

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 986
102ND GENERAL ASSEMBLY

2214H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 64.570, 64.820, 65.665, 89.380, and 488.426, RSMo, and to enact in lieu thereof seven new sections relating to libraries.

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

Section A. Sections 64.570, 64.820, 65.665, 89.380, and 488.426, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 64.570,
3 64.820, 65.665, 89.380, 182.806, 182.819, and 488.426, to read as follows:

64.570. **1.** From and after the adoption of the official master plan or portion thereof
2 and its proper certification and recording, thereafter no improvement of a type embraced
3 within the recommendations of such official master plan or part thereof shall be constructed
4 or authorized without first submitting the proposed plans thereof to the county planning
5 commission and receiving the written approval or recommendations of said commission.
6 This requirement shall be deemed to be waived if the county planning commission fails to
7 make its report and recommendations within forty-five days after receipt of the proposed
8 plans.

9 **2. (1)** In the case of any public improvement sponsored or proposed to be made by
10 any municipality or other political or civil subdivision of the state, or public board,
11 commission or other public officials, the disapproval or recommendations of the county
12 planning commission may be overruled by a two-thirds vote, properly entered of record and
13 certified to the county planning commission, of the governing body of such municipality, or
14 other political or civil subdivision, or public board, commission or officials, after the reasons
15 for such overruling are spread upon its minutes, which reasons shall also be certified to the
16 county planning commission.

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.

17 **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**
18 **governing a library established under chapter 182 shall not have the power to overrule**
19 **the disapproval or recommendations of the county planning commission.**

64.820. 1. From and after the adoption of the official master plan or portion thereof
2 and its proper certification and recording, thereafter no improvement of a type embraced
3 within the recommendations of the official master plan, or part thereof, shall be constructed or
4 authorized without first submitting the proposed plans thereof to the county planning
5 commission and receiving the written approval or recommendations of the commission. This
6 requirement shall be deemed to be waived if the county planning commission fails to make its
7 report and recommendations within forty-five days after receipt of the proposed plans.

8 **2. (1)** In the case of any public improvement sponsored or proposed to be made by
9 any municipality or other political or civil subdivision of the state, or public board,
10 commission or other public officials, the disapproval or recommendations of the county
11 planning commission may be overruled by a two-thirds vote, properly entered of record and
12 certified to the county planning commission, of the governing body of the municipality, or
13 other political or civil subdivision, or public board, commission or officials, after the reasons
14 for the overruling are spread upon its minutes, which reasons shall also be certified to the
15 county planning commission.

16 **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**
17 **governing a library established under chapter 182 shall not have the power to overrule**
18 **the disapproval or recommendations of the county planning commission.**

65.665. 1. From and after the adoption of the official master plan or portion thereof
2 and its proper certification and recording, thereafter no improvement of a type embraced
3 within the recommendations of such official master plan or part thereof shall be constructed
4 or authorized without first submitting the proposed plans thereof to the township planning
5 commission and receiving the written approval or recommendations of the township planning
6 commission. This requirement shall be deemed to be waived if the township planning
7 commission fails to make its report and recommendations within forty-five days after receipt
8 of the proposed plans.

9 **2. (1)** In the case of any public improvement sponsored or proposed to be made by
10 any municipality or other political or civil subdivision of the state, or public board,
11 commission or other public officials, the disapproval or recommendations of the township
12 planning commission may be overruled by a two-thirds vote properly entered of record and
13 certified to the township planning commission, of the governing body of such municipality, or
14 other political or civil subdivision, or public board, commission or officials, after the reasons
15 for such overruling are spread upon its minutes, which reasons shall also be certified to the
16 township planning commission.

17 **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**
18 **governing a library established under chapter 182 shall not have the power to overrule**
19 **the disapproval or recommendations of the township planning commission.**

89.380. 1. Whenever the commission adopts the plan of the municipality or any part
2 thereof, no street or other public facilities, or no public utility, whether publicly or privately
3 owned, and, the location, extent and character thereof having been included in the
4 recommendations and proposals of the plan or portions thereof, shall be constructed or
5 authorized in the municipality until the location, extent and character thereof has been
6 submitted to and approved by the planning commission.

7 **2.** In case of disapproval the commission shall communicate its reasons to the
8 council, and the council, by vote of not less than two-thirds of its entire membership, may
9 overrule the disapproval and, upon the overruling, the council or the appropriate board or
10 officer may proceed~~[, except that]~~.

11 **3. Notwithstanding the provisions of subsection 2 of this section,** if the public
12 facility or utility is one the authorization or financing of which does not fall within the
13 province of the council, ~~[then]~~ **the following provisions shall apply:**

14 **(1)** The submission to the planning commission shall be by the board having
15 jurisdiction~~[;]~~; and

16 **(2)** The planning commission's disapproval may be overruled by ~~[that]~~ **the board**
17 **described in subdivision (1) of this subsection** by a vote of not less than two-thirds of its
18 entire membership, **except that a board governing a library established under chapter**
19 **182 shall not have the power to overrule the planning commission's disapproval.**

20 **4.** The acceptance, widening, removal, extension, relocation, narrowing, vacation,
21 abandonment, change of use, acquisition of land for, sale or lease of any street or other public
22 facility is subject to similar submission and approval, and the failure to approve may be
23 similarly overruled **to the extent allowed under subsection 3 of this section.**

24 **5.** The failure of the commission to act within sixty days after the date of official
25 submission to it shall be deemed approval.

182.806. 1. For the purposes of this section, the term "public library district"
2 **means any city library district, county library district, city-county library district,**
3 **municipal library district, consolidated library district, or urban library district.**

4 **2. No public library or public library district shall expend the proceeds of any**
5 **tax, fine, fee, or borrowed funds to acquire inventory for the purpose of lending an item**
6 **to the public unless the item is a book, periodical, manuscript, map, recording, music,**
7 **image, electronic resource, or other similar item cataloged by the Library of Congress at**
8 **the time of purchase.**

9 **3. Nothing in this section shall be construed to prohibit a public library or public**
10 **library district from acquiring or lending an item otherwise prohibited by subsection 2**
11 **of this section that has been donated, purchased using donated funds, or otherwise**
12 **acquired at no cost to the public library or public library district.**

182.819. Notwithstanding any provision of this chapter or any other law, any
2 **real property owned by a board governing a library established under this chapter shall**
3 **not be used for any purpose that violates any zoning ordinances or regulations adopted**
4 **under chapter 64, 65, or 89 by the county, city, town, village, or township in which the**
5 **real property is located. Any board governing a library established under this chapter**
6 **shall:**

7 **(1) Be subject to such zoning ordinances or regulations with respect to its real**
8 **property without regard to any powers of the board outlined in this chapter; and**

9 **(2) Not have the power to overrule any decision relating to zoning adopted under**
10 **chapter 64, 65, or 89.**

 488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
5 are to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County,
8 **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the
9 state for the salaries of family court commissioners under and pursuant to section 487.020,
10 may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson
11 County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that
12 reimburses the state for the salaries of family court commissioners under and pursuant to
13 section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in
14 the fee shall become effective and remain in effect until further changed.

15 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived
16 or are paid by the county or state or any city.

17 4. In addition to any fee authorized by subsection 1 of this section, any county of the
18 first classification with more than one hundred one thousand but fewer than one hundred
19 fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases
20 concerning adoption and those in small claims court. The provisions of this subsection shall
21 expire on December 31, 2019.