

SECOND REGULAR SESSION

HOUSE BILL NO. 1512

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

3457H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 64.570, 64.820, 65.665, 89.380, 143.183, 182.645, and 488.426, RSMo, and to enact in lieu thereof eight new sections relating to libraries.

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Section A. Sections 64.570, 64.820, 65.665, 89.380, 143.183, 182.645, and 488.426, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 64.570, 64.820, 65.665, 89.380, 143.183, 182.645, 182.819, and 488.426, to read as follows:

64.570. **1.** From and after the adoption of the official master plan or portion thereof and its proper certification and recording, thereafter no improvement of a type embraced within the recommendations of such official master plan or part thereof shall be constructed or authorized without first submitting the proposed plans thereof to the county planning commission and receiving the written approval or recommendations of said commission. This requirement shall be deemed to be waived if the county planning commission fails to make its report and recommendations within forty-five days after receipt of the proposed plans.

2. (1) In the case of any public improvement sponsored or proposed to be made by any municipality or other political or civil subdivision of the state, or public board, commission or other public officials, the disapproval or recommendations of the county planning commission may be overruled by a two-thirds vote, properly entered of record and certified to the county planning commission, of the governing body of such municipality, or other political or civil subdivision, or public board, commission or officials, after the reasons for such overruling are spread upon its minutes, which reasons shall also be certified to the county planning commission.

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.

17 **(2) Notwithstanding the provisions of subdivision (1) of this subsection to the**
18 **contrary, a board governing a library established under chapter 182 shall not have the**
19 **power to overrule the disapproval or recommendations of the county planning**
20 **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 to the**
17 **contrary, a board governing a library established under chapter 182 shall not have the**
18 **power to overrule the disapproval or recommendations of the county planning**
19 **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 to the**
18 **contrary, a board governing a library established under chapter 182 shall not have the**
19 **power to overrule the disapproval or recommendations of the township planning**
20 **commission.**

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 to the contrary,**
12 **if the public facility or utility is one the authorization or financing of which does not fall**
13 **within the 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.

143.183. 1. As used in this section, the following terms mean:

2 (1) "Nonresident entertainer", a person residing or registered as a corporation outside
3 this state who, for compensation, performs any vocal, instrumental, musical, comedy,
4 dramatic, dance or other performance in this state before a live audience and any other person
5 traveling with and performing services on behalf of a nonresident entertainer, including a
6 nonresident entertainer who is paid compensation for providing entertainment as an

7 independent contractor, a partnership that is paid compensation for entertainment provided by
8 nonresident entertainers, a corporation that is paid compensation for entertainment provided
9 by nonresident entertainers, or any other entity that is paid compensation for entertainment
10 provided by nonresident entertainers;

11 (2) "Nonresident member of a professional athletic team", a professional athletic team
12 member who resides outside this state, including any active player, any player on the disabled
13 list if such player is in uniform on the day of the game at the site of the game, and any other
14 person traveling with and performing services on behalf of a professional athletic team;

15 (3) "Personal service income" includes exhibition and regular season salaries and
16 wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and
17 any other type of compensation paid to the nonresident entertainer or nonresident member of
18 a professional athletic team, but does not include prizes, bonuses or incentive money received
19 from competition in a livestock, equine or rodeo performance, exhibition or show;

20 (4) "Professional athletic team" includes, but is not limited to, any professional
21 baseball, basketball, football, soccer and hockey team.

22 2. Any person, venue, or entity who pays compensation to a nonresident entertainer
23 shall deduct and withhold from such compensation as a prepayment of tax an amount equal to
24 two percent of the total compensation if the amount of compensation is in excess of three
25 hundred dollars paid to the nonresident entertainer. For purposes of this section, the term
26 "person, venue, or entity who pays compensation" shall not be construed to include any
27 person, venue, or entity that is exempt from taxation under 26 U.S.C. Section 501(c)(3), as
28 amended, and that pays an amount to the nonresident entertainer for the entertainer's
29 appearance but receives no benefit from the entertainer's appearance other than the
30 entertainer's performance.

31 3. Any person, venue, or entity required to deduct and withhold tax pursuant to
32 subsection 2 of this section shall, for each calendar quarter, on or before the last day of the
33 month following the close of such calendar quarter, remit the taxes withheld in such form or
34 return as prescribed by the director of revenue and pay over to the director of revenue or to a
35 depository designated by the director of revenue the taxes so required to be deducted and
36 withheld.

37 4. Any person, venue, or entity subject to this section shall be considered an employer
38 for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to
39 tax provided in this chapter for failure to comply with this section.

40 5. Notwithstanding other provisions of this chapter to the contrary, the commissioner
41 of administration, for all taxable years beginning on or after January 1, 1999, but none after
42 December 31, 2030, shall annually estimate the amount of state income tax revenues
43 collected pursuant to this chapter which are received from nonresident members of

44 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
45 subsequent fiscal year for a period of thirty-one years, sixty percent of the annual estimate of
46 taxes generated from the nonresident entertainer and professional athletic team income tax
47 shall be allocated annually to the Missouri arts council trust fund, and shall be transferred,
48 subject to appropriations, from the general revenue fund to the Missouri arts council trust
49 fund established in section 185.100 and any amount transferred shall be in addition to such
50 agency's budget base for each fiscal year. The director shall by rule establish the method of
51 determining the portion of personal service income of such persons that is allocable to
52 Missouri.

53 6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the
54 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
55 but for none after December 31, 2030, shall estimate annually the amount of state income tax
56 revenues collected pursuant to this chapter which are received from nonresident members of
57 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
58 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
59 taxes generated from the nonresident entertainer and professional athletic team income tax
60 shall be allocated annually to the Missouri humanities council trust fund, and shall be
61 transferred, subject to appropriations, from the general revenue fund to the Missouri
62 humanities council trust fund established in section 186.055 and any amount transferred shall
63 be in addition to such agency's budget base for each fiscal year.

64 7. Notwithstanding other provisions of section 182.812 to the contrary, the
65 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
66 but for none after December 31, 2030, shall estimate annually the amount of state income tax
67 revenues collected pursuant to this chapter which are received from nonresident members of
68 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
69 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
70 taxes generated from the nonresident entertainer and professional athletic team income tax
71 shall be allocated annually to the Missouri state library networking fund, and shall be
72 transferred, subject to appropriations, from the general revenue fund to the secretary of state
73 for distribution to public libraries for acquisition of library materials **and maintenance and**
74 **repair of library facilities** as established in section 182.812 and any amount transferred shall
75 be in addition to such agency's budget base for each fiscal year.

76 8. Notwithstanding other provisions of section 185.200 to the contrary, the
77 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
78 but for none after December 31, 2030, shall estimate annually the amount of state income tax
79 revenues collected pursuant to this chapter which are received from nonresident members of
80 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each

81 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
82 taxes generated from the nonresident entertainer and professional athletic team income tax
83 shall be allocated annually to the Missouri public television broadcasting corporation special
84 fund, and shall be transferred, subject to appropriations, from the general revenue fund to the
85 Missouri public television broadcasting corporation special fund, and any amount transferred
86 shall be in addition to such agency's budget base for each fiscal year; provided, however, that
87 twenty-five percent of such allocation shall be used for grants to public radio stations which
88 were qualified by the corporation for public broadcasting as of November 1, 1996. Such
89 grants shall be distributed to each of such public radio stations in this state after receipt of the
90 station's certification of operating and programming expenses for the prior fiscal year.
91 Certification shall consist of the most recent fiscal year financial statement submitted by a
92 station to the corporation for public broadcasting. The grants shall be divided into two
93 categories, an annual basic service grant and an operating grant. The basic service grant shall
94 be equal to thirty-five percent of the total amount and shall be divided equally among the
95 public radio stations receiving grants. The remaining amount shall be distributed as an
96 operating grant to the stations on the basis of the proportion that the total operating expenses
97 of the individual station in the prior fiscal year bears to the aggregate total of operating
98 expenses for the same fiscal year for all Missouri public radio stations which are receiving
99 grants.

100 9. Notwithstanding other provisions of section 253.402 to the contrary, the
101 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
102 but for none after December 31, 2030, shall estimate annually the amount of state income tax
103 revenues collected pursuant to this chapter which are received from nonresident members of
104 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
105 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
106 taxes generated from the nonresident entertainer and professional athletic team income tax
107 shall be allocated annually to the Missouri department of natural resources Missouri historic
108 preservation revolving fund, and shall be transferred, subject to appropriations, from the
109 general revenue fund to the Missouri department of natural resources Missouri historic
110 preservation revolving fund established in section 253.402 and any amount transferred shall
111 be in addition to such agency's budget base for each fiscal year.

112 10. This section shall not be construed to apply to any person who makes a
113 presentation for professional or technical education purposes or to apply to any presentation
114 that is part of a seminar, conference, convention, school, or similar program format designed
115 to provide professional or technical education.

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. 1. Notwithstanding any provision of this chapter or any other law to
2 the contrary, any real property owned by a board governing a library established under
3 this chapter shall not be used for any purpose that violates any zoning ordinances or**

4 regulations adopted under chapter 64, 65, or 89 by the county, city, town, village, or
5 township in which the real property is located.

6 2. Any board governing a library established under this chapter 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.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
5 are to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County,
8 **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the
9 state for the salaries of family court commissioners under and pursuant to section 487.020,
10 may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson
11 County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that
12 reimburses the state for the salaries of family court commissioners under and pursuant to
13 section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in
14 the fee shall become effective and remain in effect until further changed.

15 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived
16 or are paid by the county or state or any city.

17 ~~[4. In addition to any fee authorized by subsection 1 of this section, any county of the~~
18 ~~first classification with more than one hundred one thousand but fewer than one hundred~~
19 ~~fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases~~
20 ~~concerning adoption and those in small claims court. The provisions of this subsection shall~~
21 ~~expire on December 31, 2019.]~~

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