

HCB 23 -- POLITICAL SUBDIVISIONS

SPONSOR: Dogan

COMMITTEE ACTION: Voted "To Introduce" by the Standing Committee on Local Government by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules - Administrative Oversight by a vote of 8 to 3.

VACANCIES IN ELECTED COUNTY OFFICE

The bill sets a 60-day time limit for the Governor to fill a vacancy in the Office of County Commissioner with the advice and consent of the Senate. The vacancies filled by appointment will be held by the appointee for the remainder of the term. The bill does not apply to any county that has adopted a charter for its own government under Article VI, Section 18 of the Missouri Constitution (Section 49.060, RSMo).

These provisions are the same as HB 1428 (2018).

STATUTORY COUNTY RECORDER'S FUND

This bill provides a method by which distributions from the statutory County Recorder's Fund will be allocated among counties if collections fall below distributions (Section 59.800).

This provision is similar to HB 2243 (2018).

OFFICE OF FINANCIAL EMPOWERMENT

This bill authorizes the treasurer of certain cities to establish the Office of Financial Empowerment as a division within the Treasurer's Office, to be funded through appropriations from the parking meter fund or a treasurer's budget.

The mission of the office is to educate the public about personal finances and small businesses about available support and access to banking resources. The office is given broad authority to take a variety of actions to advance its mission as detailed in the bill (Sections 67.960, 67.965, 82.505, and 82.847).

These provisions are similar to HCS HB 2383 (2018).

TRANSIENT GUEST TAX

This bill adds certain cities to the list of cities and counties that may impose, upon voter approval, a transient guest tax of between 2% and 5% per occupied room per night for the promotion of

tourism. Currently, the additional cities include Appleton City, Archie, Cole Camp, Cool Valley, Crocker, Duenweg, Edina, Gideon, Glasgow, La Monte, Lake Winnebago, Lilbourn, Lincoln, Lone Jack, Marthasville, Maysville, Mound City, New Franklin, Princeton, Purdy, St. Martins, Stanberry, and Stover. The transient guest tax must be reconsidered every ten years (Section 67.1360).

## EDUCATION AND JOB TRAINING TELEVISION BROADCASTING DISTRICT

### Funding

Upon approval of a majority of the qualified voters of St. Louis City St. Louis County, the governing body shall levy and collect a property tax not in excess of 8¢ per \$100 of assessed valuation for the purpose of education and job training television broadcasting. The proceeds shall be deposited in a special fund, to be known as the "Education and Job Training Television Broadcast Fund."

### Use of Funds

The administrative control and management of the funds shall rest solely with the commission appointed under this bill and shall use the funds to provide programming which promotes early childhood education, elementary and secondary education, adult education, job training programs, and activities related to preparing citizens for furthering their education and more fully participating in the economy of the region of such city and county. Funds shall not be limited to traditional television broadcasting, and may be used for the forms of media or related activities that foster or enhance job training and education at all levels.

In providing such services, the commission shall contract only with not-for-profit entities which are noncommercial television broadcast stations licensed to serve the metro area of St. Louis City and County.

### Administrative Structure

The district shall be governed by a commission created under this bill and shall be comprised of two persons appointed by the mayor of such city and two persons appointed by the chief executive of such county, and a chairperson appointed by the Governor who shall serve a four-year term.

The appointments of commissioners shall be four years and be staggered upon implementation. Commissioners may be reappointed and vacancies will be filled in the same manner as the original appointment.

The commission shall select annually, from its membership, a vice-chairperson and treasurer and may appoint additional officers as necessary (Section 67.4600).

This provision is similar to SB 1059 and HB 2714 (2018).

#### WASTEWATER SERVICES

Currently, fourth class cities may only sell their interest in a municipally-owned utility when ratified by a two-thirds vote. This bill lowers the voter-approval threshold for the sale of a water or wastewater system, or a gas plant, to a majority of the city's population. If the issue is to be put before the voters, a public informational meeting must be held at least 30 days before the vote, and notice of the informational meeting must be provided by the municipality by methods most effective to notify customers at least 15 days before the meeting (Section 88.770).

This provision is similar to HCS HB 1947 (2018).

#### SALE OF LAND UNDER EXECUTION

This bill authorizes a sheriff's sale of land under execution in certain cities to be conducted at the front door of the courthouse, within the courthouse, or at another location that the presiding judge deems fit, provided that the location is specified in the notice of the sale (Section 92.820).

This provision is similar to HB 1893 (2018).

#### PUBLIC SAFETY SALES TAXES

This bill adds certain cities to the list of cities authorized to impose, upon voter approval, a sales tax of up to .05% for public safety purposes, including expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The sales tax must be reconsidered every 10 years.

Currently, the additional cities include Jennings, Lebanon, Marshall, Moberly, Washington, California, Centralia, Fenton, Hollister, Northwoods, Osage Beach, St. Robert, Ste. Genevieve, and Woodson Terrace (Section 94.900). The cities of Ava, Bel-Ridge, Byrnes Mill, Chaffee, Gray Summit, Hayti, Hillsboro, Knob Noster, Montgomery City, Mountain View, Pleasant Valley, Riverside, Riverview, and Windsor also are authorized to impose the tax under Section 94.902. These sales taxes must be reconsidered every 10 years.

These provisions are similar to HB 2712, HCS HB 2186, and HCS HB 1929 (2018).

#### VACANCIES IN ELECTED COUNTY OFFICE

This bill also requires the county commission in all noncharter counties to fill by appointment, within 14 days, a vacancy in a county elected office to serve until the Governor makes an appointment or until the vacancy is filled by operation of another provision of law. In counties with only two county commissioners, when there is the absence of an agreement, the presiding judge of the circuit court will make the appointment. The offices of prosecuting attorney and circuit attorney are excluded from this provision (Section 105.030).

These provisions are similar to HB 1428 (2018).

#### ETHICS

This bill prohibits all types of lobbyists from making any expenditure for local government officials, superintendents, school board members, members of governing bodies of charter schools, their staffs, and specified family members. Local government lobbyists may make expenditures for events where all members of a particular political subdivision or all members of the General Assembly are invited (Section 105.473).

This provision is similar to HB 1496 (2018).

#### COUNTY ROADS

Currently, county bond funds and county special road and bridge funds for road, street, and bridge construction, maintenance, improvement, and repair can be used for those purposes in municipalities within the county if the road, street, or bridge is part of a continuous road, street, or bridge leading into or through the municipality. This bill removes the restriction that the road, street, or bridge must be part of a continuous road, street, or bridge leading into or through the municipality (Sections 108.120 and 137.555).

This provision is the same as HB 2352.

The bill also changes the classification from second to first of certain counties exempt from the requirement that not less than 25% of a county's special road and bridge tax collected in a municipality within the county must be expended within the municipality for the repair and improvement of existing roads, streets, and bridges. Currently, the changed classification only

applies to St. Francois County (Section 137.556).

This provision is similar to HCS HB 1291.

This bill states that one purpose of the brush control law is to prevent brush from interfering with vehicles traveling on the road. If the county is required to take action to control the brush because the owner fails to do so, the county will extend the costs as a special tax due on the landowner's real and personal property tax assessment and collected in the same manner as state and county taxes.

Notice that must be provided to the landowner, of these requirements, can be given in writing using any mail service with delivery tracking.

The county right-of-way or county maintenance easement will be deemed to extend 15 feet from the center of the county road or at a distance set forth in the original conveyance. The center of the road will be a point equidistant from both edges of the drivable ground of the road in its current condition.

In the event a county is required to obtain a land survey to enforce these provisions, the costs of the survey will be divided equally between the county and the land owner (Section 263.245).

These provisions are similar to HB 1646.

#### FIRE PROTECTION DISTRICT SALES TAX

This bill authorizes all fire protection districts located in Clay County to impose, upon voter approval, a sales tax of up to 0.5% for the purpose of providing revenue for the fire protection district. Currently, only the Smithville Fire Protection District in Clay County is authorized to impose this tax. The sales tax must be reconsidered every 10 years (Section 321.246 ).

This provision is similar to HB 2030 (2018).

#### WATER RESOURCES

Currently, Missouri landowners have the right to have, use, and own private water systems and ground source systems any time and anywhere unless prohibited by city ordinances. This bill specifies that this includes systems for potable water and that all Missouri landowners have the right to have, use, and own systems for rainwater collection anytime and anywhere on their own property, including land within city limits (Section 640.648).

This provision is similar to HB 2216 (2018).

PROPONENTS: Supporters say that this committee bill is comprised of 16 of the Local Government Committee's priority bills. Many of them have been third read and passed from the House. In addition, there was support of the wastewater provisions concerning fourth class cities.

Testifying for the bill were Representative Dogan and Missouri American Water.

OPPONENTS: Those who oppose the bill say that they are opposed to a statutory creation of the Office of Financial Empowerment. This was initially created locally in St. Louis and was funded from local funding. The provision in the bill appropriates money from the parking meter fund which could be unconstitutional.

Testifying against the bill was the City of St. Louis.