

HCS HB 58 -- POLITICAL SUBDIVISIONS

SPONSOR: Johnson (47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 15 to 1.

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

- (1) Exempts county commissioners of first classification counties from the requirement that \$2,000 of their authorized salary be payable only upon the annual completion of 20 hours of classroom instruction relating to the operations of the commissioner's office (Section 49.082, RSMo);
- (2) Raises from \$250 to \$1,000 the value of property for which the county auditor in first and second classification counties and the county department officer in third and fourth classification counties is required to inventory (Sections 49.093 and 55.160);
- (3) Allows county officials' salaries to be computed on an assessed valuation basis without regard to modifications because of the existence of enterprise zones (Section 50.343);
- (4) Requires all county commissions without a purchasing agent to estimate county expenditures for supplies for the following year. The commission may authorize the purchase of supplies at a public auction. No contract for a purchase is valid until the commission has approved a purchase order for the supplies for which bids were advertised and submitted (Section 50.760);
- (5) Clarifies that "supplies" include materials, equipment, and contractual services but excludes regulated utility services (Section 50.770);
- (6) Authorizes competitive bids to be waived by the county commission under emergency circumstances or when there is only a single, feasible source for the supplies. A proposed purchase of more than \$3,000 from a single, feasible source must be posted; and a proposed purchase of more than \$5,000 must be advertised (Sections 50.780 and 50.783);
- (7) Authorizes the county commission to delegate its procurement authority to county departments provided that the department follows all the laws for purchasing, entering contracts, and keeping records (Section 50.784);
- (8) Provides that recorders of deeds separate from circuit clerks in second, third, and fourth classification counties be paid the statutory compensation pursuant to Section 50.334 (Section 59.044);

(9) Extends authority to all cities and counties in the state to develop geographic information systems and the ability to charge for the use of the systems (Section 67.1850);

(10) No longer requires that notice of a hearing for a proposed special business district be sent by registered or certified mail with a return receipt attached (Section 71.794);

(11) Provides that a neighborhood organization representing persons aggrieved by a Kansas City code violation may seek injunctive and other equitable relief in circuit court for abatement of a nuisance (Sections 82.301 - 82.305);

(12) Grants neighborhood organizations in the cities of St. Louis, Kansas City, and Springfield and the counties of Platte, Jefferson, and St. Louis standing to file nuisance actions against a nearby property owner when the owner fails to maintain his or her property (Section 82.1025);

(13) Authorizes the cities of Canton, La Grange, and Edina to impose a transient guest tax, upon voter approval, on all hotels and motels within their city limits. This tax cannot exceed 5% per occupied room per night and is to be used solely for promoting tourism (Section 94.837);

(14) Authorizes the City of Lamar Heights to impose, upon voter approval, a room tax of no more than 6% per night and a local sales tax on food of no more than 2%. These taxes will be used solely for capital improvements (Section 94.838);

(15) Allows nursing home districts in Marion and Ralls counties to establish and maintain assisted living facilities (Section 198.345);

(16) Allows water supply district board members to receive an attendance fee not to exceed \$50 per meeting; requires water supply district board elections to be held in April; and deems three consecutive, unexcused absences from board meetings by a member to be a vacation of the seat (Section 247.060 and 247.180);

(17) Adds water supply districts to those entities that may sue landlords or tenants for past due bills less any security deposit amounts and requires those supplier entities to make a good faith effort to notify the property owner when the tenant's sewer or water bill is more than 30 days past due. The owner cannot be held liable for sums due from the tenant for more than 60 days of service, and the water provider cannot be held civilly or criminally liable for terminating service due to delinquency of the payment. This section only applies to residences with their own private water and sewer lines (Section 250.140);

(18) Eliminates the requirement that candidates for trustee of a

watershed district live within the district (Section 278.240);

(19) Provides that annexing cities with a population between 2,500 and 50,000 inhabitants operating a city fire department and entirely surrounded by a single fire protection district before January 1, 2005, will be governed by Section 72.418 relating to city reimbursement to the fire protection district (Section 321.322);

(20) Lengthens the time from one month to six months that a property has to be unoccupied before a person can petition to have it declared abandoned (Sections 447.620, 447.622, 447.625, and 447.640);

(21) Expands the purpose for which a tax charged on adult cabarets may be used from solely for background checks on cabaret employees to include general law enforcement use of the sheriff's department and reduces the maximum tax rate from a rate no greater than 10% of gross receipts of the cabaret to a rate no greater than 5% (Section 573.505);

(22) After September 1, 2005, requires any money received or collected to fund additional costs and expenses incurred by county offices to be deposited into the county general revenue fund (Section 1); and

(23) Transfers the responsibility of computing county officials' salaries to the county salary commissions (Section 2).

The substitute contains an emergency clause for Section 94.838 regarding room and food tax for capital improvements for the City of Lamar Heights.

FISCAL NOTE: Estimated Income on General Revenue Fund of \$0 or Unknown in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that changing some the county purchasing requirements gives counties more flexibility and saves money. It is only fair to allow second, third, and fourth classification counties to publish summary financial statements because they are the only political subdivisions still required to publish the long form. This will save those counties a lot of money because newspapers seem to charge extra knowing that publication is required.

Testifying for the bill were Representatives Johnson (47) and Smith (118); Missouri Association of County Clerks and Election Authorities; Missouri Association of Counties; and County Commissioners Association of Missouri.

OPPOSERS: Those who oppose the bill say that water companies should not be added to Section 250.140 because this chapter deals

with sewer or combined sewer/water companies only, and this will cause rates to increase for everyone. Sewers are a direct public health issue, unlike electricity and telephones. County financial statements should not be reduced to summary form because there needs to be public accountability; and an independent, third party, like a newspaper, should be involved in the publication, not county web sites.

Testifying against the bill were Missouri Municipal League; Missouri Association of Sewer Districts; City of Kansas City; Missouri-American Water Company; Community Publishers, Incorporated; Missouri Press Association; Platte County Regional Sewer District; Missouri Rural Water Association; Metropolitan St. Louis Sewer District; and Boone County Regional Sewer District.

OTHERS: Others testifying on the bill say that if the bill passes in its current form, water companies will have to start charging a deposit.

Others testifying on the bill were Representative Schneider; and City of St. Louis.

Julie Jinkens McNitt, Legislative Analyst