

HCB 23 -- POLITICAL SUBDIVISIONS (Dogan)

COMMITTEE OF ORIGIN: Standing Committee on Local Government

#### 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).

#### ZONING CLASSIFICATION

For purposes of a zoning law, ordinance, or code authorized and enacted, a zoning or property classification of agricultural or horticultural shall include any sawmill or planning mill as defined in the US Department of Labor's Standard Industrial Classification (SIC) Manual (Sections 64.002 and 65.702).

This provision is similar to HB 2102 (2018).

#### OVERSIGHT COMMISSION

This bill establishes the "St. Louis Airport Oversight Commission," which shall have the purpose to review any decision by the governing body of an international airport regarding any outlying property that may substantially affect property neighboring the outlying property. The commission shall consist of 10 members, as specified in the bill. The commission shall have veto power over any decision by the governing structure of the international airport or by any city not within a county regarding the airport. The commission shall meet at least twice weekly; meeting location and notice criteria is specified in the bill. The terms, "international airport" and "outlying property" are defined in the bill (Section 66.420).

This provision is similar to HB 2745 (2018).

This bill defines "Receiver airport" in a list of terms and phrases used in laws governing taxation and revenue (Section 137.010).

#### 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).

#### LAND ANNEXATION

This bill adds to the specifications that must be satisfied when the annexation of an area is objected by a city, town, or village not located in a county of the first classification which has adopted a constitutional charter for its own local government. The land to be annexed would be contiguous and compact to the existing city, town, or village limits but for an intervening roadway or railroad right-of-way, and the shared border of the land to be annexed and existing city, town or village composes at least 15% of the total perimeter of the land to be annexed (Section 71.015).

This provision is similar to HB 2724 (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).

#### COUNTY PROSECUTOR RETIREMENT

This bill states that when the position of County Prosecutor is, by a vote of the people, made into a full-time position and the County Prosecutor is sworn into office, the position shall then qualify for the retirement benefits available to a full-time prosecutor of

a county of the first classification. Any county that elects to make the position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same contribution amount as paid by counties of the first classification.

Currently, in counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full time prosecutor of a county of the first classification by a majority vote of the people. This bill adds to the counties approved to do so; counties of the third classification without a township form of government:

(1) With a population of between 18,000 and 20,000 and with a city of the fourth classification with a population between 3,000 and 3,700 as the county seat;

(2) With a population of between 18,000 and 20,000 and with a city of the third classification with a population between 6,000 and 7,000 as the county seat; and

(3) With a population of between 9,000 and 10,000 and with a city of the fourth classification with a population between 700 and 800 as the county seat (Section 56.363).

This provision is 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.

#### STUDENT TRANSPORTATION

Any school board in an urban district containing the greater part of the population of a city which has more than 300,000 inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending grades nine through 12, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations. The school

district may notify students of the option to use district contracted transportation services (Section 304.060).

This provision is similar to SB 587.

#### 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).

This bill also outlines steps to be taken by a land owner who is alleged to be subject to the levy of taxes and the jurisdiction of two fire department districts or one fire protection district and one fire department (Section 321.315).

This bill also specifies that unless certain municipalities and fire protection districts contract otherwise, a fire protection district serving an area included within certain annexations on or after January 1, 2019, by a municipality located in any county of the first classification with more than 150,000 but fewer than 200,000 inhabitants having a fire department, including simplified boundary changes, shall, following the annexation:

- (1) Continue to provide fire protection services, including emergency medical services to such area;
- (2) Levy and collect any tax upon all taxable property included within the annexed area; and
- (3) Enforce any fire protection and fire prevention ordinances adopted and amended by the fire protection district in such area (321.320).

#### 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).

This bill includes penalty provisions and an emergency clause for certain sections.