

HCS HB 795, 972, 1128 & 1161 -- COUNTY GOVERNMENT (Johnson, 47)

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

(1) Prohibits any municipal official, member of a school board, or an employee of a school district from serving on a county board of equalization in counties with a charter form of government;

(2) Allows any second, third, or fourth classification county to set by ordinance countywide speed limits on roads within unincorporated areas of the county;

(3) Allows the salary commission of Cape Girardeau County to determine in 2004 whether to equalize the base salary of the county treasurer to an amount not greater than the current maximum statutory salary for treasurers in counties of the first classification;

(4) Authorizes all counties without a charter form of government to adopt certain ordinances or resolutions related to its property, affairs, and local government. These ordinances may then be submitted to the voters for approval. No county may pass an ordinance that governs any railroad, telecommunications or wireless company, public utility, electric cooperative, or municipal utility. Under current law, only counties of the first, second, or fourth classification may adopt ordinances related to their property, affairs, and local government. Currently, only counties of the first, second, or fourth classification are prohibited from adopting ordinances governing utilities;

(5) Allows county commissions and industrial development authorities to use landfill fees for economic development within the county. Currently, these fees are used only by industrial development authorities;

(6) Increases the maximum reimbursement rate for members of county planning commissions. In second and third classification counties, the rate of reimbursement for expenses will increase from \$15 to \$25 per meeting. In counties with alternative county planning and zoning, the rate will increase from \$10 to \$25;

(7) Requires the Jackson County public administrator, when serving as conservator and using pooled accounts for conservatorship funds, to have the pooled accounts audited at least annually by an independent certified public accountant to be paid for by the county. When the accountant's audit report is

filed with the court, the written certification by a depository officer will not be required. Under current law, conservators are required to obtain a written certification that a bank officer or other depository officer has viewed securities and other investments held by the conservator at the bank or other depository and verified them against the conservator's filed settlement report;

(8) Relieves counties, cities, and villages with fewer than 10,000 inhabitants of liability for the injury or death of a person attending any fair, festival, or similar gathering organized or sponsored by the municipality. The county or municipality must post a sign at the gathering stating that they are not liable for an injury or a death resulting from the inherent risks of participating in an activity;

(9) Allows Jefferson County to establish county municipal courts and adopt orders with penal provisions in the areas of traffic violations, solid waste management, and animal control;

(10) Authorizes the Office of Administration to provide technical assistance, prepare technical publications, and make grants to local governments, including unincorporated areas of counties adopting a plan regarding local planning and land development. The substitute also expands the areas or issues that can be addressed through comprehensive planning. The state office is authorized to prepare model ordinances, manuals, and other technical publications and distribute them to local governments, regional planning commissions, and public libraries;

(11) Authorizes the Cass County Commission to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations and requires the county counselor, rather than the county prosecuting attorney, to prosecute these violations. Fines are to be deposited into the county general fund and used to pay for the cost of enforcement of the ordinances; and

(12) Removes the provision stating that Kansas City municipal judges and court personnel are not subject to court management and case docketing by the presiding judge or rules of the circuit court.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.