

CCS HCS SS SCS SB 210 -- POLITICAL SUBDIVISIONS

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

(1) 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, RSMo);

(2) Allows a court administrator as well as a circuit court clerk to schedule the county salary commission meeting and serve as its temporary chairperson (Section 50.333);

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

(4) 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);

(5) 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);

(6) Consolidates tax collection in counties having a 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);

(7) Raises from \$250 to \$1,000 the value of property for which the county auditor in first and second classification counties is required to inventory (Section 55.160);

(8) Removes the limitation which currently authorizes only first classification noncharter counties to appoint county counselors (Sections 56.060, 56.631, 56.640, 56.650, and 56.660);

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

(10) 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);

(11) 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);

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

(13) Prohibits St. Charles County from dissolving, eliminating, merging, or terminating the municipal fire department in the City of St. Charles without an affirmative vote of the city residents (Section 66.411);

(14) Adds special assessments for neighborhood improvement districts to the laws regarding the collection of property taxes and other local taxes (Sections 67.469, 140.150, and 140.160);

(15) 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);

(16) 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 in Sections 67.1300 and 67.1303 (Section 67.1305);

(17) 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);

(18) 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);

(19) 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);

(20) Modifies the current authorization which certain counties with significant lake shoreline have to impose, upon voter approval, a single retail sales tax not to exceed 1.5% for the purpose of promoting water quality, infrastructure, and tourism so that voters can approve one or more retail sales taxes not to exceed 1.5% in the aggregate for the purpose of affecting water quality, infrastructure, or tourism, singularly or in any combination (Sections 67.1922 and 67.1934);

(21) Allows St. Charles County to conduct and pay for the monitoring of blasting operations, whether the operation is located in an unincorporated area of the county or within the limits of a village, town, city, or municipality located within the county (Section 67.2535);

(22) Allows land sales pending plat approval if the owner/agent discloses in writing that the plat has not been approved and the sale is contingent upon the approval (Section 89.450);

(23) 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);

(24) 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);

(25) 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);

(26) Changes from May to April when county commissions receive bids from banking institutions to be the county depository and changes from May 1 to April 1 when the bids are publicly opened (Sections 110.130 and 110.150);

(27) Allows the Cass County Commission to submit 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);

(28) 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 of 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);

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

(30) 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);

(31) 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);

(32) 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 a physical inspection. The assessor or his or her employee will have the right to enter onto any land 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 provision passed in 1999 (Section 137.130);

(33) 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);

(34) 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);

(35) 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 a majority vote and the fire protection districts are contiguous (Section 190.015);

(36) 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);

(37) 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);

(38) 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);

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

(40) 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);

(41) 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);

(42) 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);

(43) Reduces the residency requirement for fire protection district board members from two years to one year (Section 321.130);

(44) 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);

(45) Specifies that if a municipality in Jefferson County adopts or implements a residential construction regulatory system within its jurisdiction, fire protection districts cannot adopt or implement a system within the municipality's jurisdiction (Section 321.222);

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

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

(48) Requires clerks who process passport applications for a fee to account for the expenditure of the fees in an annual report to the presiding judge and the Office of State Courts Administrator. The fees may only be used for the maintenance of the courthouse or to fund operations of the circuit court. Currently, the clerks must remit 80% of the fees collected to the state (Section 483.537);

(49) Authorizes Jasper County to collect an additional \$10 fee on civil cases filed excluding adoptions and small claims. This provision will expire on December 31, 2014 (Section 488.426);

(50) Removes a duplicate version of Section 488.429, passed in 2004, specifying how funds collected under Section 488.426 may be spent, which had an expiration date of December 31, 2014, for the entire section (Section 488.429);

(51) Specifies that when a change of venue is granted in a criminal case, the defendant will be housed in the county into which the cause is removed if the respective sheriffs do not agree. If the defendant remains housed in the county from which the cause is removed, that county's sheriff is responsible for the transportation of the defendant to all necessary court appearances (Section 545.550);

(52) 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 for the sheriff's department (Section 573.505);

(53) Authorizes the Governor to sell property located in Buchanan, St. Francois, and Jasper counties currently used by the Division of Workforce Development as career centers (Sections 1, 2, and 5);

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

(55) 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);

(56) Authorizes the Governor to sell property located in Cole County (Section 6); and

(57) Authorizes the Department of Natural Resources to deed certain property at the Fort Davidson State Historic Park to the City of Pilot Knob in exchange for another parcel of property in Iron County (Section 7).