

CHGO CURTIS, HEINZ,
GARRETT & O'KEEFE P.C.


LEGISLATIVE UPDATE

July 2019 Edward Sluys
esluys@chgolaw.com

1

CHGO CURTIS, HEINZ,
GARRETT & O'KEEFE P.C.

- "To retain respect for sausages and laws, one must not watch them in the making" – Otto Von Bismarck



"Dropping the Pilot," cartoon by Sir John Tenniel commenting on the forced resignation of Otto von Bismarck from the government of Emperor William II (Kaiser Wilhelm) of Germany, 1890. Courtesy of the trustees of the British Museum; photograph, J.R. Freeman & Co. Ltd.

Curtis, Heinz, Garrett & O'Keefe P.C. | chgolaw.net

2

CHGO CURTIS, HEINZ,
GARRETT & O'KEEFE P.C.

END OF AN EVENTFUL LEGISLATIVE SESSION

- 102 pieces of legislation passed (Relatively low)
- Several impacting municipalities, including:
 - SB 203
 - HB 355
 - SB 333
 - SB 21
 - SB 87
 - SB 291
 - HB 192
 - SB 197

Curtis, Heinz, Garrett & O'Keefe P.C. | chgolaw.com

3

SB 203 – Vacant Structures

- Section 82.462 RSMo - For St. Louis City, St. Louis County, Kansas City and Independence, provides protections for good faith actions related to inspecting properties that are abandoned, securing such properties and removing trash and debris. This appears to be a real benefit for the covered communities with respect to monitoring and remediating abandoned properties.



<https://www.nytimes.com/2007/09/13/nyregion/13vacant.html>

4

SB 203 – Inspections

- SB 203 authorizes the project engineer that sealed the submitted plans for any new one or two family dwelling to also perform the footing, foundation, wall, and framing inspections . . .
 - On its face – this is potentially worrying/strange
 - But – will any project engineer really be willing to take on the additional liability.



<https://home.howstuffworks.com/real-estate/buying-home/deal-breakers-home-inspection.htm>

5

SB 203/HB 355 – Sale of Municipal Utilities

- Both SB 203 and HB 355 make certain changes to Section 87.770 RSMo.
 - Allows fourth class cities to seek an appraisal and conduct a reasonable analysis before putting the sale of a water, wastewater or gas plant to a public vote.
 - Also allows for the Board to negotiate fair market value and consider alternatives to the sale of the system.
 - Allows Board to make the proposal available to the public 45 days prior to public vote.



<https://www.greentechmedia.com/articles/read/lessons-learned-uk-capacity-auction-tps.kbbqtc>

6

HB 355 – Continued

- Section 327.401 RSMo - Exempts rural electrical cooperatives, any nonprofit corporation or any electrical corporation operating under a cooperative business plan from the requirement that any corporation practicing architecture, professional engineering, land surveying or landscape architecture obtain a certificate of authority.
- Sections 386.020 & 386.805 RSMo – Exempts from the definition of “electrical corporation” municipal electric utilities, rural electric cooperatives and any person or corporation that is not engaged in the production or sale of electricity at wholesale or retail, that sell, lease, own, control operate or manage one or more electric vehicle charging stations. Also allows electric vehicle charging stations that are outside of a city’s borders, but close, to be considered as a contiguous or adjacent addition to a municipal electric utility system.

7

SB 333 – Increase Fire Services Sales Tax

- Amends Section 321.242 RSMo to allow fire protection districts and cities operating a fire department to impose a ½ percent sales tax (up from ¼ percent sales tax) for fire protection purposes. This applies to any municipality having a fire department, but only to a fire district that has identical boundaries to a city having a population of between 30,000 and 35,000 located in a first class county, other than St. Louis County. So... Liberty, Missouri?



<http://clipart-library.com/free-fire-cliparts.html>

8

SB 21 – Local Sales Tax & Some Special Legislation

- Amends Section 94.510 RSMo to give greater tax rate flexibility. Still cap of 1%, but no longer only three options of ½%, 7/8^{ths} or 1%, can be anything up to 1%.
- Amends Section 94.900 and 94.902 RSMo to allow the Cities of Portageville, Riverside, and Fayette to levy a ½% public safety sales tax.

19 (9) Any city of the fourth classification with more than two
 20 thousand seven hundred but fewer than three thousand inhabitants and
 21 located in any county of the first classification with more than eighty-
 22 three thousand but fewer than ninety-two thousand inhabitants; or
 23 (9) Any city of the fourth classification with more than two
 24 thousand four hundred but fewer than two thousand seven hundred
 25 inhabitants and located in any county of the third classification
 26 without a township form of government and with more than ten
 27 thousand but fewer than twelve thousand inhabitants.

9

SB 87 – Hotel Tax & Some More Special Legislation

- Amends Section 67.1360 RSMo to allow the cities of Higginsville, Lexington and Odessa to impose a transient guest tax to fund tourism promotion of between 2% and 5% per occupied room per night.
- Amends Section 139.031 RSMo to allow a taxpayer to receive interest on taxes paid under protest.
- Amends Section 144.090 by increasing the time to seek a refund on taxes, penalties or interest paid more than once from 3 years to 10 years.

146 (37) Any city with more than four thousand but fewer than five
 147 thousand five hundred inhabitants and located in any county of the
 148 fourth classification with more than thirty thousand but fewer than
 149 forty-two thousand inhabitants.

10

SB 291 – Emergency Communication Service & Even More Special Legislation

- Counties that authorized a tax levy for emergency services prior to 1/1/2012 that have been automatically reduced, cannot submit a tax proposal to the voters for a tax higher than the reduced amount.
- Jefferson County 911 Board is prohibited from setting a tax rate higher than 0.25% for emergency services and dispatching.
- Jackson County has to submit to voters no later than the 2020 general election whether to impose a monthly fee of no more than \$1 in lieu of telephone service tax or countywide service tax.
- Also amends various provisions related to wireless emergency telephone service charges.



<https://www.gomtsch.com/en/next-gen-911/EDITORIAL-1-Could-be-Dead-by-Now-Walk-Times-for-911-Calls-Point-to-Problems-With-the-System.html>

11

HB 192 – Municipal Courts – Fine Collections

- Repeals the “show cause” order that can be utilized to bring those who have not paid assessed fines back to court.
- Municipal courts to use collection processes available for the collection of money judgments.
- This may have many unintended consequences.



<https://www.lexisnexis.com/legalnewsroom/public-policy/m/mediagallery/338>

12

SB 197 – Alcohol

- Amends alcohol regulations to allow 18 year olds to unload delivery trucks and transfer alcohol into retail licensed premises if they are supervised by someone over 21.
- Minor change, but likely will need to update your ordinances.



<https://www.thedailymeal.com/drink/worlds-50-best-beers-2018-ranking-photos>

13

Questions



Contact: esluys@chgolaw.com

14