

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 178

97TH GENERAL ASSEMBLY

0691H.05P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 67 and 115, RSMo, by adding thereto three new sections relating to local ballot proposals.

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

Section A. Chapters 67 and 115, RSMo, are amended by adding thereto three new sections, to be known as sections 67.005, 67.312, and 115.131, to read as follows:

2 **67.005. 1. Notwithstanding any other provisions of law to the contrary, beginning**
3 **August 28, 2013, in the event that any proposal by any political subdivision to enact any**
4 **tax for any purpose in the political subdivision is submitted to and rejected by the voters**
5 **of the political subdivision, such proposal may be resubmitted to the voters at any time**
6 **during the two years immediately following the initial rejection, but such proposal shall**
7 **not become effective unless at least sixty percent of the qualified voters voting thereon**
8 **approve the proposal. If the proposal is resubmitted after the expiration of the two-year**
9 **period immediately following the initial rejection, such proposal shall become effective if**
10 **a majority of the votes cast on the question by the qualified voters voting thereon are in**
11 **favor of the proposal.**

12 **2. This section shall not apply to any disaster or emergency as proclaimed by the**
13 **governor.**

14 **3. The provisions of this section shall not apply to any tax that political subdivisions**
15 **are authorized to directly enact solely under the authority of the Constitution of Missouri;**
16 **however, it shall apply to all taxes authorized only by a general enabling statute and**
17 **subject to the requirement of a majority vote under article X, section 22 of the Constitution**
of Missouri.

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.

67.312. 1. Notwithstanding any law to the contrary, in any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district contracts with a for profit management company focusing on contract management and operations, the water supply district shall not charge or collect from its customers any increase in rates, charges, or fees, including but not limited to water rates, testing fees, inspection fees, administrative fees, service charges, minimum bill charges, flat rate charges, customer charges, billing charges, attendance fees, primacy fees, and user fees without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters. Any actual charges or fees by a state or local governmental entity not associated in any way with the water supply district may be passed on to their customers without a vote.

2. In any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district does not actually process or treat sewage or wastewater but pays another governmental entity for providing such service, the water supply district shall not charge and collect from its customers a premium, fee, tax, assessment, or other charge however denominated more than the rate it actually pays to such other entity without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters.

115.131. 1. Notwithstanding the provisions of section 115.515 or any other provision to the contrary, in the event there is a tie vote between two candidates in a primary election for a county office, each candidate who failed to win the election as a result of the tie shall be permitted to place his or her name on the ballot at the general election. However, his or her name shall appear on the ballot with no political party designation.

2. If any candidate eligible to place his or her name on the ballot at the general election under subsection 1 of this section declines to do so, the remaining candidate shall be declared to have won the primary election and may appear on the general election ballot as the candidate for the political party in which the primary was held.

11 **3. No votes for a write-in candidate shall be allowed at a general election held in**
12 **accordance with subsection 1 of this section unless only one candidate's name is on the**
13 **ballot, in which case that candidate is to be designated as a candidate for the political party**
14 **in which he or she ran in the primary and write-in candidate votes shall be allowed.**

15 **4. The provisions of this section shall apply only in the case of an uncontested**
16 **general election in which the candidates who tie during a political party primary are the**
17 **only candidates eligible to run for the county office because that all other political party**
18 **or independent candidates have not met the requisite filing requirements to run for such**
19 **office.**

20 **5. If a general election is contested as a result of this section, any tie vote in a**
21 **political party primary shall be resolved under section 115.515 prior to the general election.**

✓