

CCS SS SCS HCS HB 58 -- POLITICAL SUBDIVISIONS

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

(1) Authorizes health care providers to be deployed to provide health care services if approved by the State Emergency Management Agency during an emergency declared by the Governor or General Assembly (Section 44.045, RSMo);

(2) Establishes a statewide mutual-aid system for emergencies and details the procedures and responsibilities for political subdivisions and participating agencies, including authorized mutual-aid agreements (Section 44.090);

(3) 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);

(4) Authorizes the county commissions in Jasper and Jefferson counties to impose by rule, regulation, or ordinance a civil fine of up to \$1,000 for each violation of any rule, regulation, or ordinance adopted by the commission (Section 49.272);

(5) 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);

(6) Designates the presiding commissioner of Cass County as the county budget officer. Currently, the county auditor serves as the budget officer (Section 50.530);

(7) Requires all county commissions without a purchasing agent to estimate county expenditures for supplies for the upcoming 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);

(8) Clarifies that "supplies" include materials, equipment, and contractual services but excludes regulated utility services (Section 50.770);

(9) 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)

(10) 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);

(11) Allows the board of the County Employees' Retirement System to determine if an additional benefit or enhancement improving the quality of life of future retirees is actuarially feasible. Benefit adjustments cannot be made until the retirement plan is 80% funded. Adjustments cannot be made more than once every 12 months and cannot increase the contribution rate by more than 1%. Adjustments, other than cost-of-living increases, will apply only to active employees (Sections 50.1030 and 50.1031);

(12) Allows county commissions to budget one-time expenditures directly attributable to any county office, department, or court in a common fund or account so that the expenditures do not appear in the budget of the office, department, or court (Section 52.317);

(13) Consolidates tax collection in counties having township organization by eliminating the position of township collector and giving the responsibilities to the former treasurer ex officio collector, now called the "collector-treasurer." Laws generally applicable to county collectors will apply to county collector-treasurers except when they conflict with law specifically applicable to a county collector-treasurer, in which case, those specific laws will govern (Sections 54.010, 54.280, 54.320, 54.330, 65.110, 65.160, 65.460, 65.490, 65.600, 136.010, 136.160, 137.465, 137.585, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 165.071, 242.560, 245.205, and 301.025);

(14) Defines "copying," "reproducing," and "duplicate copies" for purposes of Chapter 59, County Recorders of Deeds (Section 59.005);

(15) Specifies that when the recorder of deeds is separate from the circuit clerk in counties of the second, third, or fourth classification, the recorder must be paid the statutory compensation (Section 59.044);

(16) Changes the county planning board membership status of the county commissioner and county highway engineer in Cass County from voting members to nonvoting members (Section 64.215);

(17) Requires that expenditures over \$5,000 by the county sports complex authority in Jackson County must be competitively bid (Section 64.940);

(18) Changes provisions relating to counties with a township form of government, including elections, requirements and tenure of elected officials, money required to be paid by township officials, resignation, pay for services of officials, filling of vacancies, frequency of meetings, and building bridges (Sections

65.030, 65.110, 65.150, 65.160, 65.180, 65.183, 65.190, 65.200, 65.220, 65.230, 65.300, 65.460, 65.490, 65.600, 65.610, and 231.230);

(19) Requires moneys received or collected to fund additional costs incurred by any county office to be reviewed by the county budget officer when he or she is formulating the annual budget and to be used solely for the purposes outlined for each fund (Section 67.055);

(20) Specifies that an improvement cost, assessed by a reasonable assessment plan in a neighborhood improvement district determined by a governing body, may include a determination that all units are equally benefitted in the case of condo or equitable owner association ownership (Section 67.459);

(21) Adds special assessments for neighborhood improvement districts to the laws regarding the collection of property taxes and other local taxes (Sections 67.469 and 140.150);

(22) Authorizes the City of Maryville to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms (Section 67.1003);

(23) Changes the definition of "agency" in the provisions related to homeless assistance programs to include any entity which provides any service related to homeless persons, rather than just housing-related assistance, modifies the information required in an application for funds to help provide services to homeless persons, and changes the requirements for qualifying for funds (Sections 67.1062, 67.1067, 67.1069, and 67.1070);

(24) Authorizes a lien on property against the real and personal property of a business when any tax, interest, or penalty imposed under the County Convention and Sports Facilities Authority in St. Charles County becomes delinquent. Provisions to release the lien are provided (Section 67.1159);

(25) Authorizes any city or county to levy a sales tax of up to 0.5%, upon voter approval. This tax must be in lieu of the economic development sales tax allowed by Sections 67.1300 and 67.1303 (Section 67.1305);

(26) Modifies the qualifications for membership on a community improvement district board in Springfield to be either: (a) an owner of real property within the district; (b) a legally authorized representative of a property owner; or (c) a registered voter within the district. In Springfield, if there are less than five owners of real property located within a

district, the board may be comprised of up to five legally authorized representatives of the property owners (Sections 67.1401 and 67.1451);

(27) Allows metropolitan park and recreation district sales tax revenues earmarked for grants to be used to fund any recreation program or park improvement in St. Louis County (Section 67.1754);

(28) Changes the laws allowing all counties and the City of St. Louis to levy sales and property taxes to fund community services for children by clarifying that the sole purpose of the tax is to provide services to protect the well-being and safety of children and youth and to strengthen families (Sections 67.1775, 210.860, and 210.861);

(29) Specifies the jurisdiction of the Regional Taxicab Commission. The commission may exercise jurisdiction over any person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district, in any motor vehicle designed or used to transport not more than eight passengers including the driver (Section 67.1809);

(30) Extends authority to all cities and counties in the state to develop geographic information systems (GIS) and authorizes charges for the use of the systems (Section 67.1850);

(31) Requires that expenditures over \$5,000 by the county executive in Jackson County must be competitively bid (Section 67.2555);

(32) Increases the percentage of people that must object to a proposed annexation from 2% to 5% of the qualified voters before additional procedures are required for annexation (Section 71.012);

(33) Eliminates the requirement that the 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);

(34) Allows an unincorporated area of the county that is to be used for a recycling facility to be annexed to the City of Eureka if the municipality and county adopt reciprocal ordinances (Section 79.600);

(35) Extends from August 28, 2004, to August 28, 2010, the expiration date for the laws regarding the removal of nuisances in the City of Hazelwood (Section 82.291);

(36) 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);

(37) 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);

(38) Prohibits, on or after January 1, 2006, the City of St. Peters from levying and collecting a license fee on a hotel or motel in an amount exceeding \$1,000 per year and authorizes the city to increase the hotel/motel license tax by 5% per year, but the total tax levied cannot exceed one-eighth of 1% of the hotel's or motel's gross revenue. Other cities, including Edmundson and Woodson Terrace, are authorized to increase the hotel/motel license tax by 5% per year, but the total tax levied cannot exceed the greater of one-eighth of 1% of the hotel's or motel's gross revenue or the business license tax rate for the hotel or motel on May 1, 2005 (Section 94.270);

(39) Authorizes any city with a population of 100 or more to levy a transportation sales tax, upon voter approval. Currently, only cities with a population of 200 or more are authorized to levy this tax (Section 94.700);

(40) 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);

(41) 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);

(42) Establishes the Downtown Revitalization Preservation Program which allows any municipality with fewer than 200,000 residents to undertake redevelopment projects to reduce blight in its downtown area if certain requirements are met (Sections 99.1080, 99.1082, 99.1086, 99.1088, 99.1090, and 99.1092);

(43) Adds junior college districts to the list of entities which must be notified of and receive payments in lieu of taxes from municipal industrial development projects involving the issuance of revenue bonds or the conveyance of municipal property. The bill also requires that if the project plan is approved after May 15, 2005, in Franklin County, all affected taxing entities receive notice and payment in lieu of taxes (Sections 100.050 and 100.059);

(44) Adds health care providers under contract to provide services to patients at county jails to coverage under the State Legal Expense Fund (Section 105.711);

(45) Excludes city attorneys in cities of the third and fourth

class from the definition of "public officer" as used in Chapter 115 regarding elections (Section 115.013);

(46) Allows the Cass County Commission to submit the issue of the formation of a board of election commissioners to a public vote. Currently, this issue may only be submitted for voter approval by initiative petition (Section 115.019);

(47) Excludes from qualification as a candidate for public office any person who has been convicted of or pled guilty to a felony or misdemeanor under federal law (Section 115.348);

(48) Changes the application procedures for the Missouri Homestead Preservation Act for the elderly and disabled (Sections 135.010 and 137.106);

(49) Defines "business personal property" and requires taxing authorities to exclude from their total assessed valuation 72% of the total amount of business personal property that is the subject of an appeal at the State Tax Commission or in a court. If the taxing authority uses a multi-rate approach, this exclusion is made from the personal property class (Section 137.071);

(50) Limits the amount of revenue derived from admission fees for gaming boats that the City of St. Charles may collect after Fiscal Year 2008 to the percentage of revenue attributable to admission fees for Fiscal Year 2007 (Sections 137.073 and 313.820);

(51) Adds studio broadcast equipment, tower transmission and antenna equipment, and broadcast towers to the property tax depreciation schedules for broadcasting equipment (Section 137.078);

(52) Exempts motor vehicles leased for a period of one year or more to a religious, educational, or charitable organization from state, county, and local taxation (Section 137.100);

(53) Allows local government officials to accept cash, personal checks, business checks, money orders, credit cards, or electronic transfers of funds for the payment of any city or county tax or license. The local government may charge the person a fee equal to the amount charged to the county or city by the bank, processor, or issuer of the electronic payment (Sections 137.115, 139.040, 139.055, and 301.025);

(54) Creates a standardized schedule of depreciation and requires assessors to use it to establish uniformity in the assessment of depreciable tangible personal property. Business personal property placed into service before January 2, 2006, will not be affected by this provision (Section 137.122);

(55) Specifies that whenever an assessor or his or her employee

has insufficient information to assess any real property or no taxable personal property list was submitted, he or she will assess the property based upon physical inspection. The assessor or his or her employee will have the right to enter into any lands for the purpose of assessing the real or personal property but may not enter the interior of a structure without permission. The bill also removes a similar duplicate version of this section passed in 1999 (Section 137.130);

(56) Changes the calculation of the amount of the transfer of certain county funds. Currently, counties are required to transfer from the county general revenue fund to the assessment fund an amount equal to an average of the three most recent years' payments. The bill requires that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county governing body and the county assessor be deducted from a year's contribution before computing the three-year average (Section 137.720);

(57) Allows a county board of equalization discretion to meet monthly for the purpose of hearing allegations on erroneous assessments and other errors. Currently, a board is required to meet monthly (Section 138.100);

(58) Eliminates the requirement that the territory contained within the corporate limits of an ambulance district be contiguous as long as it is within a five-mile radius of other district territory (Sections 190.010, 190.015, and 190.090);

(59) Allows fire protection districts in St. Louis County to create an ambulance district under certain conditions if the boards of the participating fire protection districts approve by majority vote and the fire protection districts are contiguous (Section 190.015);

(60) Specifies that the election of the Warren County emergency services board members is to take place during the first municipal election in a calendar year (Section 190.292);

(61) Specifies that in Greene County any emergency telephone service 911 board appointed by a county which is in existence on the date the voters approve a sales tax will continue to exist and will have the same powers (Section 190.335);

(62) Allows nursing home districts in Marion and Ralls counties to offer apartments for senior citizens which provide housing, food services, and emergency call buttons to the residents (Section 198.345);

(63) Allows the county commissions in Cass and Cooper counties to submit a proposal to levy a tax to operate a county health center to a public vote. Currently, this issue may only be submitted for voter approval by initiative petition (Section 205.010);

(64) Prohibits the Missouri Housing Development Commission, beginning January 1, 2006, from awarding grants or loans to the City of Kansas City until the city's governing body implements oversight procedures to review expenditures and development plans for all housing contracts in excess of \$100,000 (Section 215.246);

(65) Modifies the duties and powers of the Missouri Penitentiary Redevelopment Commission (Section 217.905);

(66) Authorizes Worth County, upon voter approval, to levy and impose a tax not to exceed 25 cents per acre on agricultural and horticultural property for purchasing road rock on county roads (Section 231.444);

(67) Allows any county, upon voter petition and after a public hearing, to disincorporate any special road district (Section 233.295);

(68) Specifies that drainage and levee districts will have five years after their corporate charter lapses to reinstate and extend the time of corporate existence by the circuit court (Section 246.005);

(69) 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 (Sections 247.060 and 247.180);

(70) Provides a method whereby included counties may opt out of the Upper White River Basin Watershed Improvement District (Section 249.1150);

(71) 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 amounts due from the tenant for more than 90 days of service. In the cities of St. Louis and Kansas City, until January 1, 2007, owners cannot be held liable for more than 120 days of service and after that date owners cannot be held liable for more than 90 days of service. The water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. This provision only applies to residences with their own private water and sewer lines (Section 250.140);

(72) Includes Schuyler and Worth counties in Section 263.245 which requires owners of land in certain counties to control all brush growing on their property that is designated as the county right-of-way or county maintenance easement and which is adjacent to any county road (Section 263.245);



(73) Eliminates the requirement that a candidate for trustee of a watershed district live within the district (Section 278.240);

(74) Authorizes the issuance of an entertainment district special license to sell liquor by the drink from portable bars within the common areas of the entertainment district in historic downtown Kansas City and allows a person to carry drinks from one establishment to another within the district (Section 311.087);

(75) Allows towns and villages, in addition to cities and counties, to prohibit fireworks (Section 320.121);

(76) Changes the terms of fire protection district board members in St. Charles County from six years to four years over a period of time (Section 321.120);

(77) Prohibits fire district board members from being paid more than one attendance fee per week if the member attends more than one meeting in a calendar week (Sections 321.190 and 321.603);

(78) Allows the board of a fire protection district to create an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district but who receive services within the boundaries of the district for the actual and reasonable costs of the services received (Section 321.220);

(79) Specifies that the City of Harrisonville will be governed by Section 72.418 regarding city reimbursement to the fire protection district (Section 321.322);

(80) Specifies that the board of an industrial development corporation in Lewis County must meet certain requirements (Section 349.045);

(81) Allows water companies to contract with sewer providers to terminate service for delinquent accounts. The City of St. Louis and St. Louis County are exempted from this provision (Sections 393.015 and 393.016);

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

(83) Authorizes public administrators in counties of the second, third, and fourth classifications to delegate their duties to deputies (Sections 473.770 and 473.771);

(84) Changes the number of judges in the 11th Judicial Circuit in St. Charles County and the 17th Judicial Circuit in Cass County (Sections 478.570 and 478.600);

(85) Authorizes Springfield to collect additional court costs of up to \$5 for municipal ordinance violations (Section 488.2220);

(86) Restores sovereign immunity for the proprietary functions of multi-state compact agencies (Section 537.600);

(87) Authorizes municipal courts to contract with a public entity or employ a person to serve as the city's probation officer (Section 559.607);

(88) Authorizes conveyances in Buchanan, St. Francois, Iron, Cole, and Lafayette counties (Sections 1, 2, 5, 6, and 7);

(89) Transfers the responsibility of computing county officials' salaries to the county salary commissions (Section 3); and

(90) Authorizes Madison County to impose, upon voter approval, a local sales tax up to 1% for public recreational projects and programs, including land acquisition (Section 4).