

HCS SS SCS SB 22 -- POLITICAL SUBDIVISIONS

SPONSOR: Griesheimer (Schneider)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 7 to 3.

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

- (1) Authorizes Johnson County to adopt and enforce airport hazard area zoning regulations that are substantially similar to the current airport zoning and regulations;
- (2) Requires, as a condition for receiving state funds, that counties formally agree to mandatory mediation for inter-county disputes regarding responsibility for financial expenditures;
- (3) Specifies that the requirement that all county officials' salaries be adjusted at an equal percentage does not apply if the adjustment is necessary to comply with Article VII, Section 13, of the Missouri Constitution, and requires a vote of two-thirds or more of all the members of the county salary commission to decrease the salary of any county official. All county officials will receive the same percentage decrease;
- (4) Requires compensation paid by a municipality for services performed for the municipality by a county officer to be paid only to the county, except in charter counties and the City of St. Louis;
- (5) Prohibits current or former elected county officials or county commission employees from being appointed to the board of trustees that supervises the county law enforcement restitution fund;
- (6) Eliminates the requirement of advertising for county contracts or purchases involving an expenditure of less than \$6,000;
- (7) Requires Jackson County to establish a tax maintenance fund that is funded by an additional 3% fee on the collection of delinquent and back taxes to be used for the administrative and operational costs of the collector;
- (8) Requires that when moneys are delivered to a county public administrator by the county coroner, the public administrator

will take charge of the moneys as specified in the substitute;

(9) Increases the amount of an expenditure from \$5,000 to \$25,000 that must be competitively bid by the Jackson County Sports Authority or the county executive of Jackson County;

(10) Allows the county municipal court in Jackson County to hold court in the evenings and outside the county seat of Independence;

(11) Requires county boards that receive funding from the county treasury and whose members are appointed by the county commission to submit a report each fiscal year of their itemized expenditures;

(12) Requires political subdivisions to provide additional information to taxpayers before the public hearing held prior to the setting of tax rates;

(13) Allows the governing body of any municipality or county to authorize an organization to stand in a road to solicit charitable contributions under certain specified conditions;

(14) Establishes the Political Subdivision Construction Bidding Standards Act;

(15) Authorizes Jefferson County to adopt orders with penal provisions consistent with state law in any area covered by the county's ordinances;

(16) Changes the method by which the costs associated with an order to demolish, clean up, or repair property are collected and shortens the time in which the costs must be paid;

(17) Authorizes the Boone County collector to assess a fee for the collection of certain property assessments;

(18) Authorizes the county governing body 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;

(19) Authorizes Perry County to impose, upon voter approval, a sales tax of up to 0.25% to equally fund senior services and youth programs;

(20) Specifies that in Pulaski County, for the purpose of

collecting a transient guest tax, the term "transient guest" means a person who occupies a room in a hotel or motel for 90 days or less during any calendar quarter;

(21) 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;

(22) Authorizes second, third, or fourth classification counties to impose, upon voter approval, a transient guest tax of up to one cent per room per night for the promotion of tourism within the county;

(23) Requires political subdivisions that collect and expend tax revenues for tourism promotion to perform and pay for an audit at least every five years if no other statutory auditing requirement exists for the political subdivision;

(24) Authorizes Franklin County to impose, upon voter approval, a transient guest tax between 2% and 5% per room per night in the part of the Sullivan C-II School District that is located in Franklin County to be used for the promotion of tourism;

(25) Authorizes the City of Hollister to impose, upon voter approval, a transient guest tax between 2% and 5% per room per night to be used for the promotion of tourism;

(26) Authorizes, statewide, up to five legally authorized representatives of any of the community improvement district (CID) property owners to serve on the board if there are less than five owners of property in the CID;

(27) Authorizes new construction in blighted areas in CIDs;

(28) Clarifies that a CID election to impose a district sales and use tax is conducted under the CID laws, and not Chapter 115, RSMo;

(29) 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;

(30) Allows the governing body of any county or city that has adopted transect-based zoning under Chapter 89 and the counties of Franklin, Clay, Jackson, Boone, or Jasper and their municipalities to form a theater, cultural arts, and entertainment district;

(31) Allows certain political subdivisions to share property tax revenues from property located within 3,000 feet of a common border between the political subdivisions;

(32) Allows employees of a local public health agency located in counties of the third classification and created by a joint municipal agreement to be eligible for participation in the Missouri Local Government Employees' Retirement System (LAGERS);

(33) Specifies that if the State of Kansas has not enacted the Kansas and Missouri Regional Investment District Compact by August 28, 2007, the district will be established only in the Missouri counties of Buchanan, Cass, Clay, Jackson, Platte, and Ray, and will be called the Missouri Regional Investment District;

(34) Adds county assessors to the list of county officials who must receive certified copies of the ordinances effecting a concurrent detachment and annexation of property between municipalities;

(35) Requires county assessors to receive certified copies of all annexation ordinances passed by cities, towns, and villages within the county;

(36) Establishes a new procedure for incorporating a village, as specified in the bill, so that when 15% of the registered voters in an unincorporated village petition the county governing body for incorporation, the county governing body must put the issue to a public vote;

(37) Specifies that voluntary annexations by third class cities do not require voter approval;

(38) Removes the requirement that city managers of third class cities be a city resident;

(39) Allows the board of aldermen of a fourth class city, upon voter approval, to change the term of office for the mayor to two or four years;

(40) Specifies that police officers in St. Louis and Kansas City will be considered officers of the state, and not the municipalities, for tort liability purposes;

(41) Specifies that certain conditions of cancer will be presumed to be suffered in the line of duty for the purpose of

computing retirement benefits for firefighters under certain conditions;

(42) Prohibits cities of the third class from imposing certain storm water usage fees on property owned by any church, public school, nonprofit organization, or political subdivision;

(43) 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;

(44) Specifies that any transportation sales tax approved on or after August 28, 2007, by the voters in either the City of St. Louis or St. Louis County will not require approval in both jurisdictions to become effective;

(45) Authorizes municipalities within Pemiscot County to impose, upon voter approval, a transient guest tax of up to 4% per room and authorizes any city with a population of 7,500 or less to transfer 40% of its tourism taxes into its general revenue fund;

(46) 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;

(47) Authorizes tax increment financing projects within the flood plain in the City of St. Charles if the redevelopment area actually abuts a river or major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications;

(48) Establishes the Distressed Areas Land Assemblage Tax Credit Act which authorizes, beginning January 1, 2008, a tax credit equal to 50% of the costs and 100% of the interest incurred for the acquisition of an eligible parcel of land as defined in the substitute;

(49) Specifies that for industrial development project plans approved after May 15, 2005, in Boone County, all affected taxing entities must receive notice and payment in lieu of taxes, not just the entities in current law;

(50) Prohibits a person from offering financial inducements in exchange for an appointment to any municipal office;

(51) Repeals the provision on the disclosure requirements for persons attempting to influence local government decision in cities with a population of over 400,000;

(52) Changes the deadline for county commissions to receive proposals and publicly open bids from banks regarding the selection of the depository of county funds from April 1 of each year to any date on or before the first Monday of July;

(53) Requires operators of storage facilities, beginning January 1, 2008, to provide certain documentation to the county assessor where the rental or leasing facility is located for property tax purposes;

(54) Clarifies that land owned by a political subdivision of the state is exempt from taxation, even if there is an inferior possessory interest in the property;

(55) 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;

(56) Clarifies that purchases by the Jackson County Sports Authority are tax exempt;

(57) Changes the date from the next general municipal election to that referenced in Section 115.123 for an election changing the boundary lines between seven-director school districts;

(58) Grants school districts located at least partially within a county with a county municipal court created after January 1, 2006, an additional payment equal to the decrease, if any, in the amount the district receives from fines in the current year from the revenue it received in Fiscal Year 2005;

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

(60) Authorizes a procedure by which the existing boundaries of a county library subdistrict may be expanded and the existing subdistrict tax rate imposed, upon voter approval, in the expanded area;

(61) Changes the term of office for a person who is appointed to fill a vacancy on an ambulance district board from until the next annual election of board members to the remainder of the unexpired term of the replaced board member;

(62) Requires members of ambulance district boards and fire protection district boards first elected after January 1, 2008, to complete educational training;

(63) Allows the City of Joplin to opt out of the jurisdiction of an emergency services board created under Sections 190.300 - 190.340;

(64) Establishes notice and procedural requirements for the formation of a new reorganized common sewer district and the conversion of an existing common sewer district into a reorganized common sewer district;

(65) Authorizes the governing body of the City of Kingsville to impose, upon voter approval, an annual real property tax, not to exceed 35 cents per year on each \$100 of assessed valuation, to fund the construction, operation, and maintenance of a community health center;

(66) Requires each voter in Iron County to vote for one director from the hospital election district in which the voter resides. Currently, each voter selects six directors for a hospital district, divided among six election districts, with one from each election district;

(67) Specifies that when a legally erected billboard exists on a parcel of property, a local zoning authority cannot adopt or enforce any ordinance, order, rule, regulation, or practice that eliminates the ability of a property owner to build or develop property or erect an on-premise sign solely because a legally erected billboard already exists on the property;

(68) Allows certain charter county residents to petition the county governing body for vacating certain roads;

(69) Changes several provisions regarding transportation development districts (TDD) including authorizing a TDD to establish different classes or subclasses of real property within a district for the purpose of levying differing rates of special assessments, depending upon the level of benefit derived by each class or subclass from projects funded by the district;

(70) Shortens the length of the term of office from June to April for directors of public water supply districts elected in 2008, 2009, and 2010;

(71) Authorizes Jasper County to impose, upon voter approval, a

landfill fee;

(72) Adds a definition of "residence address" for the purposes of Chapter 302 regulating driver's and commercial driver's licenses;

(73) Reduces the distance from any fuel dispenser that fireworks can be manufactured, stored, or sold from 100 feet to 50 feet;

(74) Specifies that fire protection districts, municipal fire departments, and volunteer fire protection associations will be the sole providers of fire suppression and related activities within their legally defined boundaries unless their governing body authorizes another entity to provide those services and defines "fire department" as it relates to the laws regarding the jurisdiction and duties of the State Fire Marshal. Fire departments must file a registration form by January 30, 2008; and the State Fire Marshal may issue each fire department an identification number based upon the registration. A volunteer fire protection association is required to identify and register its boundaries with its county governing body;

(75) Specifies that fire protection district board members must reside in the district;

(76) Establishes a consolidation process for fire protection districts located wholly in first classification counties upon approval by the voters of a joint resolution within the fire protection districts;

(77) Removes the expiration date of August 28, 2007, on the provision restricting political subdivisions from providing certain telecommunication services and facilities;

(78) Allows joint municipal utility commissions to enter into joint contracts to form other joint municipal utility commissions and specifies that a joint municipal utility commission's statutory power to fix, maintain, and revise fees and rates constitutes the power to tax under the Missouri Constitution;

(79) Requires any nonprofit sewer company or nonprofit water company to provide a copy of the company's articles of incorporation and bylaws to the Department of Natural Resources to ensure statutory compliance, authorizes a nonprofit sewer company to provide the same services as provided by a nonprofit water company in areas not within the boundaries of a public water supply district or within the certificated area of a water

corporation, and prohibits any nonprofit water company from being eligible to obtain a construction permit or a permit to dispense unless a waiver from all affected political subdivisions is obtained for a site where a municipality, county, or public water supply district operates a water system or a connection to a water system is required by ordinance;

(80) Prohibits any nonprofit sewer or water company from being eligible to obtain a construction or operating permit unless a waiver from all affected political subdivisions is obtained for a site where a municipality, county, public sewer district, or public water supply district operates a wastewater treatment system or a connection to a wastewater treatment system is required by a municipal or county ordinance;

(81) Prohibits an investment firm, legal firm offering bond counsel services, or any person having interest in these firms from being involved with the issuance of bonds authorized by an election if the person or firm made direct or indirect financial contributions as specified to any campaign in support of the bond election;

(82) Removes the provision in existing law that requires the City of St. Charles to provide written notice two years in advance of the city's intent to discontinue sanitary sewer service to homes connected to the service after January 1, 2003;

(83) Allows Kansas City to establish, by order or ordinance, an administrative system for adjudicating parking and other nonmoving municipal code violations. Currently, only the City of St. Louis may establish a system;

(84) Authorizes licensed ambulance services, emergency medical response agencies, and not-for-profit organizations which contract for ambulance services to establish peer review committees;

(85) Authorizes the Board of Fund Commissioners, in addition to the amounts authorized prior to August 28, 2007, to issue an additional \$10 million in bonds for water pollution control, improvement of drinking water systems, and storm water control projects; an additional \$10 million in bonds for rural water and sewer grants and loans; and an additional \$20 million in bonds for grants and loans for storm water control in counties of the first classification and St. Louis City;

(86) Revises the continuing educational training requirements of

911 telecommunicators from 16 hours in a two-year period to 24 hours every three years;

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

(88) Prohibits, beginning January 1, 2008, all trucks with a registered gross weight of 24,000 pounds or more from driving in the far left lane within three miles of the intersection of Interstate 70 and State Route 370 except in emergency situations or during road construction or repair.

The substitute contains an emergency clause for the Franklin County and City of Hollister transient guest taxes, the removal of the residency requirement for city managers of third class cities, and the provisions regarding formation of or conversion to a reorganized common sewer district.

FISCAL NOTE: Estimated Cost on General Revenue Fund of More than \$302,285 in FY 2008, \$181,083 to more than \$12,280,083 in FY 2009, and \$180,154 to more than \$12,280,154 in FY 2010. Estimated Cost on Other State Funds of Unknown greater than \$8,400 in FY 2009, Unknown in FY 2009, and Unknown in FY 2010.

PROPONENTS: Supporters say that issuing fire department registration numbers is a big safety issue.

Testifying for the bill were Senator Griesheimer; State Fire Marshal; Florissant Valley Fire Protection District; Black Jack Fire Protection District; and Missouri Fire Service Alliance.

OPPONENTS: Those who oppose the bill say that singling out the City of Ballwin is unfair and an unnecessary intrusion into local government control. Allowing non-elected, unaccountable persons to make decisions with regard to the firefighters' pension plans violates the intention of the original legislation and takes power away from voters.

Testifying against the bill were Ambulance District Association of Missouri; Tim Pogue, City of Ballwin Board of Aldermen; Kansas City Board of Police Commissioners; St. Charles County Ambulance District; James Stonebraker; Aaron Hilmer, Mehlville Fire Protection District; and Missouri Ambulance Association.

OTHERS: Others testifying on the bill say that the storm water

provisions need to be clarified to specify that cities can apply the user fees to storm water management.

Testifying on the bill were Missouri Municipal League; and Missouri State Council of Firefighters.