

HCS HB 1030, 1033, 1146, 1225 & 1326 -- POLITICAL SUBDIVISIONS

SPONSOR: Johnson (47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 13 to 0.

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

(1) Allows a county commission to reject the transfer of title of real property to the county by donation or dedication if it is in the best interest of the county to do so. The preparer of a document donating or dedicating real property to a county cannot submit the document for recording unless the grantee's acceptance is proved or acknowledged (Section 49.292, RSMo);

(2) Establishes the salary schedule for public administrators in second, third, and fourth classification counties who choose to be paid by salary and who are considered full-time county officials as the base schedule for those officials, unless the current salary is lower than the compensation in the schedule. The lowering of county official salaries below the level being paid on August 28, 2005, is retroactively prohibited, and any action or vote doing so is voided (Section 50.327);

(3) Requires second, third, and fourth classification counties to post their detailed financial statement on the county website, if one exists. Certain items previously required to be separately listed in the financial statement are consolidated. Maximum limits are established for the cost of publishing the detailed financial statement, depending on the assessed valuation of the county, and the costs must be paid out of the county general revenue fund rather than various other funds (Sections 50.800, 50.810, and 50.815);

(4) Requires all charter counties to mail property tax statements and receipts to taxpayers at least 30 days before they are due. Currently, statements are required to be mailed at least 15 days before the due date (Section 52.230);

(5) Allows the governing body of any municipality or county to authorize its employees or agents to stand in a road to solicit charitable contributions. The employee or agent must make written application at least 11 days before soliciting and may need to provide proof of liability insurance. The governing body may require payment of a reasonable fee (Section 67.304);

(6) Authorizes Perry County to impose, upon voter approval, a sales tax of up to one-fourth of 1% to equally fund senior

services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services (Section 67.997);

(7) Authorizes the City of Gladstone to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms to be used for the promotion of tourism (Section 67.1003);

(8) Authorizes Pulaski County to impose, upon voter approval, a sales tax of one-eighth of 1% to fund construction of a women's and children's shelter. The sales tax will expire three years after its effective date unless repealed sooner (Section 67.2040);

(9) Requires that all property owners within an area proposed to be incorporated into a city be notified by mail of the proposed incorporation, the date of the hearing, and that a public hearing will be held. The names and mailing addresses of all property owners within the proposed area are required in the petition for incorporation, and sufficient funds to cover the cost of mailing the notice must also be included (Section 72.080);

(10) Authorizes municipalities in St. Louis County to impose, upon voter approval, a sales tax of up to 0.5% for improving public safety to be used solely for equipment purchases and employee salaries for police, fire, and emergency medical providers. Before placing the tax on the ballot, the municipality must itemize the police, fire, and emergency medical provider budgets, and the revenue generated from this tax will be divided proportionally between these departments based upon the declared budgets. Municipalities imposing a tax under this authorization cannot charge residents a fee for ambulance or fire protection services rendered (Section 94.860);

(11) Removes the county assessor from a county board of equalization, but requires the assessor or a staff member to attend the hearings and present evidence pertaining to the assessment. The county commission must appoint one additional member with relevant experience to the board. Currently, county commissioners may appoint two additional members. The substitute also extends statewide a requirement that a property owner's position must prevail if a majority of the board of equalization is not present for a hearing after request by the property owner. Currently, this provision only applies to St. Louis County (Sections 138.010 and 138.135);

(12) Allows the City of Corder to sell or use property originally acquired from a school district for public use for any purpose after 25 years (Section 177.091);

(13) Requires members of ambulance district boards first elected after January 1, 2006, to complete educational training. The training will be offered by a statewide association organized for the benefit of ambulance districts or approved by the State Advisory Council on Emergency Medical Services. The content of the training must include the duties of the ambulance district director, all ambulance district statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member cannot receive an attendance fee until training is completed (Section 190.053);

(14) Allows county commissions, at their discretion, to open a county road and conclusively establishes the status as a public road of any county road for which the county has received county aid road trust funds for at least five years after January 1, 1990. The county highway engineer is no longer required to examine and approve a road or road change before the county commission takes action on the road (Sections 228.040, 228.070, and 228.190);

(15) Requires members of fire protection district (FPD) boards first elected after January 1, 2006, to complete educational training. The content of the training will be determined by the State Fire Marshal but must include the duties of the FPD director, all FPD statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member cannot receive an attendance fee until the training is completed (Section 321.162);

(16) Authorizes the circuit court to fill a vacancy on a fire protection district board if the two remaining elected members cannot agree (Section 321.200);

(17) Authorizes any ambulance or fire protection district in the counties of Greene, Platte, Clay, St. Charles, and St. Louis, upon voter approval, to impose a sales tax of up to one-half of 1% for the operation of the district and for the reduction of property taxes. Currently, the ambulance and fire protection districts in these counties are excepted from the tax authorization. Ambulance or fire protection districts imposing a tax under this authorization cannot charge residents a fee for services rendered (Section 321.552);

(18) Makes any term or provision in a contract unenforceable if it requires a public administrator who is acting as a guardian to

personally pay or guarantee the debt of a ward or protectee (Section 473.748);

(19) Reassigns the Monroe City R-1 School District to a county with a higher dollar value modifier (Section 1);

(20) Requires the cities of Rogersville and Springfield to abide by the terms of the November 15, 2005, settlement agreement between the cities relating to involuntary annexation of certain real property located between the two cities (Section 2);

(21) Authorizes the Governor to convey state property located in Jackson County to the City of Kansas City (Section 3); and

(22) Authorizes the City of Joplin to impose a retail sales tax of up to one half of 1% to be used for nonprofit museums and nonprofit organizations that develop, promote, or operate historical locations. Any city is authorized to impose, upon voter approval, a sales tax of up to one half of 1% for the purpose of operating, building, or renovating historical locations and museums to promote tourism (Section 4).

The substitute contains an emergency clause for the provision regarding the Monroe City R-1 School District.

FISCAL NOTE: Estimated Income on General Revenue Fund of \$17,049 or Unknown in FY 2007, \$32,714 or Unknown in FY 2008, and \$47,980 or Unknown in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters of HB 1030 say that charter counties are the only counties not required by statute to mail property tax statements.

Supporters of HB 1033 say that revenue is needed to fund a new shelter because the existing shelter is too small for current needs.

Supporters of HB 1146 say that all special district board members should have some type of formal training, especially in ethics. Federal regulations soon will be adopted mandating training and education for fire protection district board members, so the bill gives them a head start.

Supporters of HB 1225 say that county commissions should have discretion in accepting a road as a county road.

Supporters of HB 1326 say that authorizing political subdivisions to sell donated property after 25 years will allow them to dispose of property that may have become a financial burden, but

will still prevent them from seeking an immediate financial gain.

Testifying for HB 1030 was Representative Johnson (47).

Testifying for HB 1033 were Representative Day; and Missouri Coalition Against Domestic Violence. Testifying for HB 1146 were Representative Bivins; Missouri State Council of Firefighters; Metro West Fire Protection District; Creve Coeur Fire Protection District; Monarch Fire Protection District; West County Fire Protection District; Florissant Fire Protection District; and Fire Service Alliance. Testifying for HB 1225 was Representative Smith (118). Testifying for HB 1326 were Representative Aull; and Missouri Council of School Administrators.

OPPONENTS: Those who oppose HB 1030 say that it is an unfunded mandate in violation of the Hancock amendment to the Missouri Constitution.

Testifying against HB 1030 was Jackson County.

OTHERS: Others testifying on HB 1225 say that the county should require a road be brought up to county standards before it is accepted as a county road.

Others testifying on HB 1326 say that there are concerns with how the bill will affect larger municipalities.

Others testifying on HB 1225 was Lafayette County. Others testifying on HB 1326 was Missouri Municipal League.

Julie Jinkens McNitt, Legislative Analyst