

HCS HB 1030, 1033, 1146, 1225 & 1326 -- POLITICAL SUBDIVISIONS
Johnson (47)

COMMITTEE OF ORIGIN: Local Government

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) Prohibits a county from receiving state funds unless the county has agreed by ordinance or order to engage in mandatory mediation in disputes arising with another county over financial expenditures. Costs of the mediation will be shared between the counties involved (Section 50.032);
- (3) 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);
- (4) Authorizes the salary commission in Cape Girardeau County to meet to determine whether to equalize the base salaries of the treasurer and public administrator with the base salaries of the auditor and recorder of deeds (Section 50.339);
- (5) Eliminates the requirement of advertising in first classification counties for county contracts or purchases involving an expenditure of less than \$7,500 (Section 50.660);
- (6) Requires all noncharter counties to mail property tax statements and receipts to taxpayers at least 30 days before being due. Currently, statements are required to be mailed at least 15 days before the due date (Section 52.230);
- (7) Adds new requirements for candidates seeking the office of county treasurer (Section 54.040);
- (8) Allows sensitive personal identifying information contained in recordable documents to be redacted or removed by the preparer of the document or the recorder of deeds (Sections 59.331 and

59.332);

(9) Requires county boards that receive funding from the county treasury and whose members are appointed by the county commission to submit an annual report each fiscal year itemizing expenditures (Section 67.048);

(10) 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);

(11) Requires that 75% of the general county sales tax revenue in New Madrid County be distributed to the county and the remaining 25% be distributed equally among the incorporated cities, towns, and villages of the county. Currently, all the revenue goes to the county (Section 67.547);

(12) Authorizes the governing body of Boone County to have exclusive control over the expenditures and operation of a regional recreational district located only in that county on land owned solely by the county (Section 67.797);

(13) 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);

(14) 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);

(15) Authorizes Franklin County to impose, upon voter approval, a transient guest tax up to 5% per room per night in the Sullivan C-II School District to be used for the promotion of tourism (Section 67.1360);

(16) Prohibits owners, employees, shareholders, or independent contractors over whom the regional taxicab commission has oversight or any person who stands to benefit economically or politically from serving on the commission. An advisory committee, comprised of 10 transportation industry representatives, is established (Section 67.1806);

(17) 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);

(18) Allows the City of Excelsior Springs, upon voter approval, to issue bonds and levy a sales tax of up to 0.5% on all retail sales made within the city for the purpose of constructing, equipping, operating, and maintaining a community center (Section 67.2715);

(19) 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);

(20) Provides that no ordinance of the City of Kansas City will be construed to prohibit the use of tobacco in any facility owned and operated by a tax-exempt entity (Section 82.301);

(21) Authorizes the City of St. Louis to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments as well as for compensation, pension programs, and health care for public safety employees and pensioners (Section 92.500);

(22) Authorizes the City of Kimberling City to impose, upon voter approval, a transient guest tax of up to 4% on hotel and motel rooms for the promotion of tourism and the construction or maintenance of infrastructure improvements (Section 94.839);

(23) 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 in St. Louis County imposing a tax under this authorization cannot charge residents a fee for ambulance or fire protection services rendered (Section 94.860);

(24) Authorizes the City of Joplin to impose, upon voter approval, a retail sales tax of up to 0.5% to be used for nonprofit museums and nonprofit organizations that develop, promote, or operate historical locations (Section 94.950);

(25) Specifies that for industrial development project plans approved after May 15, 2005, in Boone County, reimbursements in excess of the actual costs must be disbursed to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity, not just the entities in current law (Section 100.050);

(26) Allows the City of Gladstone to levy separate and differing tax rates for real and personal property as long as the city bills and collects its own assessment. The separate and differing rates cannot exceed the city's tax rate ceiling (Section 137.115);

(27) 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);

(28) Authorizes the waiver of penalties and interest for the underpayment of property tax when the underpayment is the result of an error or omission by a county employee (Section 139.100);

(29) Authorizes counties and municipalities to contract for private collection services for delinquent taxes (Section 140.852);

(30) Establishes a minimum number of 50 voters required to sign a petition to attach a school district to an adjacent seven-director school district (Section 162.441);

(31) 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);

(32) 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 the training is completed (Section 190.053);

(33) Allows the State Registrar within the Department of Health and Senior Services to appoint a person employed by a city health agency as a local registrar (Section 193.065);

(34) 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);

(35) Reduces the compensation of county highway commission members who are not also members of the county's governing body from a fixed fee per meeting to an amount set by the governing body plus mileage in counties that have adopted alternative county highway commissions (Section 230.220);

(36) Authorizes Jasper County, upon voter approval, to impose a landfill fee (Section 260.830);

(37) 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);

(38) 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);

(39) 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 0.5% 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 in St. Louis County imposing a tax under this authorization cannot charge residents a

fee for services rendered (Section 321.552);

(40) Establishes a consolidation process for fire protection districts in Jefferson County upon approval by the voters within the fire protection districts (Section 321.688);

(41) 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);

(42) Lowers the mandatory retirement age for municipal court judges in Jackson County from 75 years to 65 years (Section 479.020);

(43) Excludes personal private information about an individual that is maintained by a municipality from the definition of "public record" for the purpose of the Sunshine Law (Section 610.010);

(44) Extends the expiration date to August 28, 2007, on the authorization for borrowing by the board of fund commissioners for the purposes of water pollution control, improvement of drinking water, storm water control, and rural water and sewer grants and loans (Sections 644.584, 644.585, and 644.586);

(45) Requires the removal of all emergency lights, sirens, and decals designating a vehicle as an emergency vehicle prior to selling or consigning the vehicle unless it is being sold directly to another public or private safety agency (Section 650.465);

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

(47) 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);

(48) Authorizes the City of Joplin to impose a retail sales tax of up to 0.5% 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 0.5% for the purpose of operating, building, or renovating historical locations and museums to promote tourism (Section 4); and

(49) Grandfathers the fire water flow rate for a church extension building in the City of Harrisonville when the fire

water flow rate for the church itself was grandfathered after the church was annexed by the municipality (Section 5).

The substitute contains an emergency clause for the provision regarding the Monroe City R-I 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.