

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 288, 444 & 392

101ST GENERAL ASSEMBLY

0385H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 192.300, RSMo, and to enact in lieu thereof two new sections relating to public health closures by government entities, with an emergency clause for a certain section.

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

Section A. Section 192.300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 139.305 and 192.300, to read as follows:

- 139.305. 1. Notwithstanding any provision of law to the contrary, beginning January 1, 2021, any taxpayer who is a resident of a city or county that imposes any citywide or countywide ordinance or order prohibiting or otherwise restricting the use of such taxpayer's real property including, but not limited to, imposing occupancy restrictions, shall receive a credit on property taxes owed on such affected real property.**
- 2. The amount of the credit authorized by this section shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the taxpayer was subject to restrictions on the use of his or her real property.**
- 3. Any city or county imposing a citywide or countywide ordinance or order as described in this section shall adjust its tax bills to reflect any credit authorized by this section.**
- 4. The provisions of this section shall apply only to real property tax liabilities owed to a city or county imposing any citywide or countywide ordinance or order prohibiting or otherwise restricting the use of a taxpayer's real property and shall not apply to property tax liabilities owed to any other taxing jurisdiction or to property tax liabilities owed on tangible personal property.**

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.

192.300. 1. (1) The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county~~[-but]~~ .

(2) **Notwithstanding any provision in chapter 44, 192, or 205 to the contrary, during the period that a statewide emergency proclaimed by the governor or the legislature under chapter 44 exists or continues, any order, including any public health order, ordinance, rule, or regulation made and promulgated in response to the emergency by a county health center board shall not become effective until approved by the elected governing body. County health center boards shall submit such orders, ordinances, rules, and regulations to the elected governing body for its review, and the elected governing body shall approve, modify and approve, or disapprove them as soon as practicable. For purposes of this subdivision, the term "county health center board" shall be construed to include any county health department, health department in a city not within a county, local public health agency created through an agreement by multiple counties under chapter 70, county health officer, or other county health authority.**

2. Any orders, ordinances, rules or regulations **promulgated under this section** shall not:

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

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

~~[2-]~~ 3. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated.

~~[3-]~~ 4. After the promulgation and adoption of such orders, ordinances, rules or regulations **and any necessary approval** by ~~[such county commission or county health board, such]~~ **the elected governing body, the county** commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed

37 and available for distribution to the public in the office of the county clerk, and shall require a
38 copy of such order to be published in some newspaper in the county in three successive weeks,
39 not later than thirty days after the entry of such order, ordinance, rule or regulation.

40 [4.] 5. Any person, firm, corporation or association which violates any of the orders or
41 ordinances adopted, promulgated and published by such county commission is guilty of a
42 misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county
43 commission or county health board of any such county has full power and authority to initiate
44 the prosecution of any action under this section.

45 **6. Before the promulgation and adoption of such orders, ordinances, rules, or**
46 **regulations, the county health center board shall submit such orders, ordinances, rules, or**
47 **regulations to the governing body of the county or political subdivision. The governing**
48 **body shall, within thirty days, have the authority to reject or modify such orders,**
49 **ordinances, rules, or regulations.**

50 **7. Before the promulgation of any orders, ordinances, rules, or regulations under**
51 **this section, a county commission or county health center board shall issue a public notice**
52 **of the proposed orders, ordinances, rules, or regulations allowing comment for thirty days.**
53 **A county commission or county health center board may hold a noncontested hearing on**
54 **any such proposed orders, ordinances, rules, or regulations. The provisions of this**
55 **subsection shall not apply during a declared state of emergency.**

Section B. Because of the importance of property tax relief, the enactment of section
2 139.305 of this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace, and safety, and the enactment of section 139.305 of this act is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of section
5 139.305 of this act shall be in full force and effect upon its passage and approval.

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