

HCS#2 HB 889 -- POLITICAL SUBDIVISIONS

SPONSOR: Gatschenberger

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 13 to 0.

This substitute changes the laws regarding political subdivisions. In its main provisions, the substitute:

- (1) Designates April 30 of each year as "Vietnam Veterans Day" and March 26 of each year as "Veterans of Operation Iraq/Enduring Freedom Day" in Missouri (Sections 9.085 and 9.086, RSMo);
- (2) Authorizes the Secretary of State to enter into an agreement with a nonprofit organization to print and distribute copies of the Official State Manual. The nonprofit organization must charge a fee for a copy of the manual to cover the cost of production and distribution (Sections 11.010 and 11.025);
- (3) Specifies that any personal identifying information that is utilized in a voluntary registry of persons with health-related ailments created by a public governmental body to assist these individuals during a disaster or emergency is not to be considered a public record under the Open Meetings and Records Law, commonly known as the Sunshine Law. However, a governmental body cannot deny a lawful request for the identifying information from any law enforcement agency or public governmental body providing emergency services (Section 44.035);
- (4) Requires a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, a registered voter, and have paid all state income taxes and personal and real property taxes. The candidate must present the election authority with a copy of a signed affidavit from a surety company authorized to do business in Missouri indicating that the candidate meets the statutory bond requirements of the office. A collector-treasurer must reside in the county throughout his or her term in office. A county-treasurer in a county having township organization will have the sole authority to appoint a deputy (Sections 52.010 and 54.330);
- (5) Changes when property tax statements must be mailed in all counties of the first classification from at least 30 days to at least 45 days before the delinquent date unless the collector is prevented from mailing the statements because of circumstances beyond his or her control (Sections 52.230 and 115.342);
- (6) Allows an exception for a county having a township form of

government with an office of collector-treasurer from the requirement to appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy. Currently, only a county with a charter form of government is allowed this exemption (Section 54.033);

(7) Increases the minimum value of county property that the auditor in a charter county annually must inventory from \$250 to \$1,000 (Section 55.030);

(8) Removes the provision which specifies that no surcharge will be assessed against a person who has pled guilty and paid his or her fine through the central violations bureau requiring this individual to pay a \$4 surcharge. Currently, a \$4 surcharge is assessed in all criminal cases including any violation of a county ordinance and any criminal or traffic law including infractions for deposit into the Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund except under certain circumstances (Sections 56.807 and 488.026);

(9) Removes the county classification limitation allowing a sheriff from any county to hire an attorney to aid and advise him or her in the discharge of the sheriff's duties and to represent him or her in court. Currently, only a sheriff in a first classification county is authorized to hire an attorney for these purposes (Section 57.104);

(10) Requires every elected or appointed county coroner, deputy coroner, and assistant to the coroner to complete the annually required educational training within six months of his or her election or appointment (Section 58.095);

(11) Requires county municipal court judges in charter counties to meet the residency requirements and any other requirements established by a county ordinance (Section 66.010);

(12) Authorizes any city, town, village, sewer district, or water supply district to impose, upon voter approval, a fee of up to \$1 per month or \$12 annually for each line providing water service to residential property having four or fewer dwelling units for the purpose of repair or replacement due to failure of the water lines extending from the water main to the residential dwelling (Section 67.319);

(13) Authorizes any city in which voters have approved fees to recover costs associated with the enforcement of certain property ordinances to issue a special tax bill against the property to recover the costs (Section 67.451);

(14) Authorizes Pettis County, upon voter approval, to change

its transient guest tax from \$2 per room, per night to up to 5% per occupied room, per night; increases from five to seven the number of members on the Pettis County Tourism Commission; and changes the appointment process for members of the commission (Sections 67.1006 and 67.1008);

(15) Authorizes a community improvement district special assessment to be added to and collected with the annual real estate tax bill for the property (Section 67.1521);

(16) Authorizes Cass County to prosecute and punish violations of its county ordinances pertaining to county building codes, on-site sewer treatment orders, and zoning orders in the circuit court or in a county municipal court upon adoption by the county commission of an ordinance establishing the court. The county may also prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county (Section 67.2012);

(17) Establishes a county drinking water supply lake authority in Sullivan County and in Christian County (Sections 67.4500 - 67.4520);

(18) Specifies that the monthly retirement allowance for certain members of the Missouri Local Government Employees' Retirement System can only be increased to a maximum of 90%. Currently, any member of the system who retires and elects a partial lump-sum distribution will have his or her monthly retirement allowance reduced to 84% if the retiree is 60 years of age at the time of retirement. For each year the retiree's age at the time of retirement is more than 60, his or her monthly retirement allowance will be decreased by four-tenths of 1%; and for each year his or her age is less than 60, his or her monthly retirement allowance will be increased by four-tenths of 1% (Section 70.660);

(19) Creates a funding mechanism for survivor benefits when a member of the Missouri Local Government Employees' Retirement System dies as the result of a duty-related injury or disease (Sections 70.710, 70.720, and 70.730);

(20) Authorizes any city, town, or village in Lincoln County to annex areas along a road or highway for up to two miles from the existing boundaries of the city, town, or village. Currently, any city, town, or village in Perry County is authorized to do this (Section 71.012);

(21) Increases the work-off rate for county prisoners from \$10 per day to a portion of the judgment that is equal to the greater of the actual daily incarceration cost or the amount that the

municipality is reimbursed by the state for the incarceration (Section 71.220);

(22) Exempts certain voluntary annexations from boundary commission review in St. Louis County (Section 72.401);

(23) Allows a municipality, by order or ordinance, to enter into a contract with debt collectors or private attorneys for the collection of certain debts owed to the municipality (Section 82.292);

(24) Prohibits a political subdivision from restricting any paid member of a fire department or fire district from supporting or opposing any political party, candidate, or petition while off duty and not in uniform (Section 85.015);

(25) Specifies that the cities of Columbia, Joplin, and St. Charles will not have the authority to adopt and enforce regulations governing zoning, planning, subdividing, and building within all unincorporated areas extending up to two miles outside the city limits (Section 89.145);

(26) Authorizes the City of Excelsior Springs by order or ordinance to impose, upon voter approval, a retail sales tax of up to 1% for the purpose of funding the construction, maintenance, operation, and equipping of a community center and for retiring any bonds issued for those purposes (Section 94.585);

(27) Changes procedural requirements for a tax increment finance commission established in the counties of Jefferson, St. Charles, or St. Louis upon receipt of a redevelopment plan and request for a hearing from the applicable city, town, or village. The substitute also prohibits a municipality from approving a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area or any amendments to these documents unless a majority of the members of the commission vote to approve the plan, project, designation, or amendment and removes the provision allowing a municipality to override a commission recommendation in opposition to the plan, project, or designation by a two-thirds majority vote of its governing body (Sections 99.820 and 99.825);

(28) Allows an entity that fulfills the ownership requirements to vote in an election for which ownership of real property is required by law (Section 115.137);

(29) Prohibits a person who has been convicted of, found guilty of, or pled guilty to a felony in this state from being a candidate for office in a municipality or special district

(Section 115.305);

(30) Requires certain candidates for public office to declare that he or she is not aware of any information that would prohibit him or her from fulfilling any bonding requirements for the office for which he or she is filing. The candidate must file with the Department of Revenue and include a copy with the declaration of candidacy a signed affidavit from a surety company authorized to do business in Missouri that he or she meets the required bond requirements (Section 115.342);

(31) Classifies certain hydroelectric power generating equipment as tangible personal property and requires that it be assessed at 1% of its true value in money (Sections 137.010, 137.080, and 137.115.3);

(32) Increases the number of years before a newly constructed residential property which has never been occupied is assessed for property taxation from the second year following the year the construction on the home was completed to the fourth year in those counties where the property is located in which the governing body has previously adopted or hereafter adopts the provisions of Section 137.082 (Section 137.082);

(33) Authorizes an assessor to use any nationally recognized motor vehicle valuation guide rather than the October issue of the National Automobile Dealers' Association Official Used Car Guide or its successor publication to determine the assessed valuation of a used motor vehicle for personal property taxation purposes (Section 137.115.9);

(34) Limits, beginning January 1, 2012, the increase in assessed valuation of a residential property to the percentage of the cost-of-living increase in federal Social Security benefits in the previous year for an individual who is 65 years of age or older or who is disabled, has a federal adjusted gross income of less than \$72,380, and owns and lives in his or her principal residence. The maximum income limit will increase by the incremental increase in the general price level as specified in the Missouri Constitution (Section 137.115.17);

(35) Authorizes the Director of the Department of Revenue to impose an offset against a taxpayer's refund for certain debts owed by the taxpayer and repeals the provisions regarding the process by which the Department of Health and Senior Services requests offsets and authorizes an entity designated by the Department of Revenue as a claim clearinghouse to process and verify requests for an offset only for ambulance service providers of taxpayer income tax refunds and lottery winnings to satisfy outstanding debts for ambulance services received.

Currently, the Department of Health and Senior Services processes claims submitted by hospitals and health care providers requesting an offset of income tax refunds to satisfy an outstanding debt owed by a taxpayer (Sections 143.789 and 143.790);

(36) Authorizes any ambulance district established under Chapter 190 on or after August 28, 2011, with the exception of an ambulance district in St. Louis County to impose, upon voter approval, a sales tax of up to 0.5% in lieu of a property tax to fund the district. A petition to establish an ambulance district must state whether it will be funded by a property or a sales tax (Sections 190.015, 190.035, and 190.040);

(37) Allows the Highways and Transportation Commission within the Department of Transportation to enter into a binding highway infrastructure agreement to reimburse or repay any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement (Section 226.224);

(38) Changes the penalty for a junkyard screening violation by making a first violation a class C misdemeanor and a second or subsequent violation a class A misdemeanor. In addition to the penalties, a violator will be ordered to remove the junk or build a fence to fully screen the junk from public view (Section 226.720);

(39) Authorizes the Highways and Transportation Commission to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 in the counties of St. Louis and St. Charles and extends the commission's authority to enter into design-build contracts from July 1, 2012, to July 1, 2018 (Section 227.107);

(40) Changes the compensation for certain members of a county highway commission from \$15 per day for the first meeting of each month and \$5 for each additional meeting during the month to an amount per meeting not to exceed \$100 as established by the county's governing body. The mileage allowance for those members is also changed to the same amount per mile received by the members of the county's governing body (Section 230.220);

(41) Authorizes commissioners of road districts organized under Sections 233.170 - 233.315, upon majority vote, to receive compensation for their services of up to \$100 per month plus all expenses incurred in transacting the business of the district, including reasonable attorney fees. The compensation of a commissioner cannot change during the time of his or her term of

office. Currently, only the payment of expenses is authorized (Section 233.280);

(42) Prohibits a major water user from transporting water withdrawn or diverted from within the Southeast Missouri Regional Water District to a location outside of the water district if it interferes with the reasonable and customary activities of a registered major water user located within the district (Sections 256.400 and 256.433);

(43) Establishes a 24-member Missouri Sustainable Local Food Policy Council within the Department of Agriculture for the purpose of building a local food economy benefitting Missouri by creating jobs, stimulating economic development, preserving farmlands and water resources, increasing consumer access to fresh and nutritious foods, and providing greater food security for all Missourians (Section 262.675);

(44) Requires a municipality to allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. The substitute specifies that the legal use of a vehicle on a public street or highway cannot constitute a public or private nuisance and cannot be the basis of a civil action for a public or private nuisance (Sections 304.120 and 537.293);

(45) Allows any winery, distiller, manufacturer, wholesaler, or brewer, or its designated employee or contracted sampling service, with the permission of the licensee, to provide distilled spirits, wine, or malt beverages for customer tasting purposes at licensed retail premises that have a special permit or a by-the-drink-for-consumption-on-the-premises-where-sold retail license (Section 311.297);

(46) Repeals an obsolete provision regarding the term of office for fire protection district board members elected in 2005 in St. Charles County (Section 321.120);

(47) Adds the costs of environmental insurance premiums and the backfill of areas where contaminated soil excavation occurs to the list of expenses that qualify for a remediation tax credit (Section 447.708);

(48) Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer (Section 475.115);

(49) Transfers, beginning January 1, 2012, Taney County from the

38th Judicial Circuit to the newly established 46th Judicial Circuit with one circuit judge to be elected in 2011 to serve the new circuit. The 38th Judicial Circuit will consist only of Christian County (Sections 478.170, 478.187, 478.575, and 478.577);

(50) Removes the requirement that the circuit court in Cape Girardeau County hold court and maintain an office of the probate division in the courthouses in the cities of Jackson and Cape Girardeau and the circuit clerk maintain offices in both courthouses. The substitute allows the circuit court to hold court and maintain an office of the probate division in Jackson and Cape Girardeau and the circuit clerk may maintain an office at both locations (Sections 478.711 and 483.420);

(51) Adds the City of St. Joseph to the list of cities authorized to establish an administrative adjudication system for certain municipal code violations. The cities of Kansas City, St. Joseph, and St. Louis are authorized to establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, and nuisance municipal code violations and to issue a special tax bill to collect fines issued for housing, property maintenance, and nuisances code violations (Section 479.011);

(52) Prohibits a person from serving as a municipal judge after he or she has reached 78 years of age. Currently, a person cannot serve after reaching 75 years of age (Section 479.020);

(53) Allows Greene County, upon the approval of the county commission, to charge an additional \$5 surcharge to any party filing a civil case (Section 488.426);

(54) Specifies that certain political subdivisions that have formed a business entity for the purpose of providing insurance coverage will not be required to solicit competitive bids when procuring risk coverage (Section 537.620);

(55) Allows any municipality in St. Charles County to adopt and enforce the necessary ordinances for maintaining the peace, good government and welfare of the city, and its trade and commerce and, except for those governing traffic violations on any roadway, with a fine not to exceed \$1,000, three months of imprisonment, or both (Section 546.902);

(56) Authorizes certain circuit clerks, upon voter approval, to impose and collect any cost, fee, or surcharge authorized under Chapter 488 (Section 1); and

(57) Authorizes any city, town, village, sewer district, or

water supply district to impose, upon voter approval, a fee of up to \$4 per month or \$48 annually for each lateral sewer service line providing sewer service to residential property having four or fewer dwelling units for the purpose of repair or replacement due to failure of the lateral sewer service lines extending from the residential dwelling to its connection with the public sewer system (Section 2).

The provisions of the substitute regarding the limit on increases in the assessed valuation of property for the elderly and disabled will expire December 31 six years from the effective date.

The provisions regarding the Missouri Sustainable Local Food Policy Council will expire June 30, 2015.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of Unknown to a cost of Unknown greater than \$395,767 in FY 2012, an income of Unknown to a cost of Unknown greater than \$599,616 in FY 2013, and an income of Unknown to a cost of Unknown greater than \$605,272 in FY 2014. Estimated Net Cost on Other State Funds of Unknown in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill will provide a tremendous financial benefit to persons who would otherwise be responsible for paying the costs of repairing the lateral sewer lines from their residence to the sewer main.

Testifying for the bill was Representative Gatschenberger.

OPPOSERS: There was no opposition voiced to the committee.