

HCS SB 364 -- POLITICAL SUBDIVISIONS

SPONSOR: Parson (Jones)

COMMITTEE ACTIONS: Voted "Do Pass" by the Standing Committee on Emerging Issues by a vote of 11 to 0. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 8 to 2.

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

(1) Allows the recorder of deeds or other designated county official to offer passport services with the permission of the county commission if the court clerk does not offer the services. Fees charged for the service must be retained by the county office that provides the services (Section 49.130, RSMo);

(2) Allows a political subdivision's costs for cleaning or boarding up a specified abandoned or unused building or structure to be added to the real estate tax bill and requires the collection of the costs to be governed by the laws applicable to delinquent real estate taxes (Section 67.410);

(3) Prohibits the lease, agreement, contract, or sublease for space, usage, or services in any convention center or related facilities owned or operated by a regional convention and visitors commissions from being considered public records under the Open Records and Meetings Law, commonly known as the Sunshine Law, in specified circumstances. This provision must not apply to a lease, agreement, contract or sublease involving a professional sports franchise (Section 67.617);

(4) Specifies the procedure for removing from office any law enforcement officer not subject to removal under a merit system or regulated under Sections 43.150 or 57.275. The governing body of political subdivisions must provide written notice and hold a hearing as specified in the bill. A terminated officer must receive a written notice of removal and the removal must be for just cause as specified in the bill (Section 71.1000);

(5) Allows the cities of Holt Summit and Lake Mykee to merge (Section 72.150);

(6) Specifies that any individual who has been issued an occupational license by the Missouri Gaming Commission while working on an excursion gambling boat or adjacent facility must be exempt from the licensure requirements of specified city police commissioners (Section 84.720);

(7) Removes the December 31, 2015 expiration date of the provisions regarding the remainder of the sales tax in excess of the 7.5% that any city has imposed for the benefit of the public mass transportation system operating within the city (Section 92.402);

(8) Limits the total license taxes authorized that may be imposed on hotels and motels to 1/8 of 1% of hotel's or motel's gross revenue or the tax rate imposed as of May 1, 2015, whichever is higher. This provision must not apply to any tax levied by a city when the revenue from the tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005 (Section 94.360);

(9) Authorizes the cities of Liberty and North Kansas City to impose, upon voter approval, a sales tax of up to .5% solely for the purpose of improving the public safety of the city, including expenditures on equipment, salaries and benefits, and facilities for police, fire, and emergency medical providers. The bill also rewrites the ballot language for specified tax measures to provide clarity (Sections 94.579 and 94.902);

(10) Allows cities, towns, and villages in Boone County to create a redevelopment commission in the manner specified in the bill and to vote on redevelopment plans as allowed under Chapter 99. Rules for appointing commission members and their terms of service are specified as are the notice requirements for other districts with taxing power such as tax increment financing districts (Section 99.820);

(11) Changes the laws regarding emergency services districts and emergency medical technicians. Currently, any district providing emergency services is entitled to reimbursement from the Special Allocation Fund in the amount of 50% to 100% of the district's tax increment. The bill authorizes an ambulance district board, a fire protection district board, or an emergency telephone service 911 board to set the reimbursement rate prior to the time the assessment is paid into the Special Allocation Fund. The bill adds the development, review, and recommendation for action to be taken on community and regional time critical diagnosis plans to the list of items the regional EMS advisory committee must advise and make recommendations to the region and the Department of Health and Senior Services. The bill requires the regional EMS medical director to serve as a member of the regional EMS committee and to serve a term of four years. The bill specifies that a licensed emergency medical technician, if acting in good faith and without gross negligence, must not be liable for transporting a person for whom an application for detention for evaluation and treatment has been filed or for physically or chemically restraining an at-risk

behavioral health patient if the restraint is to ensure the safety of the patient or technician. The department may also cause a complaint to be filed with the Administrative Hearing Commission for a violation of any legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure, a refusal of any applicant or licensee to respond to reasonable department services' requests for necessary information to process an application or to determine license status or license eligibility, any conduct or practice which is or might be harmful or dangerous to the safety of a patient or the public, or repeated acts of recklessness in the performance of the functions or duties of any specified licensed or regulated activities. If the department investigates a complaint against an ambulance service and emergency personnel licensee, the department, prior to interviewing the licensee, must explain to the licensee that he or she has specified rights. The assertion of any of the rights must not be deemed by the department to be a failure to cooperate with any department investigation. The department must be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the Administrative Hearing Commission. The commission must not be permitted to grant summary judgment in the instances if the licensee files an answer contesting the department's intended licensure action. All complaints, investigatory reports, and information pertaining to an applicant; a holder of any certificate, permit or license; or other individual are confidential and must only be disclosed upon the written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, an applicant; holder of any certificate, permit, or license; or other individual cannot have access to any complaints, investigatory reports, or information concerning an investigation in progress until the required investigation has been completed. The bill requires each licensed hospital and nursing home to establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient. Any licensed emergency medical services personnel who conducts interfacility transfers of at-risk behavioral health patients may be properly trained as determined by the ambulance services and emergency medical response agency medical director with regard to proper restraint procedures and nonmedical management techniques. The bill allows a physician treating an at-risk behavioral patient in an emergency situation that reasonably believes the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility to place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the emergency medical services personnel may

rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel must not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient. The bill specifies that these provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights (Sections 99.848, 190.102, and 190.240);

(12) Requires the State Auditor to report to the Department of Revenue any transportation development district that fails to timely submit its annual financial statement to the State Auditor and imposes a fine of up to \$500 per day. The district has 30 days from the date of the receipt of the notice to request a hearing to contest the fine. The Department of Revenue is authorized to collect the fines by offsetting any sales tax distributions through any means permitted under law for the collection of taxes and must annually distribute the revenues, less a collection fee, to the schools of the county where the district is located in the same manner that penalties, forfeitures, and fines for penal code violations are distributed. Any district with gross revenues of less than \$1,000 must not be subject to the fine. Any district that has been previously organized and for which formation was approved prior to August 28, 2015, must notify the State Auditor's Office in writing of the date it was organized and provide contact information for the current board of directors by December 31, 2015. Any district organized and formed after August 28, 2015, must notify the State Auditor's Office in writing of the date it was organized and provide contact information for the current board of directors within four months of the date the formation was approved by any court in this state. The actual costs of a statutorily permitted or petition audit of a transportation district performed by the State Auditor must be paid by the district and cannot exceed the greater of 3% of the district's gross revenues or 3% of its expenditures (Sections 105.145, 238.222, and 238.272);

(13) Specifies that if a political subdivision is created before July 1, it must be considered effective for property tax assessment purposes upon certification of the vote approving the political subdivision. If the new political subdivision is created on or after July 1, it must be considered effective in the following assessment year (Section 137.081);

(14) Allows, for all tax years beginning on or after January 1, 2016, an individual entitled to a tax refund of at least \$25 to transfer all or a portion of his or her refund to a specified Missouri higher education savings plan account by making a designation on his or her income tax return form. Contributions

may continue to be made by other means but the balance of all savings accounts of the beneficiary cannot exceed the established total contribution limit (Section 143.1028);

(15) Increases the allowed cost of a new appliance exempted from state sales tax during the Show-Me Green Sales Tax Holiday from up to \$1,500 to up to \$2,000 (Section 144.526);

(16) Extends the expiration date of the provisions regarding the collection of sales tax by a regional jail district from September 30, 2015, to September 30, 2027 (Section 221.407);

(17) Requires the Department of Labor and Industrial Relations and the Department of Revenue to allow any taxpayer undergoing an audit conducted by the Department of Labor and Industrial Relations regarding classification of an individual as an independent contractor or employee if the taxpayer has been granted relief from the imposition of federal employment taxers under Section 530 of the federal Revenue Act of 1978 to continue to classify the individual as an independent contractor for purposes of federal employment taxes with a maximum employment tax rate of 1%. This provision must not be construed to change in any way the status, liabilities, or rights of the individual whose status is at issue. This provision terminates the liability of the employer for the Missouri employment taxes at the rate of 1%, but must have no effect on the individual whose status is at issue (Section 285.517);

(18) Changes the laws regarding limited liability companies in Kansas City. Currently, limited liability companies in Kansas City that own or rent real property or own unoccupied property within the city are required to file an affidavit with the city clerk specifying the name and address of a person with management control or responsibility for the real property. The bill clarifies that it must be a street address and must be a natural person. The limited liability company must file a successor affidavit within 30 days of a change in the natural person with management control or responsibility for the real property. The city cannot charge a fee for the filing of the required affidavit or successor affidavit. If a limited liability company fails or refuses to file the affidavit, any person adversely affected by the failure or refusal or the city may petition the circuit court in the county where the property is located to direct the completion and filing of the affidavit (Section 347.048);

(19) Changes the laws regarding forcible entry and unlawful detainer. Currently, in any unlawful detainer and forcible entry and detainer suit an execution of the judgment may be issued at any time after judgment, but the restoration of the property cannot

occur until after the expiration of time allowed to file an appeal. The bill specifies that in these types of suits the judge must not issue an execution of the judgment no sooner than 10 days after the judgment. If an appeal is filed and the losing party posts an appeal bond, the execution of the judgment must be temporarily suspended while the appeal is pending. Currently, in a rent and possession suit an appeal must stay execution of the judgment if the defendant gives bond within 10 days after it becomes due. The bill specifies that the bond must be deposited with the court within 10 days after an entry of the judgment by the trial court. Execution for the purpose of restoring possession must be stayed pending an appeal if the losing party posts a sufficient appeal bond. The bill specifies that in any landlord-tenant action, if on any date after the date of any original trial but before the judgment becomes final, the defendant satisfies the money judgment and pays all costs, any execution for possession of the subject premises must cease and be stayed except that the landlord must not be precluded from making application for appeal from the money judgment (Sections 534.350 - 535.160);

(20) Allows a landlord and tenant to agree in the rental agreement upon amounts or fees to be charged for specific services that may be required to return the premises to its condition at the commencement of the tenancy (Section 535.300);

(21) Authorizes any city, county, or city not within a county to establish a personnel advisory board to hear any appeal regarding corrective or disciplinary action against a law enforcement officer that have resulted in the demotion, suspension, or dismissal of the officer. The board must hold an appellate hearing regarding any corrective or disciplinary action against any law enforcement officer. The hearing must be a private hearing unless the officer requests the hearing to be public. A public hearing requires a public notice of the hearing 15 days prior to the hearing, and the hearing must be open to public testimony and for public viewing. The findings and recommendations of the board, and the basis therefore, must be submitted to the local governing body (Section 590.652);

(22) Exempts any document that has never been in the possession of a public governmental body or its employees or consultants from being deemed to be a public record in the custody of the public government body under the Open Records and Meetings Law, commonly known as the Sunshine Law (Section 610.010);

(23) Establishes the Joint Interim Committee on Human Investment and Social Impact Bonds consisting of six members of the House of Representatives and six members of the Senate. The committee must perform specified duties, including preparing a full report on

social impact bonds for submission to the General Assembly by January 30 of each year (Section 660.755);

(24) Establishes the Joint Legislative Task Force on Scrap Metal Salvage Dealers consisting of members of the General Assembly appointed as specified in the bill to study statutes and regulations concerning scrap metal and salvage materials, disparities in or needs for modifications to existing statutes or regulations, and ways to reduce the theft and sale of materials as scrap metal. The members of the task force must issue a report to the Governor, President Pro Tem of the Senate, and Speaker of the House of Representatives by December 31, 2015 (Section 1); and

(25) Limits tort claims involving a streetcar transit system in Kansas City to three times certain claim amounts specified under Section 537.610. Upon request of the plaintiff in an action against the defendant, the case must be arbitrated by a panel of three arbiters under Chapter 435 (Section 2).

The provisions of the bill regarding the Joint Interim Committee on Human Investment and Social Impact Bonds will expire on January 30, 2020.

PROPONENTS: Supporters say that the bill will clarify the laws regarding tax assessment of political subdivisions.

Testifying for the bill was Senator Parson.

OPPONENTS: There was no opposition voiced to the committee.