



0842H02.01F

Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

HB 163

entitled:

AN ACT

To repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

With SAs 2, 4, 5

EC - Adopted

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler
Secretary of the Senate

APR 23 2013

SENATE AMENDMENT NO. 1

Offered by McKenna of Jefferson
Amend HB Bill No. 163, Page 1, Section A, Line 2.

2 by inserting after all of said line the following:

3 "77.030. 1. Unless it elects to be governed by subsection
4 2 of this section, the council shall by ordinance divide the city
5 into not less than four wards, and two councilmen shall be
6 elected from each of such wards by the qualified voters thereof
7 at the first election for councilmen in cities hereafter adopting
8 the provisions of this chapter; the one receiving the highest
9 number of votes in each ward shall hold his office for two years,
10 and the one receiving the next highest number of votes shall hold
11 his office for one year; but thereafter each ward shall elect
12 annually one councilman, who shall hold his office for two years.

13 2. In lieu of electing councilmen as provided in subsection
14 1 of this section, the council may elect to establish wards and
15 elect councilmen as provided in this subsection. If the council
16 so elects, it shall, by ordinance, divide the city into not less
17 than four wards, and one councilman shall be elected from each of
18 such wards by the qualified voters thereof at the first election
19 for councilmen held in the city after it adopts the provisions of
20 this subsection. At the first election held under this
21 subsection the councilmen elected from the odd-numbered wards
22 shall be elected for a term of one year and the councilmen

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1 elected from the even-numbered wards shall be elected for a term
2 of two years. At each annual election held thereafter,
3 successors for councilmen whose terms expire in such year shall
4 be elected for a term of two years.

5 3. (1) Council members may serve four-year terms if the
6 two-year terms provided under subsection 1 or 2 of this section
7 have been extended to four years by ordinance or by approval of a
8 majority of the voters voting on the proposal.

9 (2) The ballot of submission shall be in substantially the
10 following form:

11 Shall the terms of council members which are currently set
12 at two years in..... (city) be extended to four
13 years for members elected after August 28, 2013?

14 YES NO

15 (3) If an ordinance is passed or a majority of the voters
16 voting approve the proposal authorized in this subsection, the
17 members of council who would serve two years under subsections 1
18 and 2 of this section shall be elected to four-year terms
19 beginning with any election occurring after the adoption of the
20 ordinance or approval of the ballot question."; and

21 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by Silvey of 17thAmend House Bill No. 163, Page 1, Section Title, Line 2,

2 by striking the word "primary"; and

3 Further amend page 2, Section 78.090, line 23, by inserting
4 immediately after all of said line the following:5 "96.229. 1. Notwithstanding subsection 5 of section 96.150
6 regarding the lease of substantially all of a hospital where the
7 board of trustees is lessor, a city in which a hospital is
8 located that:9 (1) Is organized and operated under this chapter;10 (2) Has not accepted appropriated funds from the city
11 during the prior twenty years; and12 (3) Is licensed by the department of health and senior
13 services for two hundred beds or more pursuant to sections
14 197.010 to 197.120,15
16 shall not have authority to sell, lease, or otherwise transfer
17 all or substantially all of the property from a hospital
18 organized under this chapter, both real and personal, except in
19 accordance with this section.20 2. Upon filing with the city clerk of a resolution adopted
21 by no less than two-thirds of the incumbent members of the boardOffered 4/23/13
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1 of trustees to sell, lease, or otherwise transfer all or
2 substantially all of the hospital property, both real and
3 personal, for reasons specified in the resolution, the clerk
4 shall present the resolution to the city council. If a majority
5 of the incumbent members of the city council determine that sale,
6 lease, or other transfer of the hospital property is desirable,
7 the city council shall submit to the voters of the city the
8 question in substantially the following form:

9 "Shall the city council of _____, Missouri and the
10 board of trustees of _____ hospital be authorized to
11 sell (or lease or otherwise transfer) the property, real and
12 personal, of _____ hospital as approved by, and in
13 accordance with, the resolution of the board of trustees
14 authorizing such sale (or lease or transfer)?"

15
16 A majority of the votes cast on such question shall be required
17 in order to approve and authorize such sale, lease or other
18 transfer. If the question receives less than the required
19 majority, then the city council and the board of trustees shall
20 have no power to sell, lease or otherwise transfer the property,
21 real and personal, of the hospital unless and until the city
22 council has submitted another question to authorize such sale,
23 lease or transfer authorized under this section and such question
24 is approved by the required majority of the qualified voters
25 voting thereon. However, in no event shall a question under this
26 section be submitted to the voters sooner than twelve months
27 from the date of the last question under this section and after
28 the adoption of another resolution by no less than two-thirds of
29 the board of trustees and a subsequent vote by a majority of the

1 city council to again submit the question to the voters.

2 3. Upon passage of such question by the voters, the board
3 of trustees shall sell and dispose of such property, or lease or
4 transfer such property, in the manner proposed by the board of
5 trustees. The deed of the board of trustees, duly authorized by
6 the board of trustees and duly acknowledged and recorded, shall
7 be sufficient to convey to the purchaser all the rights, title,
8 interest, and estate in the hospital property.

9 4. No sale, lease, or other transfer of such hospital
10 property shall be authorized or effective unless such transaction
11 provides sufficient proceeds to be available to be applied to the
12 payment of all interest and principal of any outstanding valid
13 indebtedness incurred for purchase of the site or construction of
14 the hospital, or for any repairs, alterations, improvements, or
15 additions thereto, or for operation of the hospital.

16 5. Assets donated to the hospital pursuant to section
17 96.210 shall be used to provide health care services in the city
18 and in the geographic region previously served by the hospital,
19 except as otherwise prescribed by the terms of the deed, gift,
20 devise, or bequest.

21 Section B. Because of the need to ensure local hospitals
22 can continue the purpose of providing the best care and treatment
23 of the sick, disabled, and infirm persons as decided on by the
24 people in the affected community, the enactment of section 96.229
25 of this act is deemed necessary for the immediate preservation of
26 the public health, welfare, peace and safety, and is hereby
27 declared to be an emergency act within the meaning of the
28 constitution, and the enactment of section 96.229 of this act
29 shall be in full force and effect upon its passage its passage

1 and approval."; and

2 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Keaveny of 4thAmend House Bill No. 163, Page 1, Section Title, Line 2,

2 by striking the word "primary"; and

3 Further amend said bill, page 2, section 78.090, line 23, by
4 inserting after all of said line the following:

5 "473.730. 1. Every county in this state, [and] except the
6 city of St. Louis, shall elect a public administrator at the
7 general election in the year 1880, and every four years
8 thereafter, who shall be ex officio public guardian and
9 conservator in and for the public administrator's county. A
10 candidate for public administrator shall be at least twenty-one
11 years of age and a resident of the state of Missouri and the
12 county in which he or she is a candidate for at least one year
13 prior to the date of the general election for such office. The
14 candidate shall also be a registered voter and shall be current
15 in the payment of all personal and business taxes. Before
16 entering on the duties of the public administrator's office, the
17 public administrator shall take the oath required by the
18 constitution, and enter into bond to the state of Missouri' in a
19 sum not less than ten thousand dollars, with two or more
20 securities, approved by the court and conditioned that the public
21 administrator will faithfully discharge all the duties of the

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1 public administrator's office, which bond shall be given and oath
2 of office taken on or before the first day of January following
3 the public administrator's election, and it shall be the duty of
4 the judge of the court to require the public administrator to
5 make a statement annually, under oath, of the amount of property
6 in the public administrator's hands or under the public
7 administrator's control as such administrator, for the purpose of
8 ascertaining the amount of bond necessary to secure such
9 property; and such court may from time to time, as occasion shall
10 require, demand additional security of such administrator, and,
11 in default of giving the same within twenty days after such
12 demand, may remove the administrator and appoint another.

13 2. The public administrator in all counties, in the
14 performance of the duties required by chapters 473, 474, and 475,
15 is a public officer. The duties specified by section 475.120 are
16 discretionary. The county shall defend and indemnify the public
17 administrator against any alleged breach of duty, provided that
18 any such alleged breach of duty arose out of an act or omission
19 occurring within the scope of duty or employment.

20 3. After January 1, 2001, all salaried public
21 administrators shall be considered county officials for purposes
22 of section 50.333, subject to the minimum salary requirements set
23 forth in section 473.742.

24 4. The public administrator for the city of St. Louis shall
25 be appointed by a majority of the circuit judges and associate
26 circuit judges of the twenty-second judicial circuit, en banc.
27 Such public administrator shall meet the same qualifications and
28 requirements specified in subsection 1 of this section for
29 elected public administrators. The elected public administrator

1 holding office on the effective date of this section shall
2 continue to hold such office for the remainder of his or her
3 term.

4 473.733. The public administrator's certificate of
5 election, if applicable, official oath and bond shall be filed
6 and recorded with the probate clerk, and copies thereof,
7 certified under the seal of such court, shall be evidence. Any
8 person injured by the breach of such bond may sue upon the same
9 in the name of the state for his own use.

10 473.737. 1. Each public administrator elected or
11 appointed, as now or as hereafter provided for in sections
12 473.730 to 473.767, is hereby declared to be an officer for the
13 county in which such administrator is elected [and for the city
14 of St. Louis, if elected therein] or appointed. The county
15 commissions of each county in this state shall make suitable
16 provision for an office for the public administrator in the
17 courthouse of the county if suitable space may be had for such an
18 office, and shall be provided as soon as the county commission
19 shall be of the opinion that the business in charge of the public
20 administrator is such as to reasonably require a separate office
21 for the convenience of the public. The public administrator of
22 the city of St. Louis shall have suitable and convenient offices
23 provided for him or her in the civil courts building by that
24 city.

25 2. Each public administrator of a county, except a county
26 of the first classification having a charter form of government,
27 in which a state mental hospital is located, or any county of the
28 second classification which contains a habilitation center
29 operated by the department of mental health and which does not

1 adjoin a county of the first classification shall be entitled to
2 one secretary for one hundred cases or more handled by the office
3 of the public administrator in the immediately preceding calendar
4 year. Each secretary employed pursuant to the provisions of this
5 subsection shall be paid in the same pay range as a court clerk
6 II in the circuit court personnel system. All compensation paid
7 secretaries employed pursuant to the provisions of this
8 subsection shall be paid out of the county treasury and the
9 commissioner of administration shall annually reimburse each
10 county for the compensation so paid upon proper demand being made
11 out of appropriations made for that purpose. The public
12 administrator in such counties may also appoint a person to act
13 as public administrator to serve during the absence of the public
14 administrator.

15 3. The governing bodies of each county and each city not
16 within a county of this state may provide clerical personnel, not
17 qualifying as status of deputy, for the public administrator of
18 the county, and such personnel shall be provided when the
19 governing body is of the opinion that the business in charge of
20 the public administrator is such as to reasonably require such
21 personnel for the welfare of the public."; and

22 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5

Offered by Brown of 16th

Amend House Bill No. 163, Page 1, Section Title, Line 2,

2 by striking the word "primary"; and

3 Further amend said bill, page 2, section 78.090, line 23 by
4 inserting immediately after said line the following:

5 "190.335. 1. In lieu of the tax levy authorized under
6 section 190.305 for emergency telephone services, the county
7 commission of any county may impose a county sales tax for the
8 provision of central dispatching of fire protection, including
9 law enforcement agencies, emergency ambulance service or any
10 other emergency services, including emergency telephone services,
11 which shall be collectively referred to herein as "emergency
12 services", and which may also include the purchase and
13 maintenance of communications and emergency equipment, including
14 the operational costs associated therein, in accordance with the
15 provisions of this section.

16 2. Such county commission may, by a majority vote of its
17 members, submit to the voters of the county, at a public
18 election, a proposal to authorize the county commission to impose
19 a tax under the provisions of this section. If the residents of
20 the county present a petition signed by a number of residents
21 equal to ten percent of those in the county who voted in the most

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1 recent gubernatorial election, then the commission shall submit
2 such a proposal to the voters of the county.

3 3. The ballot of submission shall be in substantially the
4 following form:

5 Shall the county of
6 (insert name of county) impose a county sales tax of
7 (insert rate of percent) percent for the purpose of providing
8 central dispatching of fire protection, emergency ambulance
9 service, including emergency telephone services, and other
10 emergency services?

11 YES NO

12 If a majority of the votes cast on the proposal by the qualified
13 voters voting thereon are in favor of the proposal, then the
14 ordinance shall be in effect as provided herein. If a majority
15 of the votes cast by the qualified voters voting are opposed to
16 the proposal, then the county commission shall have no power to
17 impose the tax authorized by this section unless and until the
18 county commission shall again have submitted another proposal to
19 authorize the county commission to impose the tax under the
20 provisions of this section, and such proposal is approved by a
21 majority of the qualified voters voting thereon.

22 4. The sales tax may be imposed at a rate not to exceed one
23 percent on the receipts from the sale at retail of all tangible
24 personal property or taxable services at retail within any county
25 adopting such tax, if such property and services are subject to
26 taxation by the state of Missouri under the provisions of
27 sections 144.010 to 144.525. The sales tax shall not be
28 collected prior to thirty-six months before operation of the
29 central dispatching of emergency services.

1 5. Except as modified in this section, all provisions of
2 sections 32.085 and 32.087 shall apply to the tax imposed under
3 this section.

4 6. Any tax imposed pursuant to section 190.305 shall
5 terminate at the end of the tax year in which the tax imposed
6 pursuant to this section for emergency services is certified by
7 the board to be fully operational. Any revenues collected from
8 the tax authorized under section 190.305 shall be credited for
9 the purposes for which they were intended.

10 7. At least once each calendar year, the board shall
11 establish a tax rate, not to exceed the amount authorized, that
12 together with any surplus revenues carried forward will produce
13 sufficient revenues to fund the expenditures authorized by this
14 act. Amounts collected in excess of that necessary within a
15 given year shall be carried forward to subsequent years. The
16 board shall make its determination of such tax rate each year no
17 later than September first and shall fix the new rate which shall
18 be collected as provided in this act. Immediately upon making
19 its determination and fixing the rate, the board shall publish in
20 its minutes the new rate, and it shall notify every retailer by
21 mail of the new rate.

22 8. Immediately upon the affirmative vote of voters of such
23 a county on the ballot proposal to establish a county sales tax
24 pursuant to the provisions of this section, the county commission
25 shall appoint the initial members of a board to administer the
26 funds and oversee the provision of emergency services in the
27 county. Beginning with the general election in 1994, all board
28 members shall be elected according to this section and other
29 applicable laws of this state. At the time of the appointment of

1 the initial members of the board, the commission shall relinquish
2 and no longer exercise the duties prescribed in this chapter with
3 regard to the provision of emergency services and such duties
4 shall be exercised by the board.

5 9. The initial board shall consist of seven members
6 appointed without regard to political affiliation, who shall be
7 selected from, and who shall represent, the fire protection
8 districts, ambulance districts, sheriff's department,
9 municipalities, any other emergency services and the general
10 public. This initial board shall serve until its successor board
11 is duly elected and installed in office. The commission shall
12 ensure geographic representation of the county by appointing no
13 more than four members from each district of the county
14 commission.

15 10. Beginning in 1994, three members shall be elected from
16 each district of the county commission and one member shall be
17 elected at large, such member to be the chairman of the board.
18 Of those first elected, four members from districts of the county
19 commission shall be elected for terms of two years and two
20 members from districts of the county commission and the member at
21 large shall be elected for terms of four years. In 1996, and
22 thereafter, all terms of office shall be four years.

23 Notwithstanding any other provision of law, if there is no
24 candidate for an open position on the board, then no election
25 shall be held for that position and it shall be considered
26 vacant, to be filled pursuant to the provisions of section
27 190.339, and, if there is only one candidate for each open
28 position, no election shall be held and the candidate or
29 candidates shall assume office at the same time and in the same

1 manner as if elected.

2 11. Notwithstanding the provisions of subsections 8 to 10
3 of this section to the contrary, in any county of the first
4 classification with more than two hundred forty thousand three
5 hundred but fewer than two hundred forty thousand four hundred
6 inhabitants, any emergency telephone service 911 board appointed
7 by the county under section 190.309 which is in existence on the
8 date the voters approve a sales tax under this section shall
9 continue to exist and shall have the powers set forth under
10 section 190.339.

11 12. (1) Notwithstanding the provisions of subsections 8 to
12 10 of this section to the contrary, in any county of the second
13 classification with more than fifty-four thousand two hundred but
14 fewer than fifty-four thousand three hundred inhabitants or any
15 county of the first classification with more than fifty thousand
16 but fewer than seventy thousand inhabitants that has approved a
17 sales tax under this section, the county commission shall appoint
18 the members of the board to administer the funds and oversee the
19 provision of emergency services in the county.

20 (2) The board shall consist of seven members appointed
21 without regard to political affiliation. Except as provided in
22 subdivision (4) of this subsection, each member shall be one of
23 the following:

24 (a) The head of any of the county's fire protection
25 districts, or a designee;

26 (b) The head of any of the county's ambulance districts, or
27 a designee;

28 (c) The county sheriff, or a designee;

29 (d) The head of any of the police departments in the

1 county, or a designee; and

2 (e) The head of any of the county's emergency management
3 organizations, or a designee.

4 (3) Upon the appointment of the board under this
5 subsection, the board shall have the power provided in section
6 190.339 and shall exercise all powers and duties exercised by the
7 county commission under this chapter, and the commission shall
8 relinquish all powers and duties relating to the provision of
9 emergency services under this chapter to the board.

10 (4) In any county of the first classification with more
11 than fifty thousand but fewer than seventy thousand inhabitants,
12 each of the entities listed in subdivision (2) of this subsection
13 shall be represented on the board by at least one member."; and

14 Further amend the title and enacting clause accordingly.
15