

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 222
102ND GENERAL ASSEMBLY

1229H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 64.570, 64.820, 65.665, 89.380, and 182.645, RSMo, and section 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to political subdivisions.

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 182.645, RSMo, and section
2 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first
3 regular session, are repealed and eleven new sections enacted in lieu thereof, to be known as
4 sections 44.251, 64.570, 64.820, 65.665, 67.137, 67.2677, 89.380, 182.645, 182.819,
5 436.337, and 534.157, to read as follows:

**44.251. 1. This section shall be known and may be cited as the "Protecting
2 Missouri's Small Businesses Act".**

**3 2. As used in this section, "shutdown order" means any order by the state or any
4 agency or political subdivision thereof to close a business organization that is caused by
5 any reason outside the business organization's control.**

6 3. The general assembly hereby finds and declares the following:

**7 (1) It is an essential function of state government to protect the public health,
8 welfare, peace, safety, and the economic viability and well-being of Missourians;**

**9 (2) One method of protecting Missourians is to preserve and promote the
10 economic viability, well-being, and development of businesses in this state;**

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.

11 **(3) The state and its political subdivisions may be required to take necessary**
12 **emergency actions for the protection of Missourians that may adversely affect the**
13 **economic viability and well-being of Missourians and businesses in the state;**

14 **(4) Such governmental actions should not be entered into without careful**
15 **consideration of and appropriate concern for the lasting effects that may cause**
16 **economic loss to Missourians and businesses in the state;**

17 **(5) It is the public policy of the state of Missouri that a political subdivision shall**
18 **give appropriate consideration to the effects of its actions on the economic well-being of**
19 **Missourians and businesses in the state; and**

20 **(6) To ensure that a political subdivision gives appropriate consideration to such**
21 **actions, a political subdivision shall participate in economic losses caused by the political**
22 **subdivision's actions affecting Missourians and businesses in the state as provided in**
23 **this section.**

24 **4. (1) Notwithstanding any other provision of law to the contrary, beginning**
25 **January 1, 2024, if any political subdivision with jurisdiction over a business**
26 **implements any shutdown order or orders and the business closes solely due to such**
27 **shutdown order or orders for at least twenty-one consecutive days or at least forty-five**
28 **cumulative days, the following shall apply:**

29 **(a) Any fee for a business license imposed by the political subdivision with**
30 **jurisdiction over the business shall be waived for the business during the period of the**
31 **shutdown order or orders or six months, whichever is longer. Fees for a business license**
32 **may be prorated; and**

33 **(b) The political subdivision with jurisdiction over the business shall reduce the**
34 **real and personal property tax liability of such business based on the number of days the**
35 **business was shut down in a given year as follows:**

36 **a. If the shutdown order or orders end before June first, the appropriate officials**
37 **responsible for assessing and levying real and personal property taxes and providing**
38 **statements of taxes due in the political subdivision with jurisdiction over the business**
39 **shall calculate the tax liability of such business as required by law. After such tax**
40 **liability is calculated, such officials shall reduce such tax liability as required in this**
41 **section. Such reduction shall be reflected on the statement of taxes due provided to the**
42 **taxpayer who is liable for the property taxes of the business. Such appropriate officials**
43 **shall follow all procedures for calculating such taxes and providing such statements**
44 **provided by law as practicable. A taxpayer receiving a reduced statement of taxes due**
45 **shall make full payment of such reduced taxes before the delinquency date as provided**
46 **by law; and**

47 **b. If the shutdown order or orders remain in effect on or after June first, the**
48 **taxpayer who is liable for the property taxes of the business shall make full payment of**
49 **taxes due before the delinquency date as provided by law. The appropriate officials**
50 **responsible for assessing and levying real and personal property taxes and providing**
51 **statements of taxes due in the political subdivision with jurisdiction over the business**
52 **shall:**

53 **(i) Notify such taxpayer, at the same time the taxpayer's statement of taxes due is**
54 **provided to the taxpayer as required by law, that the taxpayer may apply for a refund of**
55 **a portion of the property tax liability of such business as provided in this section;**

56 **(ii) Provide a method of applying for a refund of such portion of such tax**
57 **liability, by which the taxpayer shall provide any information required by the**
58 **appropriate officials to assist in the calculation of such portion. A refund application**
59 **made as provided in this subparagraph shall be submitted to the appropriate official no**
60 **later than the January fifteenth immediately following the refund notification;**

61 **(iii) Calculate the amount of such allowable portion to be refunded and notify**
62 **the taxpayer of such amount. All such calculations for all refund applications shall be**
63 **completed no later than the February fifteenth following the refund notification; and**

64 **(iv) Make payments of all refunds to all taxpayers eligible for the refund. All**
65 **such payments of refunds shall be completed no later than the March fifteenth**
66 **immediately following the refund notification.**

67 **(2) Notwithstanding any other provision of this section to the contrary, a**
68 **taxpayer whose tax liability is reduced as provided in this subsection and who leases or**
69 **rents all or a portion of the taxpayer's affected real property to one or more renters or**
70 **lessors shall distribute such amount by which the tax liability is reduced on a pro rata**
71 **basis to such renters or lessors who are current on all lease or rental payments owed to**
72 **the taxpayer whose tax liability is reduced.**

73 **5. This section shall not be construed to apply to fees required for a license or**
74 **certification of an individual to practice a profession.**

75 **6. This section shall not be construed as an exemption of property from taxation**
76 **requiring the state to provide restitution or a replacement of revenues lost to a political**
77 **subdivision. Any action taken by a political subdivision that results in a recalculation or**
78 **refund of taxes or revenues lost by the political subdivision, or both, shall be construed**
79 **as an exercise of the political subdivision's authority to levy and collect local tax**
80 **revenues as provided by state law.**

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.

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.**

2 **67.137. No county, municipality, or other political subdivision shall impose or**
3 **otherwise enforce a moratorium on eviction proceedings unless specifically authorized**
4 **by state law.**

67.2677. 1. For purposes of sections 67.2675 to 67.2714, the following terms mean:

2 (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);

3 (2) "Cable system", as defined in 47 U.S.C. Section 522(7);

4 (3) "Franchise", an initial authorization, or renewal of an authorization, issued by a
5 franchising entity, regardless of whether the authorization is designated as a franchise, permit,
6 license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision
7 of video service and any affiliated or subsidiary agreements related to such authorization;

8 (4) "Franchise area", the total geographic area authorized to be served by an
9 incumbent cable operator in a political subdivision as of August 28, 2007, or, in the case of an
10 incumbent local exchange carrier, as such term is defined in 47 U.S.C. Section 251(h), or
11 affiliate thereof, the area within such political subdivision in which such carrier provides
12 telephone exchange service;

13 (5) "Franchise entity", a political subdivision that was entitled to require franchises
14 and impose fees on cable operators on the day before the effective date of sections 67.2675 to
15 67.2714, provided that only one political subdivision may be a franchise entity with regard to
16 a geographic area;

17 (6) (a) "Gross revenues", limited to amounts billed to video service subscribers for
18 the following:

- 19 a. Recurring charges for video service; and
20 b. Event-based charges for video service, including but not limited to pay-per-view
21 and video-on-demand charges;
22 (b) "Gross revenues" do not include:
23 a. Discounts, refunds, and other price adjustments that reduce the amount of
24 compensation received by an entity holding a video service authorization;
25 b. Uncollectibles;
26 c. Late payment fees;
27 d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges
28 imposed on video service subscribers or video service providers in connection with the
29 provision of video services, including the video service provider fee authorized by this
30 section;
31 e. Fees or other contributions for PEG or I-Net support;
32 f. Charges for services other than video service that are aggregated or bundled with
33 amounts billed to video service subscribers, if the entity holding a video service authorization
34 reasonably can identify such charges on books and records kept in the regular course of
35 business or by other reasonable means;
36 g. Rental of set top boxes, modems, or other equipment used to provide or facilitate
37 the provision of video service;
38 h. Service charges related to the provision of video service including, but not limited
39 to, activation, installation, repair, and maintenance charges;
40 i. Administrative charges related to the provision of video service including, but not
41 limited to, service order and service termination charges; or
42 j. A pro rata portion of all revenue derived from advertising, less refunds, rebates, or
43 discounts;
44 (c) Except with respect to the exclusion of the video service provider fee, gross
45 revenues shall be computed in accordance with generally accepted accounting principles;
46 (7) "Household", an apartment, a house, a mobile home, or any other structure or part
47 of a structure intended for residential occupancy as separate living quarters;
48 (8) "Incumbent cable operator", the cable service provider serving cable subscribers
49 in a particular franchise area on September 1, 2007;
50 (9) "Low-income household", a household with an average annual household income
51 of less than thirty-five thousand dollars;
52 (10) "Person", an individual, partnership, association, organization, corporation, trust,
53 or government entity;
54 (11) "Political subdivision", a city, town, village, county;

55 (12) "Public right-of-way", the area of real property in which a political subdivision
56 has a dedicated or acquired right-of-way interest in the real property, including the area on,
57 below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or
58 boulevards dedicated or acquired as right-of-way and utility easements dedicated for
59 compatible uses. The term does not include the airwaves above a right-of-way with regard to
60 wireless telecommunications or other nonwire telecommunications or broadcast service;

61 (13) "Video programming", programming provided by, or generally considered
62 comparable to programming provided by, a television broadcast station, as set forth in 47
63 U.S.C. Section 522(20);

64 (14) "Video service", the provision, **by a video service provider**, of video
65 programming provided through wireline facilities located at least in part in the public right-
66 of-way without regard to delivery technology, including internet protocol technology whether
67 provided as part of a tier, on demand, or **on** a per-channel basis. This definition includes
68 cable service as defined by 47 U.S.C. Section 522(6), but does not include any video
69 programming provided by a commercial mobile service provider defined in 47 U.S.C. Section
70 332(d), or any video programming [~~provided solely as part of and~~] **accessed** via a service that
71 enables users to access content, information, electronic mail, or other services offered over
72 the [~~public~~] internet, **including streaming content**;

73 (15) "Video service authorization", the right of a video service provider or an
74 incumbent cable operator that secures permission from the public service commission
75 pursuant to sections 67.2675 to 67.2714, to offer video service to subscribers in a political
76 subdivision;

77 (16) "Video service network", wireline facilities, or any component thereof, located at
78 least in part in the public right-of-way that deliver video service, without regard to delivery
79 technology, including internet protocol technology or any successor technology. The term
80 video service network shall include cable systems;

81 (17) "Video service provider", any person that distributes video service through a
82 video service network pursuant to a video service authorization;

83 (18) "Video service provider fee", the fee imposed under section 67.2689.

84 2. The repeal and reenactment of this section shall become effective August 28, 2023.

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.

182.645. 1. The fiscal year for each consolidated public library district shall be July
2 first to June thirtieth **unless otherwise set by the board of trustees**, and each year the
3 librarian shall submit to the board of trustees a budget for the forthcoming fiscal year. The
4 board shall approve the budget after making any changes therein that it deems necessary. The
5 budget shall be approved on or before ~~June thirtieth~~ **the last day of the fiscal year**
6 preceding the fiscal year for which the budget was prepared. The board on its own motion or
7 at the request of the librarian, from time to time, may amend or modify the approved budget.
8 A copy of the approved budget shall be filed with each county commission or county
9 executive office of the counties comprising the consolidated public library district, and with
10 the state auditor.

11 2. The treasurer of the board of trustees of a consolidated public library district shall
12 receive and be the custodian of all money belonging to the district from whatever source
13 derived. All funds of the consolidated public library district derived from local taxation to be
14 used for normal operations of the district and received from the county collector, shall be kept
15 in a consolidated library operating fund. All funds belonging to the district which are to be
16 used for building purposes shall be kept in a consolidated library building fund; all funds
17 derived from state aid or federal grants, other than land, building and furnishing grants, shall
18 be kept in the consolidated library operating fund; and the board may establish any other

19 funds that it deems necessary. The treasurer shall deposit all moneys belonging to the
20 consolidated public library district in the depositories that are selected by the board of
21 trustees. The treasurer shall also be the custodian of all bonds or other securities belonging to
22 the consolidated public library district.

23 3. Consolidated public library district moneys shall be disbursed by the treasurer by
24 appropriate instrument of payment only upon due authorization of the consolidated public
25 library district board of trustees and duly certified for payment by the president. The
26 certification shall specify the amount to be paid, to whom payment is to be made and the
27 purpose for which payment is being made. The board by resolution may direct that the
28 signature of the president or treasurer be a facsimile signature in the manner provided by
29 sections 105.273 to 105.278.

30 4. No authorization or certification shall be made, and no instrument of payment
31 issued for the payment of any consolidated public library district indebtedness unless there is
32 sufficient money in the treasury and the proper fund for the payment of the indebtedness and
33 be in the proper form.

34 5. The treasurer of the board of trustees shall submit to the board of trustees, at each
35 regularly scheduled meeting of the board, an accounting reflecting receipt and disbursement
36 of funds belonging to the consolidated 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.**

**436.337. Notwithstanding any other provision of law, no political subdivision
2 shall require a property owner to have a home inspection conducted of a residential
3 property regarding the sale of the property. This provision shall not apply to any
4 inspection requirement of new construction or occupancy permits.**

**534.157. All transfers of title of real property for rental properties with
2 outstanding collectible judgments shall be filed in the circuit court within thirty days
3 after transfer of title.**