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood
30 special education; the career ladder entitlement for the district, as provided for in sections
31 168.500 to 168.515; the vocational education entitlement for the district, as provided for in
32 section 167.332; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) of this subdivision plus any increases in state funding
35 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five
36 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year
37 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
38 and free textbook payments for any district from the first preceding calculation of the state
39 adequacy target;

40 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the
41 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for
42 debt service;

43 (5) "Dollar-value modifier", an index of the relative purchasing power of a dollar,
44 calculated as one plus fifteen percent of the difference of the regional wage ratio minus one,
45 provided that the dollar value modifier shall not be applied at a rate less than 1.0. **As used in**
46 **this subdivision, the following terms mean:**

47 (a) "County wage per job", the total county wage and salary disbursements divided by
48 the total county wage and salary employment for each county and the City of St. Louis as
49 reported by the Bureau of Economic Analysis of the United States Department of Commerce for
50 the fourth year preceding the payment year;

51 (b) "Regional wage per job":

52 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
53 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
54 salary employment for the metropolitan area for the county signified in the school district number
55 or the City of St. Louis, as reported by the Bureau of Economic Analysis of the United States
56 Department of Commerce for the fourth year preceding the payment year and recalculated upon
57 every decennial census to incorporate counties that are newly added to the description of
58 metropolitan areas; or if no such metropolitan area is established, then:

59 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
60 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
61 salary employment for the micropolitan area for the county signified in the school district
62 number, as reported by the Bureau of Economic Analysis of the United States Department of

63 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county
64 has been established and recalculated upon every decennial census to incorporate counties that
65 are newly added to the description of micropolitan areas; or

66 c. If a county is not part of a metropolitan or micropolitan area as established by the
67 Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of
68 this subdivision, shall be used for the school district, as signified by the school district number;

69 (c) "Regional wage ratio", the ratio of the regional wage per job divided by the state
70 median wage per job;

71 (d) "State median wage per job", the fifty-eighth highest county wage per job;

72 (6) "Free and reduced price lunch pupil count", for school districts not eligible for and
73 those that do not choose the USDA Community Eligibility Option, the number of pupils eligible
74 for free and reduced price lunch on the last Wednesday in January for the preceding school year
75 who were enrolled as students of the district, as approved by the department in accordance with
76 applicable federal regulations. For eligible school districts that choose the USDA Community
77 Eligibility Option, the free and reduced price lunch pupil count shall be the percentage of free
78 and reduced price lunch students calculated as eligible on the last Wednesday in January of the
79 most recent school year that included household applications to determine free and reduced price
80 lunch count multiplied by the district's average daily attendance figure;

81 (7) "Free and reduced price lunch threshold" shall be calculated by dividing the total free
82 and reduced price lunch pupil count of every performance district that falls entirely above the
83 bottom five percent and entirely below the top five percent of average daily attendance, when
84 such districts are rank-ordered based on their current operating expenditures per average daily
85 attendance, by the total average daily attendance of all included performance districts;

86 (8) "Limited English proficiency pupil count", the number in the preceding school year
87 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
88 or secondary school who were not born in the United States or whose native language is a
89 language other than English or are Native American or Alaskan native, or a native resident of
90 the outlying areas, and come from an environment where a language other than English has had
91 a significant impact on such individuals' level of English language proficiency, or are migratory,
92 whose native language is a language other than English, and who come from an environment
93 where a language other than English is dominant; and have difficulties in speaking, reading,
94 writing, or understanding the English language sufficient to deny such individuals the ability to
95 meet the state's proficient level of achievement on state assessments described in Public Law
96 107-10, the ability to achieve successfully in classrooms where the language of instruction is
97 English, or the opportunity to participate fully in society;

98 (9) "Limited English proficiency threshold" shall be calculated by dividing the total
99 limited English proficiency pupil count of every performance district that falls entirely above the
100 bottom five percent and entirely below the top five percent of average daily attendance, when
101 such districts are rank-ordered based on their current operating expenditures per average daily
102 attendance, by the total average daily attendance of all included performance districts;

103 (10) "Local effort":

104 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
105 assessed valuation of the property of a school district in calendar year 2004 divided by one
106 hundred and multiplied by the performance levy less the percentage retained by the county
107 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
108 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts
109 from state-assessed railroad and utility tax, one hundred percent of the amount received for
110 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to
111 150.370, one hundred percent of the amounts received for school purposes from federal
112 properties under sections 12.070 and 12.080 except when such amounts are used in the
113 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
114 received for school purposes from the school district trust fund under section 163.087, and one
115 hundred percent of any local earnings or income taxes received by the district for school
116 purposes. Under this paragraph, for a special district established under sections 162.815 to
117 162.940 in a county with a charter form of government and with more than one million
118 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special
119 school district;

120 (b) In every **fiscal** year subsequent to fiscal year 2007 **through June 30, 2021**, "local
121 effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase
122 in the amount received for school purposes from fines. **In every fiscal year beginning on or**
123 **after July 1, 2021, "local effort" shall be the amount calculated under paragraph (a) of this**
124 **subdivision, and any increase in the amount received for school purposes from fines shall**
125 **not be included.** If a district's assessed valuation has decreased subsequent to the calculation
126 outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using
127 the district's current assessed valuation in lieu of the assessed valuation utilized in the calculation
128 outlined in paragraph (a) of this subdivision. When a change in a school district's boundary lines
129 occurs because of a boundary line change, annexation, attachment, consolidation, reorganization,
130 or dissolution under section 162.071, 162.081, sections 162.171 to 162.201, section 162.221,
131 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory
132 from a district that ceases to exist for any reason, the department of elementary and secondary
133 education shall make a proper adjustment to each affected district's local effort, so that each

134 district's local effort figure conforms to the new boundary lines of the district. The department
135 shall compute the local effort figure by applying the calendar year 2004 assessed valuation data
136 to the new land areas resulting from the boundary line change, annexation, attachment,
137 consolidation, reorganization, or dissolution and otherwise follow the procedures described in
138 this subdivision;

139 (11) "Membership" shall be the average of:

140 (a) The number of resident full-time students and the full-time equivalent number of
141 part-time students who were enrolled in the public schools of the district on the last Wednesday
142 in September of the previous year and who were in attendance one day or more during the
143 preceding ten school days; and

144 (b) The number of resident full-time students and the full-time equivalent number of
145 part-time students who were enrolled in the public schools of the district on the last Wednesday
146 in January of the previous year and who were in attendance one day or more during the preceding
147 ten school days, plus the full-time equivalent number of summer school pupils. "Full-time
148 equivalent number of part-time students" is determined by dividing the total number of hours for
149 which all part-time students are enrolled by the number of hours in the school term. "Full-time
150 equivalent number of summer school pupils" is determined by dividing the total number of hours
151 for which all summer school pupils were enrolled by the number of hours required pursuant to
152 section 160.011 in the school term. Only students eligible to be counted for average daily
153 attendance shall be counted for membership;

154 (12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and
155 incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of
156 any transitional school district containing the school district, in the payment year, not including
157 any equalized operating levy for school purposes levied by a special school district in which the
158 district is located;

159 (13) "Performance district", any district that has met performance standards and
160 indicators as established by the department of elementary and secondary education for purposes
161 of accreditation under section 161.092 and as reported on the final annual performance report
162 for that district each year; for calculations to be utilized for payments in fiscal years subsequent
163 to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of
164 all public school districts;

165 (14) "Performance levy", three dollars and forty-three cents;

166 (15) "School purposes" pertains to teachers' and incidental funds;

167 (16) "Special education pupil count", the number of public school students with a current
168 individualized education program or services plan and receiving services from the resident
169 district as of December first of the preceding school year, except for special education services

170 provided through a school district established under sections 162.815 to 162.940 in a county with
171 a charter form of government and with more than one million inhabitants, in which case the sum
172 of the students in each district within the county exceeding the special education threshold of
173 each respective district within the county shall be counted within the special district and not in
174 the district of residence for purposes of distributing the state aid derived from the special
175 education pupil count;

176 (17) "Special education threshold" shall be calculated by dividing the total special
177 education pupil count of every performance district that falls entirely above the bottom five
178 percent and entirely below the top five percent of average daily attendance, when such districts
179 are rank-ordered based on their current operating expenditures per average daily attendance, by
180 the total average daily attendance of all included performance districts;

181 (18) "State adequacy target", the sum of the current operating expenditures of every
182 performance district that falls entirely above the bottom five percent and entirely below the top
183 five percent of average daily attendance, when such districts are rank-ordered based on their
184 current operating expenditures per average daily attendance, divided by the total average daily
185 attendance of all included performance districts. The department of elementary and secondary
186 education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the
187 state adequacy target every two years using the most current available data. The recalculation
188 shall never result in a decrease from the state adequacy target as calculated for fiscal years 2017
189 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018. Should
190 a recalculation result in an increase in the state adequacy target amount, fifty percent of that
191 increase shall be included in the state adequacy target amount in the year of recalculation, and
192 fifty percent of that increase shall be included in the state adequacy target amount in the
193 subsequent year. The state adequacy target may be adjusted to accommodate available
194 appropriations as provided in subsection 7 of section 163.031;

195 (19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal,
196 supervising principal, superintendent or assistant superintendent, school nurse, social worker,
197 counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve
198 more than one-half time in the public schools and who is certified under the laws governing the
199 certification of teachers in Missouri;

200 (20) "Weighted average daily attendance", the average daily attendance plus the product
201 of twenty-five hundredths multiplied by the free and reduced price lunch pupil count that exceeds
202 the free and reduced price lunch threshold, plus the product of seventy-five hundredths
203 multiplied by the number of special education pupil count that exceeds the special education
204 threshold, plus the product of six-tenths multiplied by the number of limited English proficiency
205 pupil count that exceeds the limited English proficiency threshold. For special districts

206 established under sections 162.815 to 162.940 in a county with a charter form of government and
207 with more than one million inhabitants, weighted average daily attendance shall be the average
208 daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced
209 price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product
210 of seventy-five hundredths multiplied by the sum of the special education pupil count that
211 exceeds the threshold for each county district, plus the product of six-tenths multiplied by the
212 limited English proficiency pupil count that exceeds the limited English proficiency threshold.
213 None of the districts comprising a special district established under sections 162.815 to 162.940
214 in a county with a charter form of government and with more than one million inhabitants[,] shall
215 use any special education pupil count in calculating their weighted average daily attendance.

163.024. 1. All moneys received in the Iron County school fund, Reynolds County
2 school fund, Jefferson County school fund, and Washington County school fund from the
3 payment of a civil penalty pursuant to a consent decree filed in the United States district court
4 for the eastern district of Missouri in December, 2011, in the case of *United States of America*
5 *and State of Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run Company,"*
6 *and the Buick Resource Recycling Facility, LLC*, because of environmental violations shall not
7 be included in any district's local effort figure, as such term is defined in section 163.011. The
8 provisions of this [section] **subsection** shall terminate on July 1, 2016.

9 **2. (1) No moneys received in the Iron County school fund from the payment of any**
10 **penalty, whether to resolve violations or as payment of any stipulated penalty, under**
11 **Administrative Order on Consent No. APCP-2019-001 ("Order") issued by the department**
12 **of natural resources and effective on August 30, 2019, shall be included in such school**
13 **district's local effort calculation, as such term is defined in section 163.011.**

14 **(2) The department of natural resources shall notify the revisor of statutes when**
15 **the Order is terminated as provided in the Order, and this subsection shall expire on the**
16 **last day of the fiscal year in which the revisor receives such notification from the**
17 **department.**

192.300. 1. The county commissions and the county health center boards of the several
2 counties may make and promulgate orders, ordinances, rules or regulations, respectively as will
3 tend to enhance the public health and prevent the entrance of infectious, contagious,
4 communicable or dangerous diseases into such county, but any orders, ordinances, rules or
5 regulations shall not:

6 (1) Be in conflict with any rules or regulations authorized and made by the department
7 of health and senior services in accordance with this chapter or by the department of social
8 services under chapter 198; or

9 (2) Impose standards or requirements on an agricultural operation and its appurtenances,
10 as such term is defined in section 537.295, that are inconsistent with or more stringent than any
11 provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation
12 promulgated under such chapters.

13 2. The county commissions and the county health center boards of the several counties
14 may establish reasonable fees to pay for any costs incurred in carrying out such orders,
15 ordinances, rules or regulations, however, the establishment of such fees shall not deny personal
16 health services to those individuals who are unable to pay such fees or impede the prevention or
17 control of communicable disease. Fees generated shall be deposited in the county treasury. All
18 fees generated under the provisions of this section shall be used to support the public health
19 activities for which they were generated.

20 3. After the promulgation and adoption of such orders, ordinances, rules or regulations
21 by such county commission or county health board, such commission or county health board
22 shall make and enter an order or record declaring such orders, ordinances, rules or regulations
23 to be printed and available for distribution to the public in the office of the county clerk, and
24 shall require a copy of such order to be published in some newspaper in the county in three
25 successive weeks, not later than thirty days after the entry of such order, ordinance, rule or
26 regulation.

27 4. Any person, firm, corporation or association which violates any of the orders or
28 ordinances adopted, promulgated and published by such county commission is guilty of a
29 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county
30 commission or county health board of any such county has full power and authority to initiate
31 the prosecution of any action under this section.

32 **5. A county health board, or director or hired personnel thereof, shall only act in**
33 **an advisory capacity to a county commission or other county executive.**

217.850. 1. A person commits the offense of unlawful use of unmanned aircraft
2 **over a correctional center if he or she purposely:**

3 **(1) Operates an unmanned aircraft within a vertical distance of four hundred feet**
4 **over a correctional center's secure perimeter fence; or**

5 **(2) Allows an unmanned aircraft to make contact with a correctional center,**
6 **including any person or object on the premises of or within the facility.**

7 **2. For purposes of this section, "correctional center" shall include:**

8 **(1) Any correctional center as defined in section 217.010;**

9 **(2) Any private jail as defined in section 221.095; and**

10 **(3) Any county or municipal jail.**

11 **3. The provisions of this section shall not prohibit the operation of an unmanned**
12 **aircraft by:**

13 **(1) An employee of the correctional center at the direction of the chief**
14 **administrative officer of the facility;**

15 **(2) A person who has written consent from the chief administrative officer of the**
16 **facility;**

17 **(3) An employee of a law enforcement agency, fire department, or emergency**
18 **medical service in the exercise of official duties;**

19 **(4) A government official or employee in the exercise of official duties;**

20 **(5) A public utility or a rural electric cooperative if:**

21 **(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or**
22 **maintaining utility transmission or distribution lines or other utility equipment or**
23 **infrastructure;**

24 **(b) The utility notifies the correctional center before flying the unmanned aircraft,**
25 **except during an emergency; and**

26 **(c) The person operating the unmanned aircraft does not physically enter the**
27 **prohibited space without an escort provided by the correctional center;**

28 **(6) An employee of a railroad in the exercise of official duties on any land owned**
29 **or operated by a railroad corporation regulated by the Federal Railroad Administration;**
30 **or**

31 **(7) A person operating an unmanned aircraft pursuant to and in compliance with**
32 **any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.**

33 **4. The offense of unlawful use of unmanned aircraft over a correctional center shall**
34 **be punishable as an infraction unless the person uses an unmanned aircraft for the purpose**
35 **of:**

36 **(1) Delivering a gun, knife, weapon, or other article that may be used in such**
37 **manner to endanger the life of an offender or correctional center employee, in which case**
38 **the offense is a class B felony;**

39 **(2) Facilitating an escape from confinement under section 575.210, in which case**
40 **the offense is a class C felony; or**

41 **(3) Delivering a controlled substance, as that term is defined under section 195.010,**
42 **in which case the offense is a class D felony.**

43 **5. Each correctional center shall post a sign warning of the provisions of this**
44 **section. The sign shall be at least eleven inches by fourteen inches and posted in a**
45 **conspicuous place.**

321.015. 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees ~~[and]~~ , notaries public, **or employees of a law enforcement agency;**

(2) Fire protection districts located wholly within counties of the second, third or fourth classification;

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within counties of the first classification not adjoining any other county of the first classification;

(5) Fire protection districts located within any county of the first or second classification not having more than nine hundred thousand inhabitants which borders any three counties of the first classification;

(6) Fire protection districts located within any county of the first classification which adjoins both a county with a charter form of government with more than nine hundred fifty thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.

321.190. Each member of the board may receive an attendance fee not to exceed one hundred **fifty** dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than ~~[two in any calendar month, except that in a county of the first class having a charter form of government, he shall not be paid for attending more than four in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than]~~ one board meeting in a calendar week. In addition, the chairman of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting~~[, but shall not be paid the additional fee for attending more than two meetings in any calendar month]~~. Each member of the board shall be reimbursed for his or

10 her actual expenditures in the performance of his or her duties on behalf of the district. The
11 secretary and the treasurer, if members of the board of directors, may each receive such
12 additional compensation for the performance of their respective duties as secretary and treasurer
13 as the board shall deem reasonable and necessary, not to exceed one thousand dollars per year.
14 The circuit court having jurisdiction over the district shall have power to remove directors or any
15 of them for good cause shown upon a petition, notice and hearing.

321.300. 1. The boundaries of any district organized pursuant to the provisions of this
2 chapter may be changed in the manner prescribed in this section; but any change of boundaries
3 of the district shall not impair or affect its organization or its rights in or to property, or any of
4 its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract,
5 obligation, lien or charge for or upon which it might be liable or chargeable had any change of
6 boundaries not been made.

7 2. The boundaries may be changed as follows:

8 (1) Twenty-five percent of the number of voters who voted in the most recent
9 gubernatorial election in the area to be annexed may file with the board a petition in writing
10 praying that such real property be included within the district; provided that in the case of a
11 municipality having less than twenty percent of its total population in one fire protection district,
12 the entire remaining portion may be included in another district so that none of the city is outside
13 of a fire protection district at the time. The petition shall describe the property to be included in
14 the district and shall describe the property owned by the petitioners and shall be deemed to give
15 assent of the petitioners to the inclusion in the district of the property described in the petition;
16 and such petition shall be in substantially the form set forth in section 321.495 dealing with
17 referendums and verified in like manner; provided, however, that in the event that there are more
18 than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed
19 sufficient description of their property in the petition as required in this section to list the
20 addresses of such property; or

21 (2) All of the owners of any territory or tract of land near or adjacent to a fire protection
22 district who own all of the real estate in such territory or tract of land may file a petition with the
23 board praying that such real property be included in the district. The petition shall describe the
24 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
25 inclusion in the district of the property described in the petition;

26 (3) Notwithstanding any provision of law to the contrary, in any fire protection district
27 which is partly or wholly located in a noncharter county of the first classification with a
28 population of less than one hundred thousand which adjoins any county of the first classification
29 with a charter form of government with a population of nine hundred thousand or more
30 inhabitants, if such fire protection district serves any portion of a city which is located in both

31 such counties, the boundaries of the district may be expanded so as to include the entire city
32 within the fire protection district, but the boundaries of the district shall not be expanded beyond
33 the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such
34 change in the boundaries of the district shall be accomplished only if twenty-five percent of the
35 number of voters who voted in the most recent gubernatorial election in the area to be annexed
36 file with the board a petition in writing praying that such real property be included within the
37 district. The petition shall describe the property to be included in the district and shall describe
38 the property owned by the petitioners and shall be deemed to give assent of the petitioners to the
39 inclusion in the district of the property described in the petition; and such petition shall be in
40 substantially the form set forth in section 321.495 dealing with referendums and verified in like
41 manner.

42 **(4) Notwithstanding any provision of law to the contrary, if one or more fire**
43 **protection districts serve any portion of a city with a charter form of government that has**
44 **a municipal fire department and is located in a county with a charter form of government**
45 **with a population of nine hundred thousand or more inhabitants, the boundaries of any**
46 **district may be expanded so as to include areas within the city into the boundaries of a fire**
47 **protection district, but the boundaries of any district shall not be expanded beyond the city**
48 **limits of such city, as the boundaries of such city existed on July 1, 2020. Such change in**
49 **the district boundaries shall be accomplished pursuant to the provisions of this subdivision**
50 **only if the governing body of such city shall file with the board of any such fire protection**
51 **district a written consent for the board to seek approval of the circuit court having**
52 **jurisdiction over the district for extension of the district's boundaries and to submit the**
53 **question of extension of the district's boundaries to the registered voters of the area**
54 **described in the city's consent with respect to that district. If the board of directors of the**
55 **fire protection district or districts endorse the consent filed by such city, the district may**
56 **petition the circuit court having jurisdiction over such district to order the extension of the**
57 **district's boundaries to include the area described in the city's written consent with respect**
58 **to that district subject to approval at an election held for that purpose. At such election,**
59 **the question shall be submitted to the registered voters of the area to be included in a fire**
60 **protection district in substantially the following form:**

61 **Shall the boundaries of the _____ Fire Protection District be extended to**
62 **include the following described property (Describe property)?**

63 ☐ YES ☐ NO

64 **If a majority of the voters voting on the proposition vote in favor of the extension of the**
65 **boundaries of that district, then the court shall enter an order declaring the extension of**
66 **the boundaries of that fire protection district to be final and conclusive. In the event,**

67 **however, that the court finds that a majority of the voters voting in the area to be included**
68 **in a fire protection district voted against the proposition to extend the boundaries of that**
69 **district, then the court shall enter its further order declaring the extension of boundaries**
70 **of that district to be void and of no effect.**

71 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant
72 to this section to be given and published in the county in which the property is located, which
73 notice shall recite the filing of such petition, the number of petitioners, a general description of
74 the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice
75 to all persons interested to appear at the office of the board at the time named in the notice and
76 show cause in writing, if any they have, why the petition should not be granted. The board shall
77 at the time and place mentioned, or at such time or times to which the hearing may be adjourned,
78 proceed to hear the petition and all objections thereto presented in writing by any person showing
79 cause why the petition should not be granted. The failure of any person interested to show cause
80 in writing why such petition shall not be granted shall be deemed as an assent on his part to the
81 inclusion of such lands in the district as prayed for in the petition.

82 4. If the board deems it for the best interest of the district, it shall grant the petition, but
83 if the board determines that some portion of the property mentioned in the petition cannot as a
84 practical matter be served by the district, or if it deems it for the best interest of the district that
85 some portion of the property in the petition not be included in the district, then the board shall
86 grant the petition in part only. If the petition is granted, the board shall make an order to that
87 effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction
88 over the district, the property shall be included in the district. If the petition contains the
89 signatures of all the owners of the property pursuant to the provisions of subdivision (2) of
90 subsection 2 of this section, the property shall be included in the district upon the order of the
91 court. If the petition contains the signatures of twenty-five percent of the number of voters who
92 voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision
93 (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district
94 subject to the election provided in section 321.301. The circuit court having jurisdiction over the
95 district shall proceed to make any such order including such additional property within the
96 district as is provided in the order of the board, unless the court shall find that such order of the
97 board was not authorized by law or that such order of the board was not supported by competent
98 and substantial evidence.

99 5. Any person aggrieved by any decision of the board made pursuant to the provisions
100 of this section may appeal that decision to the circuit court of the county in which the property
101 is located within thirty days of the decision by the board.

102 6. No fire protection district, or employee thereof, in which territory is annexed pursuant
103 to this section shall be required to comply with any prescribed firefighter training program or
104 regimen which would not otherwise apply to the district or its employees, but for the
105 requirements applicable to the annexed territory.

 321.603. In addition to the compensation provided pursuant to section 321.190 for fire
2 protection districts located in a county of the first classification with a charter form of
3 government, each member of any such fire protection district board may receive an attendance
4 fee not to exceed one hundred **fifty** dollars for attending a board meeting conducted pursuant to
5 chapter 610~~], but such board member shall not be paid for attending more than four such~~
6 ~~meetings in any calendar month. However, no board member shall be paid more than one~~
7 ~~attendance fee if such member attends more than one meeting conducted under chapter 610 in~~
8 ~~a calendar week].~~

321.621. 1. For the purposes of this section, "qualified first responder" shall mean
2 **any state and local law enforcement agency staff, fire department personnel, fire district**
3 **personnel, or licensed emergency medical technician who is acting under the directives and**
4 **established protocols of a medical director of a local licensed ground ambulance service**
5 **licensed under section 190.109 who comes in contact with a person suffering from an**
6 **anaphylactic reaction and who has received training in recognizing and responding to**
7 **anaphylactic reactions and the administration of epinephrine auto-injector devices to a**
8 **person suffering from an apparent anaphylactic reaction. "Qualified first responder**
9 **agencies" shall mean any state or local law enforcement agency, fire department, or**
10 **ambulance service that provides documented training to its staff related to the**
11 **administration of epinephrine auto-injector devices in an apparent anaphylactic reaction.**

12 **2. The department of health and senior services shall issue epinephrine auto-**
13 **injector devices for adult patients to fire protection districts in nonmetropolitan areas in**
14 **Missouri as such areas are determined according to the United States Census Bureau's**
15 **American Community Survey, based on the most recent of five-year period estimate data**
16 **in which the final year of the estimate ends in either zero or five.**

17 **3. Possession and use of epinephrine auto-injector devices for adult patients shall**
18 **be limited as follows:**

19 **(1) No person shall use an epinephrine auto-injector device unless such person has**
20 **successfully completed a training course in the use of epinephrine auto-injector devices for**
21 **adult patients approved by the director of the department of health and senior services.**
22 **Nothing in this section shall prohibit the use of an epinephrine auto-injector device:**

23 **(a) By a health care professional licensed or certified by this state who is acting**
24 **within the scope of his or her practice; or**

25 (b) By a person acting pursuant to a lawful prescription;

26 (2) Every person, firm, organization, and entity authorized to possess and use
27 epinephrine auto-injector devices for adult patients pursuant to this section shall use,
28 maintain, and dispose of such devices for adult patients in accordance with the rules of the
29 department;

30 (3) Every use of an epinephrine auto-injector device pursuant to this section shall
31 immediately be reported to the emergency health care provider as defined in section
32 190.246.

33 4. (1) Use of an epinephrine auto-injector device pursuant to this section shall be
34 considered first aid or emergency treatment for the purpose of any law relating to liability.

35 (2) Purchase, acquisition, possession, or use of an epinephrine auto-injector device
36 pursuant to this section shall not constitute the unlawful practice of medicine or the
37 unlawful practice of a profession.

38 (3) Any person otherwise authorized to sell or provide an epinephrine auto-injector
39 device may sell or provide it to a person authorized to possess it pursuant to this section.

40 5. Any person, firm, organization, or entity that violates the provisions of this
41 section is guilty of a class B misdemeanor.

42 6. (1) There is hereby created in the state treasury the "Epinephrine Auto-injector
43 Devices for Fire Personnel Fund", which shall consist of moneys collected under this
44 section. The state treasurer shall be custodian of the fund. In accordance with sections
45 30.170 and 30.180, the state treasurer may approve disbursements. The moneys in the
46 fund as set forth in this section shall be subject to appropriation by the general assembly
47 for the particular purpose for which collected. The fund shall be a dedicated fund and
48 moneys in the fund shall be used solely by the department of health and senior services for
49 the purposes of providing epinephrine auto-injector devices for adult patients to qualified
50 first responder agencies as used in this section.

51 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
52 remaining in the fund at the end of the biennium shall not revert to the credit of the
53 general revenue fund.

54 (3) The state treasurer shall invest moneys in the fund in the same manner as other
55 funds are invested. Any interest and moneys earned on such investments shall be credited
56 to the fund.

577.800. 1. A person commits the offense of unlawful use of unmanned aircraft
2 over an open-air facility if he or she:

3 (1) Operates an unmanned aircraft within a vertical distance of four hundred feet
4 from the ground and within the property line of an open-air facility; or

5 (2) Uses an unmanned aircraft with the purpose of delivering to a person within an
6 open-air facility any object described in subdivision (1) or (2) of subsection 4 of this section.

7 2. For purposes of this section, "open-air facility" shall mean any sports, theater,
8 music, performing arts, or other entertainment facility with a capacity of five thousand
9 people or more and not completely enclosed by a roof or other structure.

10 3. The provisions of this section shall not prohibit the operation of an unmanned
11 aircraft by:

12 (1) An employee of an open-air facility at the direction of the president or chief
13 executive officer of the open-air facility;

14 (2) A person who has written consent from the president or chief executive officer
15 of the open-air facility;

16 (3) An employee of a law enforcement agency, fire department, or emergency
17 medical service in the exercise of official duties;

18 (4) A government official or employee in the exercise of official duties;

19 (5) A public utility or a rural electric cooperative if:

20 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or
21 maintaining utility transmission or distribution lines or other utility equipment or
22 infrastructure;

23 (b) The utility or cooperative notifies the open-air facility at least twenty-four hours
24 before flying the unmanned aircraft, except during an emergency; and

25 (c) The person operating the unmanned aircraft does not physically enter the
26 prohibited space without an escort provided by the open-air facility; or

27 (6) An employee of a railroad in the exercise of official duties on any land owned
28 or operated by a railroad corporation regulated by the Federal Railroad Administration.

29 4. The offense of unlawful use of unmanned aircraft over an open-air facility shall
30 be punishable as an infraction unless the person uses an unmanned aircraft for:

31 (1) Delivering a gun, knife, weapon, or other article that may be used in such
32 manner to endanger the life of an employee or guest at an open-air facility, in which case
33 the offense is a class B felony; or

34 (2) Delivering a controlled substance, as that term is defined under section 195.010,
35 in which case the offense is a class D felony.

36 5. Each open-air facility shall post a sign warning of the provisions of this section.
37 The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous
38 place.

632.460. 1. A person commits the offense of unlawful use of unmanned aircraft
2 over a mental health hospital if he or she purposely:

3 (1) Operates an unmanned aircraft within a vertical distance of four hundred feet
4 over the mental health hospital's property line; or

5 (2) Uses an unmanned aircraft to deliver to a person confined in a mental health
6 hospital any object described in subdivision (1) or (3) of subsection 6 of this section.

7 2. For the purposes of subsection 1 of this section, vertical distance extends from
8 ground level.

9 3. For purposes of this section, "mental health hospital" shall mean a facility
10 operated by the department of mental health to provide inpatient evaluation, treatment,
11 or care to persons suffering from a mental disorder, as defined under section 630.005;
12 mental illness, as defined under section 630.005; or mental abnormality, as defined under
13 section 632.480.

14 4. The provisions of this section shall not prohibit the operation of an unmanned
15 aircraft by:

16 (1) An employee of the mental health hospital at the direction of the chief
17 administrative officer of the mental health hospital;

18 (2) A person who has written consent from the chief administrative officer of the
19 mental health hospital;

20 (3) An employee of a law enforcement agency, fire department, or emergency
21 medical service in the exercise of official duties;

22 (4) A government official or employee in the exercise of official duties;

23 (5) A public utility or a rural electric cooperative if:

24 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or
25 maintaining utility transmission or distribution lines or other utility equipment or
26 infrastructure;

27 (b) The utility notifies the mental health hospital before flying the unmanned
28 aircraft, except during an emergency; and

29 (c) The person operating the unmanned aircraft does not physically enter the
30 prohibited space without an escort provided by the mental health hospital;

31 (6) An employee of a railroad in the exercise of official duties on any land owned
32 or operated by a railroad corporation regulated by the Federal Railway Administration;
33 or

34 (7) A person operating an unmanned aircraft pursuant to and in compliance with
35 any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.

36 5. Each mental health hospital shall post a sign warning of the provisions of this
37 section. The sign shall be at least eleven inches by fourteen inches and posted in a
38 conspicuous place.

39 **6. The offense of unlawful use of unmanned aircraft over a mental health hospital**
40 **shall be punishable as an infraction unless the person uses an unmanned aircraft for the**
41 **purpose of:**

42 **(1) Delivering a gun, knife, weapon, or other article that may be used in such**
43 **manner to endanger the life of a patient or mental health hospital employee, in which case**
44 **the offense is a class B felony;**

45 **(2) Facilitating an escape from commitment or detention under section 575.195, in**
46 **which case the offense is a class C felony; or**

47 **(3) Delivering a controlled substance, as that term is defined under section 195.010,**
48 **in which case the offense is a class D felony.**

 Section B. Because immediate action is necessary to protect the safety of the community
2 and to reduce the loss of lives in an emergency, the repeal and reenactment of section 44.080 of
3 this act is deemed necessary for the immediate preservation of the public health, welfare, peace,
4 and safety and is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 44.080 of this act shall be in full force and effect upon
6 its passage and approval.

 Section C. Because of the need to submit a question to the voters in a timely manner, the
2 repeal and reenactment of section 321.300 of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the repeal and reenactment of section
5 321.300 of this act shall be in full force and effect upon its passage and approval.

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