

CCS HCS SS SCS SB 22 -- POLITICAL SUBDIVISIONS

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

(1) Authorizes Johnson County to adopt and enforce airport hazard area zoning regulations that are substantially similar to the current airport zoning and regulation laws;

(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) 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;

(4) Eliminates the requirement of advertising for county contracts or purchases involving an expenditure of less than \$6,000;

(5) Changes the amount in a member's defined contribution account from \$5,000 or less to \$1,000 or less which members of the County Employees' Retirement System who terminate employment must have to receive an automatic lump sum distribution;

(6) Requires Jackson County to establish a tax maintenance fund that is funded by an additional 1% fee on the collection of delinquent and back taxes to be used for the administrative and operational costs of the collector;

(7) Requires the public administrator to follow the specified procedures for taking charge of moneys or property from a deceased person's estate when delivered to the public administrator by the county coroner;

(8) 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;

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

(10) 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;

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

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

(13) Authorizes Jefferson County to adopt orders with penal provisions consistent with state law in the areas of zoning, on-site sewer treatment, and county building codes, in addition to the currently authorized areas of traffic violations, solid waste management, and animal control;

(14) Authorizes counties and municipalities to allow the pets of patrons of certain public food service establishments within certain designated outdoor areas;

(15) Limits real property owners of record to one signature on a petition to establish a neighborhood improvement district, regardless of how many parcels are owned in the proposed district;

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

(17) Authorizes the county governing body to have exclusive control over the expenditures and operation of a regional recreational district when the district is located only in that county on land owned solely by the county. Currently, this will only affect Boone County;

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

(19) Specifies that in Pulaski County, for the purpose of collecting a transient guest tax, the term "transient guests" means persons who occupy a room in a hotel or motel for 90 days or less during any calendar quarter;

(20) 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;

(21) 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. The first audit must be

completed by January 1, 2009;

(22) Authorizes the City of Sullivan and the portion of the Sullivan C-II School District located in Franklin County to impose, upon voter approval, a transient guest tax of from 2% to 5% per room per night for the promotion of tourism;

(23) Authorizes the City of Hollister to impose, upon voter approval, a transient guest tax of from 2% to 5% per room per night for the promotion of tourism;

(24) Allows any community improvement district (CID) that is a nonprofit corporation to merge with another CID that is also a nonprofit corporation if the boundaries of the two districts are contiguous and other requirements in the bill are met. The definition of "per capita" is revised as it relates to condominiums to mean one head count applied to the applicable unit owners' association and not to each unit owner;

(25) Authorizes, statewide, up to five legally authorized representatives of any of the CID property owners to serve on the board if there are fewer than five owners of property in the CID;

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

(27) Authorizes Pulaski County to impose, upon voter approval, a sales tax of one-eighth of 1% for three years to fund construction of a women's and children's shelter;

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

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

(30) 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;

(31) 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;

(32) 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;

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

(34) 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;

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

(36) Removes the requirement in all noncharter counties that city managers of third class cities must be city residents;

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

(38) Authorizes the governing body of a fourth class city with less than 100 people to diminish the city limits without an election upon application of a person owning five or more acres if the application is accompanied by a petition of a majority of the registered voters of the city, or if no registered voters exist, of parties owning a majority of the land in the area to be excluded;

(39) 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;

(40) 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;

(41) 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;

(42) Authorizes cities with a population of 7,500 or less instead of the current 1,500 or less in certain counties to transfer 40% of their transient guest taxes into their general revenue fund, 35% for capital improvements, and 25% for tourism marketing and promotional purposes;

(43) 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 organizations that develop, promote, or operate historical locations;

(44) 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;

(45) Specifies that any plan for an industrial development project in Boone County approved after May 15, 2005, must disburse any reimbursements in excess of the actual costs 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;

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

(47) Authorizes certain public entities to enter into agreements to modify the payment terms for bonds in certain situations based on changes in interest rates and the purchase price of fuel, electricity, natural gas, and other commodities;

(48) 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 to any date on or before the first Monday of July in the year for which a bid is requested;

(49) 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;

(50) Allows public water supply districts to receive payment by credit cards or electronic transfers of funds and charge a fee for the service;

(51) Clarifies that purchases by the Jackson County Sports Authority are tax exempt, exempts trailers used by common carriers from certain local sales taxes regardless of whether

they are used in interstate commerce, and exempts purchases after June 30, 2007, for construction, repair, or remodeling by the Department of Transportation or the Highways and Transportation Commission from sales and use taxes;

(52) Changes an election revising the boundary lines between seven-director school districts from the next general municipal election to the next election after receipt of a qualified petition;

(53) Requires the Department of Elementary and Secondary Education to pay a supplemental amount to any school district in a county that established a county municipal court after January 1, 2006, which causes a decrease in the amount the district receives from fines in the current year from the amount the district received in Fiscal Year 2005. Currently, this will only affect certain school districts in St. Charles County;

(54) Reassigns the Monroe City R-I School District which is located in two counties to the county with the higher dollar value modifier as it is used for the school foundation formula;

(55) 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;

(56) 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;

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

(58) Requires the Jasper County emergency services board to provide services to the City of Joplin only after contracting with the municipality to do so, provided that any contract in effect as of January 1, 2006, will continue until a successor contract of at least three years duration is entered into by the board and the city;

(59) 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;

(60) Authorizes the cities of Centerview and 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;

(61) Changes the election procedure for hospital district directors in Iron County by requiring each voter to select only one director from the hospital election district in which the voter resides. Currently, each voter selects six hospital district directors, one from each district;

(62) Specifies that a sheriff or jailer is not required to take custody of a prisoner from an arresting officer until the individual has been examined by medical personnel if he or she appears to be unconscious, suffering from a serious injury, or impaired by drugs or alcohol. The prisoner will be responsible for the cost of the examination;

(63) 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;

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

(65) Specifies that when a public road is at issue in litigation, an exact location of the road is not required to be proven. Once the public road is determined to exist, a judge may order a survey to be conducted to determine the exact location of the public road and charge the costs of the survey to the party who asserted that the public road exists;

(66) Reduces the number of signatures necessary for a petition for voluntary annexation into a street light maintenance district from two-thirds of the property owners to the number of owners of at least 10% of the property in the area proposed for annexation;

(67) 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;

(68) Allows levee districts to have 10 years instead of the current five years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence;

(69) Changes the length of the term of office for directors of public water supply districts elected in 2008, 2009, and 2010 from June to April because of a change in the date of their election;

(70) Authorizes Jasper County to impose, upon voter approval, a landfill fee;

(71) Defines "residence address" for the purposes of Chapter 302 regulating driver's and commercial driver's licenses;

(72) Specifies that, upon approval of the board of aldermen, no fire department employee will be required to reside within a fixed area of the department if the only public school district available to the employee is or has been unaccredited or provisionally accredited in the last five years of the employee's employment. An employee of a fire department who has not resided in the fire department's fixed and legal boundaries or who has changed the employee's residency will not be required to reside within the boundaries if the school district subsequently becomes fully accredited. These provisions will be in effect unless the voters of the City of St. Louis vote to supersede this section by September 1, 2008. In addition, any employee who resides outside the city will forfeit 1% of his or her salary for the time the employee is not living in the city to offset any lost revenue for the city;

(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 jurisdiction and duties of the State Fire Marshal. Fire departments must file a registration form within 60 days after January 1, 2008, and annually thereafter. The State Fire Marshal may issue each fire department an identification number based upon the registration. A volunteer fire protection association is required, instead of allowed, 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 voter approval 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, rates, rents, and charges 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 or any nonprofit sewer company from being eligible to obtain a construction permit or operating permit unless a waiver from all affected political subdivisions is obtained for a site where a municipal, county, or public water supply district or public sewer district operates a water system or a waste water treatment system or a connection to a water or waste system is required by a municipal or county ordinance;

(80) 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 only if the person or firm made direct or indirect financial contributions as specified in the bill to any campaign in support of the bond election;

(81) Removes the provision 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;

(82) Repeals the three-day waiting period to receive a marriage license from the recorder of deeds;

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

(84) 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;

(85) Revises the continuing education training requirements of 911 telecommunicators from 16 hours in a two-year period to 24 hours every three years;

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

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

(88) Authorizes the Governor to convey state property in Jackson County to the City of Kansas City;

(89) Requires retailers in transportation development districts in which a sales tax has been imposed or increased under certain provisions to prominently display at the cash register area the rate of the sales tax; and

(90) Allows fire protection districts in Douglas County to impose, upon voter approval, a sales tax of up to 1% for operation costs, with the property tax levy reduced annually by 50% of the previous year's sales tax revenue.