

HCS SB 61 -- LOCAL GOVERNMENT

SPONSOR: Keaveny (Nasheed)

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 12 to 0.

This substitute changes the laws regarding local government. In its main provisions, the substitute:

(1) Specifies that the county sheriff's revolving fund may also be used to pay for information and data exchange (Section 50.535, RSMo);

(2) Prohibits a person from being elected or appointed the clerk of a county commission unless he or she has resided within the county for one year prior to his or her election instead of the current six-month requirement (Section 51.050);

(3) 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 he or she meets the statutory bond requirements of the office. A county collector or collector-treasurer must reside in the county throughout his or her term of office (Sections 52.010 and 54.330.1);

(4) 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);

(5) Specifies that a collector-treasurer in a county with a township organization will have the sole authority to appoint a deputy (Section 54.330.2);

(6) Establishes qualifications and appointment procedures for a candidate for county recorder where the offices of the court clerk and recorder of deeds are separate, except in the City of St. Louis or a charter county. A candidate for county recorder must be at least 21 years of age, a registered voter, and a resident of the state and county in which he or she is a candidate for at least one year prior to the general election. If elected, the recorder must continue to be a resident during

his or her term of office. In the event of a vacancy in office due to a resignation or death, the county commission must appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the Governor appoints someone (Sections 59.021 and 59.022);

(7) 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);

(8) Allows the City of St. Louis to establish and maintain a municipal police force upon meeting specified conditions including an approved collective bargaining agreement. Currently, the state oversees the police force through the St. Louis Board of Police Commissioners. The substitute:

(a) Specifies that any officer, employee, or representative of the force who engages in certain activities with a licensed dealer or private seller of firearms or ammunition including soliciting, persuading, encouraging, or enticing the dealer or seller into an illegal transaction or providing materially false information about the legality of the transfer will be guilty of a class D felony. Any of these individuals who willfully procures another to engage in the conduct will be held accountable as a principal;

(b) Prohibits an officer or employee of the municipal police department from being a candidate for partisan political office, using official authority or influence to interfere with or affect the results of an election or a nomination for office, coercing a contribution from subordinates in support of a political party or candidate, permitting solicitation for a political purpose in any building or room occupied by the department, soliciting any person to vote in particular way while on duty or while wearing the official department uniform, or affixing any item to department property or a vehicle which supports or opposes any ballot measure or political candidate. An officer or employee who willfully or through culpable negligence violates any of these provisions may be punished with a fine of between \$50 and \$500, imprisonment for no more than six months, or both;

(c) Requires, upon the establishment of the municipal police force, the title and ownership of all debts and assets, including real and personal property, held or controlled by the board to immediately pass to the city. Upon the completion of the transfer, the city must appropriate the necessary funds for the maintenance of the municipal police force. However, the city cannot be required to appropriate funds for pensions or retirement plans for any fiscal year in excess of any limitation imposed by Article X, Section 21, of the Missouri Constitution;

(d) Requires the city to retain all current officers and employees without a reduction in rank, salary, or benefits. The city must also recognize an employee's accrued years of service and allow the same holidays and vacation and sick leave; however, these benefits may be reduced in a ratified collective bargaining agreement. The city may enforce any rule, law, or regulation concerning the residence of a commissioned or civilian employee of the police force. However, personnel who were previously employed by the board will continue to be subject to the residency rules established by the board as of August 28, 2011;

(e) Requires the city to establish a separate division for the operation of its police force and allows the city to adopt new civil service commission rules and regulations;

(f) Requires the city to provide or contract for life, health, medical, and disability insurance and for salary continuation coverage for officers, employees, those retired from the current police department, and retirees of the newly established police force. Health, medical, and life insurance must be available for purchase by the spouse or dependent of a retired employee or a deceased employee who receives pension benefits. The city may pay a shift differential compensation to a police officer or a civilian employee who works evenings or nights, but the compensation cannot exceed 10% of the officer's base hourly rate;

(g) Allows the city, by ordinance, to establish a transition committee of no more than five members to coordinate and implement the transition of the police force from the board to the city;

(h) Specifies that upon the establishment of the police force, the terms of office of the commissioners of the board will expire, except as required to conclude its affairs and pursue legal claims and defenses, and Sections 84.020 - 84.030 will not apply to the city or its police force;

(i) Revises the definitions of "earnable compensation" and "policeman" or "police officer" as they relate to the St. Louis Police Retirement System to remove references to Section 84.160; and

(j) Reduces the number of members of the Board of Trustees of the St. Louis Police Retirement System from 10 to nine by removing the president of the St. Louis Board of Police Commissioners (Sections 84.344 - 86.213);

(9) 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 of 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 the candidate meets the required bond requirements (Section 115.342);

(10) Specifies that in all cases where lands have been or may be sold for delinquent taxes and a certificate of purchase has been or may be issued, it is the duty of the purchaser, his or her heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of a collector's deed. Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued and including the nonpayment of all subsequent years taxes, it is the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the county recorder of deeds (Section 140.410);

(11) Allows an applicant registering any property-carrying commercial vehicle weighing 12,000 pounds or more to request and be issued two license plates for the vehicle. The Director of the Department of Revenue may assess and collect an additional fee for the second plate in an amount not to exceed the fee for a personalized license plate (Section 301.130);

(12) Requires at least one of the three disinterested commissioners that the court must appoint in a condemnation proceedings in St. Louis City, St. Louis County, or Jackson County to be a licensed real estate broker or a state-licensed or -certified real estate appraiser (Section 523.040);

(13) Prohibits any political subdivision from enacting or enforcing any order or ordinance that prohibits the use of pneumatic guns at shooting ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner when conducted with reasonable care to prevent a projectile from crossing the bounds of the property (Section 1);

(14) Allows the Attorney General to establish a public web site listing the names of municipalities and counties that do not allow the open carry of firearms (Section 2); and

(15) Repeals Sections 84.010 and 84.220 regarding the powers of the St. Louis Board of Police Commissioners and Section 140.660 regarding the requirement that the State Tax Commission prescribe forms relating to county or township tax officers.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of

\$25,396 in FY 2012, \$31,237 in FY 2013, and \$32,018 in FY 2014. Estimated Net Income on Other State Funds of \$199,791 to Unknown in FY 2012, \$239,749 to Unknown in FY 2013, and \$239,749 to Unknown in FY 2014.

PROPOSERS: Supporters say that the commissioners in condemnation proceedings are ill informed on how to assess a fair value for property being condemned. The bill will bring some experience and knowledge to the process so that the ratepayers and landowners are treated fairly.

Testifying for the bill were Senator Keaveny; Brad Nevios, Metropolitan St. Louis Sewer District; and Missouri Association of Realtors.

OPPOSERS: Those who oppose the bill say that there is a problem with implementing the provisions of the bill. Real estate appraisers have a standard that must be followed in determining a property's value which needs to be followed by an appraiser-commissioner. The other two people on the commission will be rendered useless. The current system functions well and allows for an appeal to be filed with the court.

Testifying against the bill were Earnest Dembba; and Jerome Wallach.

OTHERS: Others testifying on the bill say that it does not require an appraiser to accept an appointment to the commission. The bill doesn't apply to the whole state, which is good because some areas of the state do not have enough appraisers available.

Testifying on the bill was Missouri Appraisers Advisory Council.