

HCS SCS SB 672 -- POLITICAL SUBDIVISIONS

SPONSOR: Parson (Jones, 50)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 10 to 3.

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

PUBLIC CONTRACT BIDDING

This bill allows certain non-profit organizations to receive the same number of points as minority business enterprises (MBE) and women's business enterprises (WBE) for public contract bidding preferences.

A 501(c) (3) not-for-profit organization based in Missouri will receive the same number of points as a minority business enterprise if it can show:

(1) The organization's entire staff is comprised of at least 25% minorities or the staff is comprised of more than 5% greater than the average minority population of the geographic area that is served by the organization; and

(2) The organization's staff that is classified as management or the 20% of the staff with the highest salaries is comprised of at least 20% minorities or the staff is comprised of a percentage that is greater than the average minority population of the geographic area that is served by the organization.

A 501(c) (3) not-for-profit organization based in Missouri will receive the same number of points as a women's business enterprise if it can show:

(1) The organization's entire staff is comprised of at least 55% women; and

(2) The organization's staff that is classified as management or the 20% of the staff with the highest salaries is comprised of at least 45% women.

MBE and WBE bidders must not be awarded more than five points in the bidding process.

BURN BAN ORDERS

Currently, only counties of the first, second, or fourth

classification are authorized to issue burn ban orders under specified circumstances. This bill authorizes the county commission in all noncharter counties to issue burn ban orders under specified circumstances.

56.060

RETIREMENT BENEFITS FOR PROSECUTORS

Currently, each county treasurer must transfer a specified sum of money each month to the Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund for use by the fund. Beginning August 28, 2015, the bill requires that the county contribution be adjusted in accordance with the following schedule based on the retirement system's annual actuarial valuation report:

- (1) If the system's funding ratio is 120% or more, no monthly sum must be transmitted;
- (2) If the system's funding ratio is more than 110% but less than 120%, the monthly sum transmitted must be reduced 50%;
- (3) If the system's funding ratio is at least 90% and up to 110%, the monthly sum transmitted must remain the same;
- (4) If the system's funding ratio is at least 80% and less than 90%, the monthly sum transmitted must be increased 50%; and
- (5) If the system's funding ratio is less than 80%, the monthly sum transmitted must be increased 100%.

Currently, a surcharge of \$4 is assessed and collected in all criminal cases filed in court, including any violation of a county ordinance or any violation of the state's criminal or traffic laws, including infractions. The bill adds any person who pleads guilty and pays a fine through a fine collection center to the list of those who are to be assessed the surcharge.

In addition, the bill allows prosecuting attorneys, in all counties that elect to make the position of prosecuting attorney a full-time position, to participate in the retirement system for prosecuting and circuit attorneys. The prosecutor is eligible for the same benefits as a full-time prosecutor in a county of the first classification.

CITY OF ST. CHARLES HEALTH DEPARTMENT

This bill adds the City of St. Charles to those cities that are exempt from the provisions regarding the appointment of a county

health officer if the city furnishes the Department of Health and Senior Services with reports of designated contagious, infectious, communicable, or dangerous diseases and other required statistical information.

FIRE PROTECTION DISTRICT BOARD CANDIDATES

This bill sets the candidate filing fee for a fire protection district board seat at the amount equal to the filing fee for a candidate for county office, which currently is \$50. Currently, the required fee is \$10 in one section of the fire protections district law and an amount equal to the filing fee for a candidate for state representative, which currently is \$50, in another section. The bill resolves this inconsistency.

FIRE PROTECTION DISTRICTS

Currently, the City of Harrisonville is required to pay a fire protection district, under Section 72.418, RSMo, an amount equal to the tax the district would have collected on all taxable property included within the annexed area, and the district must continue to provide fire protection services to the annexed area. This bill repeals this provision, with the result that the City of Harrisonville will be governed by Section 321.322, which governs the respective rights and obligations when a city with a population between 2,500 and 65,000 with a municipal fire department annexes property in a fire protection district.

GARNISHMENTS

This bill specifies that judgments must accrue interest on the judgment balance, which is the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits must be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance.

In a case where a garnishment is granted, the clerk of the circuit court may charge and collect a surcharge of up to \$10 for the clerk's duties. The moneys collected from this surcharge must be placed in a fund to be used at the discretion of the clerk to maintain and improve case processing and record preservation.

Writs of garnishment which would otherwise have equal priority must have priority according to the date of service on the garnishee. If the employee's wages have been attached by more than one writ of garnishment, the employer must inform the inferior garnisher of the existence and case number of all senior garnishments.

The garnishee may deduct a one-time sum of up to \$20, or the fee previously agreed upon between the garnishee and judgment debtor where the garnishee is a financial institution, for his or her trouble and expenses in answering the interrogatories and withholding the funds, to be withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. This fee must not be a credit against the court-ordered judgment and must be collected first. The garnishee may file a motion with the court for additional costs, including attorney fees, reasonably incurred in answering the interrogatories, and the court may make an award as it deems reasonable. The motion must be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court.

The bill repeals the current provisions regarding a judgment against an officer, appointee, or employee of this state or any municipal corporation or other political subdivision of the state and specifies that the provisions constitute a waiver of sovereign immunity with respect to garnishment of the pay of state, municipal, or other political subdivision employees. The state, municipal, or other political subdivision employer served with a garnishment must have the same duties and obligations as those imposed upon a private employer when served with garnishment. Pay of any officer, appointee, or employee of the state or any municipal corporation or other political subdivision of the state must be subject to garnishment to the same extent as in any other garnishment, and all garnishments against the employee must proceed in the same manner as any other garnishment except service of legal process to a department, municipal corporation, or other political subdivision of the state may be accomplished by certified mail, return receipt requested, or by personal service upon the appropriate agent designated for receipt of the service of process or the head of the department, municipal corporation, or other political subdivision of the state if no agent has been designated.

MOTORCYCLE SALES ON SUNDAY

This bill allows a business that sells motor vehicles to be open on Sunday in Missouri. Currently, it cannot be open on Sunday.

PEABODY COAL LANGUAGE (Section 135.980, RSMo)

This language prevents local ballots measures from passing ordinances that restrict access to state and local incentives. This affects local ballots measures that affect business entities that operate outside the local boundaries and receive incentives from the state.

SHINGLE HOARDING LANGUAGE (Section 407.161)

This legislation seeks to prevent the accumulating significant quantities of raw asphalt roofing shingles for purposes of collecting revenue via an inbound tipping fee without conducting an active recycling and/or processing operation which utilizes at least 75% of the material collected on an annual basis. By doing so, it will limit or eliminate the existence of illegitimate recyclers amassing piles of asphalt roofing shingles for profit and abandoning the raw material piles, thereby putting the burden for cleanup and remediation on the state and local governments.

CITY OF RIVERSIDE DETACHMENT FROM AMBULANCE DISTRICT IN PLATTE COUNTY (Section 190.088)

This bill establishes a procedure for the City of Riverside in Platte County to detach from an ambulance district within which it is partially located, and establishes a schedule for the city to reimburse the ambulance district for lost revenues due to the detachment.

BRAIDING HAIR AT PUBLIC AMUSEMENT OR ENTERTAINMENT VENUES (Section 316.265)

This bill exempts an employee or employer primarily engaged in the practice of combing, braiding, or curling hair without the use of potentially harmful chemicals from the provisions of Chapter 329 regarding hairdressers while working in conjunction with any licensee for any public amusement or entertainment venue as defined in Chapter 316.

VOLUNTEER WORK FOR JUDGES AND PROSECUTORS (Section 105.1415)

Any person who performs volunteer work in the office of a judge or prosecutor and receives no pay or compensation shall not be considered an employee of the county or municipality.

REPEAL OF SPRINKLER LANGUAGE EXPIRATION DATE (Section 67.281)

This bill removes the December 31, 2019 expiration for the section that requires certain homebuilders to offer to any purchaser before entering into the purchase contract the option to install or equip his or her dwelling or residence with a fire sprinkler system at the purchaser's cost.

ORDINANCES IN FOURTH CLASS CITIES

This bill allows voters in fourth class cities to propose ordinances via initiative petition and provides a procedure for

voters to protest the passage of ordinances.

PUBLIC EMPLOYEE RETIREMENT SYSTEMS (Sections 105.687, 105.688, and 105.690)

Requires a public employee retirement system to:

(1) Invest not less than 2% and not more than 5% of its assets in a venture capital firm organized or incorporated in Missouri or having its principal place of business in Missouri; and

(2) Give preference to the selection of a consultant or investment fiduciary organized or incorporated in Missouri or having its principal place of business in Missouri.

Within the definition of "venture capital firm", what constitutes a firm's "principal business" is expanded to include investments which are not otherwise prohibited by law.

COUNCIL ELECTIONS IN THIRD CLASS CITIES (Section 77.030)

Authorizes third class cities to establish a system for holding elections for one-half of the council every other year.

BOARD OF ALDERMAN ELECTIONS IN FOURTH CLASS CITIES (Section 79.050)

Authorizes fourth class cities to establish a system for holding elections for one-half of the board of alderman every other year.

PROSECUTING ATTORNEYS (Sections 56.010, 56.060, 56.067, 56.265, and 56.816)

Requires prosecuting attorneys to represent the state in any misdemeanor case that is taken to the court of appeals, and to follow and prosecute or defend all cases in which changes of venue are granted.

PROPOSERS: Supporters say that this bill sets out a spectrum of options for counties that will allow them to choose which delivery of services works best for their community.

Testifying for the bill was Senator Parson.

OPPOSERS: There was no opposition voiced to the committee.