

Lee's Summit—Truly Agreed Bills

BILLS APPROVED BY GOVERNOR

HB85 - Establishes the "Second Amendment Preservation Act," which creates additional protections to the right to bear arms

Sponsor

Rep. Jered Taylor (R)

Summary

SS/SCS/HCS/HB 85 & 310 - This act creates the "Second Amendment Preservation Act", and lists various declarations of the Missouri General Assembly regarding the United States Constitution and the scope of the federal government's authority. In addition, the act declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority. Laws necessary for the regulation of the land and the United States Armed Forces are excluded from the types of federal firearms laws that exceed federal authority.

This act declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution. Some laws declared invalid under this act include certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders as provided in the act.

The act declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.

Under this act, no public officer or state or local employee has the authority to enforce firearms laws declared invalid by the act. However, state employees may accept aid from federal officials in an effort to enforce Missouri laws. Sovereign immunity shall not be an affirmative defense under this act.

Any public officer or state or local employee who tries to enforce the firearms law declared invalid by the act or any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be subject to a civil penalty of \$50,000 per employee hired by the law enforcement agency. In such an action attorney's fees and costs may be awarded.

Additionally, a person shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County. The court shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within 30 days of service of the petition.

It shall not be a violation of this act to provide aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or county and the suspect is not a citizen of this state or is not present in this state. It shall not be a violation of this act to aid a federal prosecution for felony crimes involving a weapons violation against a person or for felony crimes involving a weapons violation and a controlled substance violation if such violation is a Class A or B felony.

The provisions of this act shall be applicable to offenses occurring on or after August 28, 2021.

This act contains a severability clause and an emergency clause.

HB271 - Changes the laws regarding local government

Sponsor

Rep. John Wiemann (R)

Summary

CCS/SS#2/SCS/HCS/HB 271 - This act modifies provisions relating to local governments.

MISSOURI LOCAL GOVERNMENT EXPENDITURE DATABASE (Sections 37.1090 to 37.1098)

This act establishes the "Missouri Local Government Expenditure Database". The database shall be available free of charge on the Office of Administration's website and shall include information about expenditures made during each fiscal year that begins after December 31, 2022.

The database shall include the following information: the amount of the expenditure; the date the expenditure was paid; the vendor to whom the expenditure was paid, unless such information is confidential; the purpose of the expenditure; and the municipality or county that made or requested the expenditure.

A municipality or county may choose to voluntarily participate in the database. Each municipality or county participating in the database shall provide electronically transmitted information to the Office of Administration biannually as provided in the act.

Additionally, if 5% of the registered voters in a municipality or county request to participate, the municipality or county shall participate in the database. Residents may request participation by submitting a written letter by certified mail to the governing body of the municipality or county and the Office of Administration. After receiving the requisite number of requests, a municipality or county shall begin participating in the database, but is not required to report expenditures incurred before one complete 6 month reporting period.

The Office of Administration shall provide financial reimbursement to any participating municipality or county for actual expenditures incurred from participation in the database.

This act provides that no later than one year after the database is implemented, the Office of Administration shall provide on its website an opportunity for public comment on the utility of the database.

Finally, each municipality or county that has a website shall display on its website a prominent internet link to the database.

These provisions are identical to provisions in SS#2/SCS/HCS/HB 1854 (2020) and HB 1933 (2020).

PUBLIC HEALTH ORDERS ISSUED BY LOCAL GOVERNMENTS (Sections 67.265 & 192.300)

A political subdivision shall not issue a public health order, defined in the act as an order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease, during a state of emergency declared by the governor that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 30 calendar days in a 180-day period. Such orders may be extended more than once upon a simple majority vote of the political subdivision's governing body.

A political subdivision shall not issue a public health order of general applicability during a time other than a state of emergency that directly or indirectly closes an entire classification of businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 21 days in a 180-day period. Such orders may be extended more than once upon a two-thirds vote of the political subdivision's governing body.

The governing bodies of the political subdivisions issuing orders under this act shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

No rule promulgated by the Department of Health and Senior Services shall authorize a local public health official to create or enforce any public health orders inconsistent with this act.

Finally, this act modifies provisions that a county health board shall not impose standards or requirements on a agricultural operation that are inconsistent with, in addition to, different from, or more stringent than any other law or regulation concerning such agricultural operations.

These provisions contain an emergency clause.

TAXES, LICENSES, AND FEES ON CERTAIN SERVICES (Section 67.2680)

Under this act, the state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, on satellite or streaming video services.

BROADBAND INFRASTRUCTURE IMPROVEMENT DISTRICTS (Section 71.1000)

This act allows two or more municipalities to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such municipalities. A district created under the act shall have to power partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities as set forth in the act.

A district may finance the provision or expansion of broadband internet service through grants, loans, bonds, user fees, or a sales tax, not to exceed one percent. The act also sets forth the composition and operation of the district governing board.

This provision is identical to provisions in SS/SCS/SB 108 (2021) and similar to HB 735 (2021) and SB 874 (2020).

FILING PERIODS FOR CERTAIN CANDIDATES (Section 115.127)

Under current law, the period for filing a declaration of candidacy in certain political subdivisions and special districts is from 8:00 a.m. on the 16th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election. Additionally, the opening date for filing a declaration of candidacy in Kansas City, and any political subdivision or special district within Kansas City, is 8:00 a.m. on the 15th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election.

This act makes the filing period for declarations of candidacy in all political subdivisions and special districts that have not otherwise required a filing period by law or charter to be 8:00 a.m. on the 17th Tuesday prior to the election until 5:00 p.m. on the 14th Tuesday prior to the election.

These provisions are identical to provisions in SS/SCS/SB 27 (2021) and substantially similar to SB 815 (2020), a provision in the truly agreed to SS#2/SCS/HCS/HB 1854 (2020), and SB 402 (2019), and HB 595 (2019).

VACCINATION REQUIREMENTS (Section 1)

This act provides that no county, city, town, or village receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation system or services or any other public accommodations.

HB697 - Modifies provisions for property assessment contracts for energy efficiency

NOTE: This is merely FYI in case the City would consider adopting a Clean Energy Development Board (or a residential PACE program).

Sponsor

Rep. Bruce DeGroot (R)

Summary

This bill modifies provisions relating to the Property Assessment Clean Energy (PACE) Act.

DEFINITIONS (Section 67.2800, RSMo)

This bill modifies the term "assessment contract" to state that property owners may enter into assessment contracts to finance energy efficiency improvements with a Clean Energy Development Board for a period of up to 20 years not to exceed the weighted average useful life of the qualified improvements. This bill adds the terms "director", "division", and "program administrator".

COLLECTION OF SPECIAL ASSESSMENTS (Section 67.2815)

A Clean Energy Development Board must provide a copy of each signed assessment contract to the city or county collector and assessor. Additionally, the special assessments must be collected by the city or county collector.

Portions of the PACE Act, as described in this bill, only apply to PACE Programs for projects to improve residential properties of four or fewer units. Any Clean Energy Development Board formed to improve commercial properties, properties owned by non-profit or not-for-profit entities, governmental properties, or nonresidential properties in excess of four residential units will be exempt from portions of the PACE Act, as described in this bill, and portions of the program will not apply to the commercial PACE Programs and Commercial PACE Assessment Contracts of any Clean Energy Development Board Engaged in both commercial and residential property programs. Any Clean Energy Development Board that ceases to finance new projects to improve residential properties of four or fewer units before January 1, 2022, will be exempt from the portions of the PACE Act, as described in this bill.

SB5 - Modifies provisions relating to taxation

Sponsor

Sen. Paul Wieland (R)

Summary

SB 5 - Under current law, no advanced industrial manufacturing (AIM) zone may be established after August 28, 2023. This act extends such date to August 28, 2030.

SB26 - Creates provisions relating to public safety

Sponsor

Sen. Bill Eigel (R)

Summary

CCS#2/HCS/SS/SCS/SB 26 - This act modifies provisions relating to public safety.

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030)

Under current law, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This act provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency, excluding school officers of school districts, by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five year aggregate amount.

BATTERY-CHARGED FENCES (Section 67.301)

This act provides that no city, county, town, village, or political subdivision may adopt or enforce an ordinance, order, or regulation that requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision. Additionally, such political subdivisions shall not adopt an ordinance or order that imposes installation requirements for such fences or alarm systems or prohibit the use of a battery-charged fence.

As used in this act, a battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal to summon law enforcement in response to a burglary. Such fence must be located on a property not designated for residential use, produce not more than 12 volts of direct current, as well as meet other specifications as provided in the act.

PHYSICAL SECURITY MEASURES (Section 67.494)

No political subdivision shall enact any ordinance that regulates the physical security measures around private property, except that a political subdivision may regulate the aesthetics of physical security measures, access to public right-of-way, structural soundness of physical security measures, or changes to the drainage of a property.

NOTE: The above was added in the final days and was supposed to be deleted from the Conference Committee Substitute.

OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This act adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties.

OFFENSE OF UNLAWFUL TRAFFIC INTERFERENCE (Section 574.045)

This act creates the offense of unlawful traffic interference if, with the intention to impede vehicular traffic, the person walks, stands, sits, kneels, lays, or places an object in a manner that blocks passage by a vehicle on any public street or highway.

The offense of unlawful traffic interference on a public street or highway is an infraction for the first violation. Any second violation that occurs is a class B misdemeanor. A third or subsequent violation is a class E felony.

The offense is of unlawful traffic interference on a public street, highway, or interstate highway while part of an unlawful assembly is an infraction for the first violation. Any second violation that occurs is a Class A misdemeanor. Any third or subsequent violation is a Class D felony.

These provisions are similar to SB 9 (2020 Extra Special Session) and HB 288 (2019).

VANDALISM (Section 574.085)

Under current law, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This act provides that a person shall be guilty of a Class E felony if he or she knowing vandalizes any public monument or structure on public property.

PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall

take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

This act provides that when a law enforcement officer who reasonably believes he or she is under investigation which could lead to disciplinary action, demotion, dismissal, transfer, or placement that could lead to economic loss, the investigation shall include the following conditions:

- The law enforcement officer shall be informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation;
- Any complaint filed shall be supported by a written statement outlining the complaint;
- Any investigation shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances prevent such questioning while on duty;
- Prior to an interview session the law enforcement officer shall be informed that he or she is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in a criminal proceeding.
- Any investigation shall be conducted at a secure location at the agency that is conducting the investigation or the office of the officer unless the officer consents to another location;
- The law enforcement officer shall be questioned by up to two investigators and shall be informed of the name and rank of each questioning officer;
- Law enforcement officers shall not be threatened, harassed, or promised rewards for answering questions, except that a law enforcement officer may be compelled to give protected statements to an investigator under direct control of the agency;
- Law enforcement officers are entitled to have an attorney or duly authorized representative present during questioning and prior to the questioning the officer and his or her representative shall have the opportunity to review the complaint;
- A complete record of the investigation shall be kept by the agency and a copy shall be provided to the officer upon request;
- The agency conducting the investigation shall have 90 days to complete such investigation and may extend the investigation under certain circumstances;
- The officer shall be informed in writing within 5 days of the conclusion of the investigative findings and any recommendations for further action; and
- A complete record of the administrative investigation shall be kept by the law enforcement agency and all records shall be confidential and not subject to disclosure under Sunshine Law, except by lawful subpoena or court order.

Any law enforcement officer suspended without pay shall be entitled to a full due process hearing as provided in the act. Any decision following the hearing shall be in writing and shall include findings of fact.

This act provides that law enforcement officers shall have the opportunity to provide a written responses to any adverse materials in their personnel file.

Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

Employers shall defend and indemnify law enforcement officers against civil claims made against an officer while the officer was acting within his or her duties as a law enforcement officer. If any criminal convictions arise out of the same conduct, the employer is no longer obligated to defend the officer in the civil claim. Law enforcement officers shall not be disciplined or dismissed as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrongdoing.

This act provides that a law enforcement officer may bring an action for enforcement of these provisions in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business. Upon a finding by a preponderance of the evidence that a law enforcement agency or governmental body has purposely violated this act, the court shall void any action taken in violation of this section. Suit for enforcement shall be brought within one year from which the violation is ascertainable.

Finally, a law enforcement agency that has substantially similar or grater procedures shall be deemed in compliance with this act.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI).

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated at least every five years.

SB53 - Modifies provisions relating to the administration of justice

Sponsor

Sen. Tony Luetkemeyer (R)

Summary

CCS/HCS/SS/SCS/SBs 53 & 60 - This act modifies provisions relating to public safety.
FEES FOR POLICE REPORTS (Section 479.162)

This act provides that in a proceeding for a municipal ordinance violation or any other proceeding in municipal court if the charge carries the possibility of 15 days or more in jail, a defendant shall not be charged any fee for obtaining a police report or probable cause statement. Such police report or probable cause statement shall be provided by the prosecutor upon written request by the defendant during discovery.

OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Under current law, a person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This act modifies the current offense by adding "any other personally identifiable information" and further provides that if a person knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, or prosecuting attorney, or the information of an immediate family member of such officers, he or she shall be guilty of a Class E felony.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

This act provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony.

PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Under current law, the chief executive officer of each law enforcement agency must notify the Director of the POST Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This act provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

Finally, this act provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer. If the Director receives any additional notifications regarding the candidate for commissioning within 60 days of a chief executive officer's request, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within 3 business days following receipt.

RESPIRATORY CHOKE-HOLDS (Section 590.805)

This act provides that a law enforcement officer shall not knowingly use a respiratory choke-hold unless such use is in defense of the officer or another from serious physical injury or death.

A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents shall include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report at least annually starting March 1, 2023. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated at least every five years.

SB86 - Creates new provisions prohibiting the use of public funds to influence elections

Sponsor

Sen. Dan Hegeman (R)

Summary

CCS/SB 86 - This act prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

- To support or oppose the nomination or election of any candidate for public office;
- To support or oppose the passage or defeat of any ballot measure;
- To any committee supporting or opposing candidates or ballot measures; or
- To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act additionally prohibits the contribution or expenditure of public funds **by any officer, employee, or agent of any political subdivision** to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

Any purposeful violation of this act is punishable as a class four election offense.

SB153 - Modifies provisions relating to taxation

Sponsor

Sen. Andrew Koenig (R)

Summary

CCS/HCS/SS/SCS/SBs 153 & 97 - This act modifies several provisions relating to taxation.

USE TAX MAPPING

Current law requires the Department of Revenue to create and maintain a mapping feature on its website that displays various sales tax information. This act requires such mapping feature to include use tax information. Political subdivisions collecting a use tax shall send such data to the Department

of Revenue by January 1, 2022, and the Department shall implement the mapping feature using the use tax data by July 1, 2022.

By July 1, 2022, the Department shall update the mapping feature to include the total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax rate for combined rates of overlapping use taxes levied.

If the boundaries of a political subdivision in which a sales or use tax has been imposed shall thereafter be changed or altered, the political subdivision shall forward such changes to the Department, as described in the act. (Section 32.310)

VIDEO SERVICE PROVIDER FEES

This act modifies provisions relating to communications services offered in political subdivisions.

The act modifies the definition of "gross revenues" for provisions of law relating to video service providers.

This act prohibits the state and political subdivisions from imposing a new tax, license, or fee upon the provision of satellite or streaming video services.

Under the act, a franchise entity may collect a video service provider fee equal to not more than 5% of the gross revenues of a video service provider providing service in the geographic area of such franchise entity. The fee shall be phased out as follows:

- Beginning August 28, 2023, 4.5% of gross revenues;
- Beginning August 28, 2024, 4% of gross revenues;
- Beginning August 28, 2025, 3.5% of gross revenues;
- Beginning August 28, 2026, 3% of gross revenues; and
- Beginning August 28, 2027, and continuing thereafter, 2.5% of gross revenues.

Currently, video service providers may identify and collect the amount of the video service provider fee as a separate line item on subscriber bills. Under this act, the fee shall be identified and collected as a separate line item.

The act also creates the Task Force on the Future of Right-of-Way Management and Taxation consisting of 16 members as set forth in the act. The purpose of the Task Force is to study best methods for right-of-way management, taxation of video services, and the future revenue needs of municipalities and political subdivisions as such revenue relates to video services.

The Task Force shall compile a report of its activities for submission to the General Assembly. The report shall be submitted no later than December 31, 2023, and shall include any recommendations which the Task Force may have for legislative action. The Task Force shall expire on December 31, 2023. (Sections 67.2677 to 67.2720)

COMMUNITY IMPROVEMENT DISTRICTS

Current law requires a petition for the creation of a community improvement district (CID) to include a five year plan describing the improvements to be made in the district. This act requires such plan to include the anticipated sources of funds and the term of such sources used to pay the costs of such improvements. This act also limits the duration of a CID to twenty-seven years for CIDs formed after August 28, 2021.

Upon the creation of a district, this act requires the municipal clerk of the municipality to report in writing to the State Auditor in addition to the Missouri Department of Economic Development. (Section 67.1421)

For CIDs established after August 28, 2021, in which there are no registered voters, this act requires at least one director to be a person who resides within the municipality, is registered to vote, has no financial interest in any real property or business operating within the CID, and to not be a relative within the second degree of consanguinity to an owner of real property or a business operating within the CID. (Section 67.1451)

This act requires all construction contracts entered into after August 28, 2021, and that are in excess of \$5,000 shall be competitively bid and shall be awarded to the lowest and best bidder. (Section 67.1461)

In its annual report filed with the Department of Economic Development, this act requires a CID to include the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk. (Section 67.1471)

REDEVELOPMENT DISTRICTS

This act modifies the definition of "blighted area" for the purposes of several redevelopment districts, including Community Improvement Districts, the Housing Authorities Law, Land Clearance for Redevelopment, Downtown and Rural Economic Stimulus Act, the Downtown Revitalization Preservation Program, the Planned Industrial Expansion Law, Enhanced Enterprise Zones, Urban Agriculture Zones, and the Urban Redevelopment Corporations Law. (Sections 67.1401 to 99.320, 99.918 to 135.950, 262.900 to 353.020)

TAX INCREMENT FINANCING

This act modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "port infrastructure projects", "retail area", and "retail infrastructure projects". (Section 99.805)

This act modifies local tax increment financing projects by providing that a study shall be conducted by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which details how the area meets the definition of an area eligible to receive tax increment financing.

This act also provides that retail areas, as defined in the act, shall not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined in the act, or unless such area is a blighted or conservation area. (Section 99.810)

Current law requires cities, towns, and villages located in St. Louis County, St. Charles County, or Jefferson County to establish a twelve member commission that shall include six members appointed by the county executive or presiding commissioner prior to the adoption of any resolution or ordinance approving tax increment financing projects. This act adds Cass County to such list of counties. (Section 99.820)

For tax increment financing projects approved or amended after December 31, 2021, the City of St. Louis may provide for the deposit of up to 10% of the tax increment financing revenues generated by the project into a Strategic Infrastructure for Economic Growth Fund to be established by the city. Moneys deposited in such fund may be expended by the city for the purpose of funding capital investments in public infrastructure that is located in a census tract that is defined as a low-income community or is eligible to be designated as a Qualified Opportunity Zone under federal law. (Section 99.821)

This act prohibits new projects from being authorized in any Greenfield area. (Section 99.843)

Beginning January 1, 2022, this act also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in 1) Jackson, Platte, Clay, or Cole counties; 2) the cities of Springfield, St. Joseph, Hannibal, or Jefferson City, 3) in a port district, provided such financing is utilized for port infrastructure projects; or 4) in a levee or drainage district created prior to August 28, 2021. Projects in flood plains shall not

be authorized in St. Charles County unless the redevelopment area actually abuts a river or major waterway, as described in the act. (Section 99.847)

Current law allows districts and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. For projects approved after August 28, 2021, this act modifies such provision to allow reimbursement to ambulance districts, fire protection districts, and governing bodies operating a 911 center providing dispatch services and which impose economic activity taxes for such purposes. (Section 99.848)

USE TAX ECONOMIC NEXUS

This act modifies the definition of "engaging in business activities within this state" to include vendors that had cumulative gross receipts of at least \$100,000 from the sale of tangible personal property for the purpose of storage, use, or consumption in this state in the previous twelve-month period, as described in the act. Vendors meeting such criteria shall be required to collect and remit the use tax as provided under current law.

Any vendor meeting the definition of "engaging in business activities within this state" shall not be required to collect and remit any local use tax that was enacted prior to January 1, 2023, unless the vendor was or would have been required to collect and remit such tax prior to this act's effective date, or if a majority of voters in the political subdivision have approved an expansion of the local use tax after January 1, 2023. A vendor meeting the definition of "engaging in business activities within this state" shall be subject to any local use tax enacted on or after January 1, 2023. (Section 144.605)

MARKETPLACE FACILITATORS

Beginning January 1, 2023, marketplace facilitators, as defined in the act, that engage in business activities within the state shall register with the Department to collect and remit use tax on sales delivered into the state through the marketplace facilitator's marketplace by or on behalf of a marketplace seller, as defined in the act. Such retail sales shall include those made directly by the marketplace facilitator as well as those made by marketplace sellers through the marketplace facilitator's marketplace.

Marketplace facilitators shall report and remit use tax collected under this act as determined by the Department. Marketplace facilitators properly collecting and remitting use tax in a timely manner shall be eligible for any discount provided for under current law.

Marketplace facilitators shall provide purchasers with a statement or invoice showing that the use tax was collected and shall be remitted on the purchaser's behalf.

No class action shall be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected on retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim.

SALES TAX ADMINISTRATION

This act authorizes the Department of Revenue to consult, contract, and work jointly with the Streamlined Sales and Use Tax Agreement's Governing Board to allow sellers to use the Governing Board's certified service providers and central registration system services, or to consult, contract, and work with certified service providers independently. The Department may determine the method and amount of compensation to be provided to certified service providers. The act also authorizes the Department to independently take such actions as may be reasonably necessary to secure the payment of and account for the tax collected and remitted by retailers and vendors under the act.

This provision shall expire on January 1, 2028, unless reauthorized by the General Assembly. (Section 144.608)

The school and Show Me Green sales tax holidays are modified by repealing the ability for political subdivisions to opt out of the sales tax holidays, and by defining how the sales tax exemption applies to the purchase or return of certain items. (Sections 144.049 and 144.526)

LOCAL USE TAXES

This act modifies ballot language required for the submission of a local use tax to voters by repealing ballot language specific to St. Louis County and its municipalities and the City of St. Louis, and making requiring the ballot language in all municipalities identical.

This act prohibits a local use tax from being described as a new tax, described as not being a new tax, and being advertised or promoted in a manner in violation of current law. (Section 144.757)

No later than the first week of November 2021, any county or municipality that has enacted a local use tax shall provide notice in a newspaper or on the county's or municipality's website that certain purchases from out-of-state vendors will become subject to the provisions of the act, as described in the act. (Section 1)

EFFECTIVE DATE

The provisions of this act relating to sales tax administration, use taxes, and income taxes shall become effective January 1, 2023. (Section B)

Provisions of the act relating to the deduction of federal income taxes paid contain an emergency clause. (Section C)

Provisions of the act modifying definitions relating to video service provider fees shall become effective August 28, 2023. (Section D)

The remaining provisions shall become effective August 28, 2021.

SB176 - Enacts provisions relating to emerging technologies

Sponsor

Sen. Lincoln Hough (R)

Summary

HCS/SS/SB 176 - This act enacts provisions relating to emerging technologies.

PERSONAL DELIVERY DEVICES (Section 304.900)

This act enacts provisions relating to personal delivery devices ("PDDs"), as defined in the act.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic. (Section 304.900.2).

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop. (Section 304.900.3).

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. (Section 304.900.4). PDDs shall be exempt from motor vehicle registration requirements (Section 304.900.5), and shall maintain a general liability insurance policy of at least \$100,000 (Section 304.900.6). PDDs operated at night shall be equipped with lighting as provided in the act. (Section 304.900.7). PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the act. (Section 304.900.8).

Nothing in this act shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of

property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges. (Section 304.900.9).

The act prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the act, to a third party in exchange for monetary compensation. Use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed under the act, and information that would otherwise be protected under the act shall only be provided to a law enforcement entity by subpoena. (Section 304.900.10).

BILLS VETOED BY THE GOVERNOR

HB362 - Modifies provisions relating to Government Transparency

Sponsor

Rep. Bruce DeGroot (R)

Summary

Under this bill, a defendant cannot be charged a fee for obtaining a police report, probable cause statement, or any video relevant to a traffic stop or arrest for the purposes of preparing for a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement. The defendant can submit a written request for discovery for such record to the prosecutor.

This bill allows a public governmental body to close records related to security and evacuation procedures, including software or surveillance companies that secure the building, for public governmental property. The bill allows a public governmental body to close records if the records are related to email addresses and telephone numbers submitted to a public governmental body by individuals or entities for the sole purpose of receiving electronic or other communications. This bill also allows a public governmental body to close records of utility usage and bill records for customers of public utilities unless the customer requests them or authorizes their release.

Currently, public governmental bodies are required to provide access to and, upon request, furnish copies of public records, with specified exceptions. This amendment states that a request for public records shall be considered withdrawn if the requestor fails to remit all fees within 30 days of a request for payment of the fees by the public governmental body, prior to making the copies. If the same or a substantially similar request for public records is made within six months after the expiration of the 30-day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.

The Governor's veto focused on other provisions of this bill relating to functions of the State Auditor and the Children's Division of the Department of Social Services. However, the Governor also cited the Sunshine Law provision on payment of fees, indicating that the recent Missouri Supreme Court decision on charging for legal review of documents. We have not heard any indication of any attempt to override the Governor's veto and believe it is unlikely. However, we anticipate these issues will be addressed in the Second Regular Session in 2022.

HB685 - Changes the requirements to run for certain public office

Sponsor

Rep. Jason Chipman (R)

Summary

The bill also requires a person appointed to elective public office not be delinquent in the payment of state income tax, personal property tax, municipal tax or real property tax.

This bill creates an exception to dissolving candidate committees for any person holding a municipal or school district office.

We believe there will be no attempt to override the veto.

SB226 - Modifies the filing periods for the remittance of sales taxes

Sponsor

Sen. Andrew Koenig (R)

Summary

CCS/HCS/SB 226 - This act modifies provisions relating to taxation.

PROPERTY TAXES

Beginning January 1, 2021, this act allows a taxpayer that is a resident of a city or county that imposes one or more restrictive orders for a combined total in excess of fifteen days in a calendar year to receive a credit against property taxes owed on such affected property. A restrictive order shall be any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer's real property, including, but not limited to, occupancy restrictions, but shall not include any ordinance or order prohibiting or restricting the use of a taxpayer's real property due to a violation of a public health or safety code.

The amount of the credit shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the restrictions on the use of the property were in place, provided that the first fifteen total combined days of all such orders shall not count toward such calculation of the credit. A taxpayer shall pay his or her property taxes in full prior to submitting a statement to the county collector requesting the credit authorized by the act. Within thirty days of the receipt of such statement, the city or county shall issue the credit to the taxpayer.

A taxpayer receiving a tax credit under the act that leases or rents all or a portion of his or her affected real property to one or more other taxpayers shall distribute the tax credit on a pro rata basis to the taxpayers who are current on all lease or rental payments owed to the taxpayer receiving the credit.

The credit authorized by this act shall only apply to real property tax liabilities owed to a city or county imposing a restrictive order, and shall not apply to property tax liabilities owed to any other taxing jurisdiction. (Section 139.305)

This provision contains an emergency clause.

The Governor vetoed this bill in part because of the specific provision on the credit against real estate taxes described above. As we have previously noted the language is far too broad and not limited purely to COVID-19 shutdowns. We have heard of no proposal to override the veto, but we are slightly concerned that the recent wave of the *delta* variation could result in renewed objections from some legislators, so we will be watching for signs that this bill might be reconsidered during veto session.
