

HCS SS SCS SB 580 -- POLITICAL SUBDIVISIONS

SPONSOR: Griesheimer (Brown, 30)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 12 to 1.

This substitute changes the laws regarding political subdivisions, tax credits, utilities, motor vehicle licensing, surveying, unclaimed property, retirement systems, taxes, excavation, and waste management. In its main provisions, the substitute:

(1) Affirms the fundamental civil right of a Missouri employee to report an act of his or her employer which the employee reasonably believes to be in violation of the law or strong mandate of public policy and the fundamental right to not engage in the violation (Section 1.201, RSMo);

(2) Establishes the Joint Committee on Missouri's Eco Friendly Solid Waste composed of five members of the Senate appointed by the President Pro Tem and five members of the House of Representatives, appointed by the Speaker, with no more than three members from either chamber being of the same political party. The committee must examine Missouri's present and future solid waste management needs to determine the best strategy to ensure an affordable and environmentally conscious long-term strategy for waste management that will meet the needs of the people and businesses of Missouri for the next 25 years. The committee must submit a final report with its recommendations for any legislative action deemed necessary to the General Assembly by December 31, 2010, at which time the committee will be dissolved. Until the committee issues its report, the Department of Natural Resources is prohibited from issuing a permit for any new nonsource separated material recovery facility (Section 21.870);

(3) Allows the State Auditor to audit a retirement system established by the state or a political subdivision once every three years unless otherwise required by law to audit a system more frequently. Currently, the auditor must review these systems at least once every three years (Sections 29.212, 56.809, 70.605, 104.190, 104.480, and 169.020);

(4) Increases the assessed valuation thresholds for a county to move into a higher classification. The minimum assessed valuation threshold for counties of the first classification is increased from \$600 million to \$900 million and from \$450 million to \$600 million for counties of the second classification. All counties with an assessed valuation of less than \$600 million

will be third classification counties. The required assessed valuation thresholds for changes in county classification will be increased each year by an amount equal to the change in the annual average of the federal Consumer Price Index or zero, whichever is greater. Provisions are made to allow certain counties that would otherwise change classification under the existing thresholds to remain at their current classification until they qualify to change classification under the new thresholds (Section 48.020);

(5) Prohibits the salary established for each county official from being reduced when any county changes classification until the official at the time of the change leaves office (Section 48.050);

(6) Adds Platte County to the list of counties authorized to impose by rule, regulation, or ordinance a civil fine of up to \$1,000 for each violation of any rule, regulation, or ordinance adopted by the county commission that is a misdemeanor and allows all counties on the list to impose the fine for an infraction of a municipal ordinance (Section 49.272);

(7) Authorizes all counties of the third classification to erect and maintain a jail or holding cell facility outside the county seat. Currently, this only applies to Moniteau County (Section 49.310);

(8) Authorizes a county to amend its budget when there is a verifiable decline in funds that could not have been estimated or anticipated when the budget was adopted. Currently, a county is only authorized to amend its annual budget when it receives additional funds that could not be estimated. Any decrease in appropriations must be allocated among the county departments in a fair and equitable manner, cannot unduly affect any one department, and cannot impact any dedicated fund authorized by law. The county must provide 30 days' notice of a public hearing regarding any amendment to the county budget. The substitute also requires a county to hold at least one public hearing to review the budget after each quarter of the fiscal year unless the county reviews its budget monthly and to give five days' notice of the hearing. The budget amendment provision and the quarterly review provision must be reviewed in four years to determine whether they are still necessary (Sections 50.622 and 50.830);

(9) Requires a county of the first classification to advertise contracts and purchases for bid on the county's web site, if it has one, for not less than 15 days. Currently, counties are not required to obtain bids on any purchase of \$4,500 or less. The substitute increases that threshold to \$5,000 or less (Section

50.660);

(10) Increases the threshold amount when a county may waive competitive bidding after determining that there is only one feasible source for the supply for both the required notice and advertising to purchases of \$6,000 or more. Currently, counties may waive competitive bidding when the county commission determines that there is only one feasible source for the supply, but the commission must post notice of a proposed purchase of at least \$3,000 and advertise in a newspaper for purchases of \$5,000 or more at least 10 days in advance (Section 50.783);

(11) Authorizes the county clerk's designee who is responsible for payroll and personnel records to perform certain duties with regard to the county employees' retirement fund. Currently, only the county clerk is authorized to perform the specified duties (Section 50.1020);

(12) Specifies that, in counties adopting a charter form of government after January 1, 2008, the collector will continue to receive a 7% fee for the collection of delinquent taxes rather than the 2% fee that all other charter county collectors receive. Currently, this only applies to Jefferson County. The substitute also authorizes certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1. The county collector-treasurer in a county of the third or fourth classification that abolishes its township form of government must assume all duties, compensation, fee schedules, and requirements of the collector-treasurer (Sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071);

(13) Increases from \$250 to \$1,000 the minimum threshold value of county property that must be inventoried annually by the auditor in a charter county (Section 55.030);

(14) Requires all county coroners or deputy coroners to complete required educational training within six months of their election or appointment. Currently, certain county coroners and deputy coroners are required to complete the training on an annual basis (Section 58.030);

(15) Requires a request for records filed or recorded by the

recorder of deeds dated after December 31, 1969, to be made to the office in which the record was originally recorded (Section 59.003);

(16) Authorizes the recorder of deeds in Jackson County to collect a \$1 donation over and above any required fees charged for recording or providing a certified copy of a marriage license or birth certificate. Moneys collected will be deposited into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in the county. The recorder must provide a check-off box for the donation on any required form (Sections 59.318 and 193.265);

(17) Requires a surveyor who establishes, restores, or re-establishes one or more corners to file the results with the recorder of deeds of the county in which the survey is located regardless of whether it creates a new parcel of land within 60 days of the survey certification. Currently, only a land surveyor who establishes, restores, or re-establishes one or more corners that create a new parcel of land is required to file the results (Section 60.650);

(18) Requires the Office of the State Land Surveyor within the Department of Natural Resources to establish rules setting minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with the rules established by the office with certain exceptions. The substitute also adds the determination of land boundaries and positions of the United States Public Land Survey System and the creation, preparation, and modification of electronic or computerized data to the list of work or services that a professional land surveyor can perform (Sections 60.670 and 327.272);

(19) Specifies that Jefferson County cannot adopt any charter provision or any order or ordinance that prevents the county from contracting out the county's probation services with a private entity (Section 66.720);

(20) Authorizes public entities and political subdivisions to deposit funds and earn interest based on short-term sweeps of accounts and the redeposit of funds. These cash sweeps into higher interest-bearing certificates of deposit will only be undertaken at certain financial institutions that are properly insured if certain conditions are met (Section 67.085);

(21) Changes the deadline from September 1 to October 1 for political subdivisions located at least partially within a

charter county or the City of St. Louis to set ad valorem property tax rates (Section 67.110);

(22) Authorizes any county to establish ordinances regarding curfew hours for persons younger than 17 years of age. Any minor who violates a curfew ordinance will be guilty of a class C misdemeanor. If the minor's parent or guardian has knowledge of the violation, he or she will also be guilty of a class C misdemeanor (Section 67.309);

(23) Establishes the Political Subdivision Construction Bidding Standards Act which creates standards for advertising, soliciting, accepting, and rejecting competitive bids and awarding construction contracts of \$8,000 or more for certain political subdivisions of the state (Section 67.314);

(24) Requires tax-supported neighborhood improvement district bonds to be retired within 20 years from the date the bonds are contracted and neighborhood improvement district bonds which are not supported by a tax to be retired within the greater of 120% of the average economic life of the improvement, as certified by a professional engineer, or 30 years from the date the bonds are contracted. The substitute also specifies that each parcel of property in a neighborhood improvement district will be assessed as a full share of the assessment per lot if a single parcel within the district in Boone County is divided into additional parcels within five years of the final costs of the improvement's assessment (Section 67.456);

(25) Authorizes the City of Jefferson City to impose, upon voter approval, a transient guest tax of up to 7% per occupied room per night for promoting the city as a convention, visitor, and tourist center (Section 67.1000);

(26) Authorizes the City of Excelsior Springs 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);

(27) Authorizes Carter County to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night with 50% of the proceeds to be used to fund county law enforcement and 50% to be used for the promotion of tourism (Section 67.1018);

(28) Authorizes the cities of Ashland, Brentwood, and Sugar Creek and Montgomery County to impose, upon voter approval, a transient guest tax between 2% and 5% per occupied room per night to be used for the promotion of tourism. Motels in the City of Sugar Creek that are owned by not-for-profit organizations are exempt from this provision (Sections 67.1360 and 94.834);

(29) Allows the City of St. Joseph and Buchanan County to also use the revenue from its transient guest tax for capital expenditures incurred in funding the promotion of tourism and convention facilities and to contract with one another to share the tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities (Sections 67.1361 and 70.220);

(30) Allows a community improvement district located within a blighted area to contract with a private property owner for the original construction or improvements of certain projects (Section 67.1461);

(31) Authorizes real property owners in the Cameron School District located in the counties of Caldwell, Clinton, Daviess, and DeKalb, upon voter approval, to establish an exhibition center and recreational facility district and to impose a one-quarter of 1% sales tax for a period of up to 25 years to fund the district (Section 67.2000);

(32) Authorizes the governing body of any county, city, incorporated town, or village to engage in projects involving a technology business facility which is a facility located in an underground mine with at least two million square feet of space used for data processing, hosting, and related services or Internet publishing and broadcasting and web search portals (Section 67.2050);

(33) Requires the governing body of any county, city, town, or village or any entity created by these political subdivisions to give notice at least four business days prior to voting and to hold a public meeting to allow public comment on an issue involving the implementation of a tax increase, a retail development project which utilizes the power of eminent domain, creation of a transportation development or community improvement district, or the approval of a redevelopment plan that pledges public funds as financing (Section 67.2725);

(34) Makes it lawful for Caldwell County to enter into a contract with private corporations engaged in pumping and delivering water at wholesale for domestic consumption. The county may also acquire, own, and hold, with private corporations, water mains or interests in water mains to secure an adequate supply of water for its inhabitants (Section 67.3025);

(35) Establishes the Port Improvement District Act which authorizes a port authority to establish a port improvement district within its boundaries for the purpose of funding qualified project costs. Port authorities located within Clay

County can only establish a port improvement district within 4,000 feet of the center of the Missouri River. These provisions are nonseverable (Sections 68.025 - 68.260 and Section 3);

(36) Authorizes the governing body of a municipality to annex a parcel of land within a research, development, or office park project located in an unincorporated area of the county if the parcel is compact and contiguous to the existing boundaries of the municipality and the municipality obtains the written consent of all the property owners within the unincorporated area of the parcel (Section 71.275);

(37) Prohibits a municipality other than Kansas City or St. Louis or a water or sewer services provider supplying an occupant of a premises with water or sewer services from holding the owner of the premises liable for the occupant's delinquent water or sewer services payment. The municipality or water or sewer services provider may sue the occupant who received the services in a civil suit to recover any sums owed for the services plus reasonable attorney fees as set by the court (Sections 71.515, 250.140, and 393.107);

(38) Authorizes the City of Washington to submit any question to a vote of the people as an advisory referendum. If a majority of the voters vote in favor of the question, it must be used only to indicate the preference of the voters and will not have the force and effect of law (Section 77.305);

(39) Prohibits the City of Byrnes Mill from annexing any property adjacent to the city if there are no registered voters residing on the property unless the city has obtained the written consent of all the property owners in the adjacent property (Section 79.025);

(40) Prohibits third class cities from imposing a storm water usage fee based on the runoff rate on property owned by any church, public school, nonprofit organization, or political subdivision (Section 88.832);

(41) Authorizes the collector of revenue in the City of St. Louis to collect charges for trash collection in the same manner that property taxes are collected and specifies that delinquent or unpaid charges will be deemed a personal debt of the person owing the charges and a lien on the person's real property until paid (Section 92.013);

(42) Increases the monthly interest rate charged from 1% to 2%, increases the maximum annual interest rate from 10% to 18%, and repeals the prime rate limitation on the interest rate for delinquent property taxes in the City of St. Louis (Sections

92.715, 140.100, and 141.830);

(43) Authorizes the City of Grandview to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night to be used for the promotion of tourism (Section 94.271);

(44) Authorizes the City of North Kansas City to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night to be used for funding tourism and infrastructure improvements (Section 94.832);

(45) Authorizes the City of Raytown to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night to be used for the promotion, operation, and development of tourism and convention facilities (Section 94.840);

(46) Authorizes the City of Van Buren to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night to be used for general revenue purposes (Section 94.845);

(47) Authorizes the City of Waynesville to impose, upon voter approval, a transient guest tax of up to 3% per occupied room per night to be used for the construction, maintenance, and repair of a multipurpose conference and convention center (Section 94.1011);

(48) Requires a candidate for office in a special district; a township in a township organization county; or a city, town, or village to pay various taxes and fees prior to being eligible to run for an elected office (Sections 115.305, 115.342, and 115.346);

(49) Prohibits an individual who has been convicted of, found guilty of, or pled guilty to a felony in Missouri to any crime in another jurisdiction that would be a felony if committed in Missouri or to any federal felony or misdemeanor from qualifying as a candidate for any elective public office including elective public office of any political subdivision. Crimes involving misconduct in public office or dishonesty whether classified as misdemeanors or felonies will also disqualify an individual (Section 115.350);

(50) Authorizes an annual tax credit for up to 10 years if approved by the Department of Economic Development to a taxpayer who establishes a new business facility in a certified industrial zone approved or designated as an enhanced enterprise zone and meets certain specified investment and employment requirements. A taxpayer who receives this tax credit cannot also receive tax credits from the new or expanded business facilities, enterprise zones, relocating a business to a distressed community, or

Missouri Quality Jobs programs (Sections 135.950 - 135.969);

(51) Requires certain commercial vehicles powered only by battery-generated electrical energy and produced before January 1, 2014, to be assessed at 17% of their true value in money and exempts those commercial vehicles from state and local sales and use taxes (Sections 137.115 and 144.055);

(52) Prohibits an increase in the assessed valuation of a motor vehicle from year to year, but the provision will not apply to the calculation of the assessed valuation of a motor vehicle that is purchased or sold between assessments (Section 137.126);

(53) Requires assessors in all noncharter counties and Jefferson County to give property owners additional information with the notice of increased assessed valuation. This requirement applies to all calendar years prior to January 1 of the year following receipt of the necessary software from the State Tax Commission. Currently, assessors in noncharter counties must give taxpayers a projected tax liability notice with the notice of increased assessed valuation beginning January 1, 2011. Beginning January 1 of the year following receipt of the software, assessors in all noncharter counties and Jefferson County must give taxpayers a projected tax liability notice with the notice of increased assessed valuation. Beginning January 1, 2011, in St. Louis County, the assessor must provide the taxpayer with a notice that information regarding the assessment method and computation of value for real property is available on the assessor's web site, the web site address, and the assessor's contact information so taxpayers without Internet access can request and receive the information. Currently, the assessor must provide the clerk with the assessment book on or before March 1 of each year so that the clerk can make an abstract of the assessment book. The substitute changes the annual requirement to every odd-numbered tax year (Sections 137.180, 137.243, and 137.355);

(54) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment (Section 138.431);

(55) Prohibits any interest from being charged against a person who fails to pay taxes due to the collector because a terminal illness prevents him or her from being present at home if, within 60 days following the due date, the person pays the full amount and gives the collector a written request for a waiver of interest containing a notarized letter from the person's doctor stating the person's medical reason for not being able to pay in a timely manner (Section 139.100);

(56) Changes the laws regarding the sale of real property for the collection of delinquent taxes (Sections 140.150 and 140.170 - 140.420);

(57) Specifies that sales made by or to religious and charitable organizations and not-for-profit civic, social, or service or fraternal organizations in their associated functions and activities in any location containing more than 5,000 square feet primarily devoted to the sales will not be exempt from state and local use tax. Currently, these sales are exempt from the taxes. The substitute also authorizes a state and local sales and use tax exemption for any sale, at cost, of utilities consumed in the operation of a sports complex leased by a sports complex authority to a professional team (Section 144.030);

(58) Authorizes a state and local sales and use tax exemption for all machinery, equipment, computers, electrical energy, gas, water, and other utilities including telecommunication services used in new and existing data storage centers and server farm facilities. An exemption is also authorized for the purchase of tangible personal property for the construction, repair, or remodeling of a new data storage center or server farm facility. The departments of Economic Development and Revenue are authorized to conduct random audits to ensure compliance with the requirements for state and local sales and use tax exemptions authorized under the substitute (Section 144.810);

(59) Specifies that any retired member of the Public School Retirement System of Kansas City performing substitute, part-time, or temporary employment for an employer in the system cannot earn more than 50% of the annual salary or wages earned prior to retirement adjusted for inflation and continue to receive his or her retirement allowance. Anyone exceeding this limit will have his or her retirement allowance suspended for any month in which the limit was exceeded and each subsequent month he or she receives remuneration from any employer in the system (Section 169.324);

(60) Changes the due date that the librarian of a consolidated public library district is required to submit an annual status report to the district board from August 31 to September 30 and the date that the board is required to submit this report and an independent audit to the county commission and the Missouri State Library from September 30 to October 31 of each year (Section 182.647);

(61) Authorizes the establishment of the Kansas City Zoological District which may be composed of the counties of Cass and Jackson, at the option of the voters of each county. Each member county may impose, upon voter approval, a sales tax of up to

one-quarter of 1% for the financial support of zoological activities within the district (Sections 184.500 - 184.512);

(62) Increases from eight to 10 the number of members on the sewer district boards of trustees in the counties of Cass and Jackson. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board (Section 204.300);

(63) Requires the state, if it would otherwise be liable for costs, to reimburse counties for housing prisoners on its behalf upon the final disposition of the case, regardless of whether the imposition or execution of a sentence is suspended or imposed. Amounts chargeable to the state under these provisions are subject to appropriations (Section 221.105);

(64) Increases the penalty for an unscreened junkyard violation from a misdemeanor to a class C misdemeanor for the first violation and a class A misdemeanor for a subsequent violation. In addition to the penalties, the violator must remove the junk or build a fence to screen the junk from the public (Section 226.720);

(65) Specifies that the provisions of Section 262.802, regarding abeyance of water and sewer assessments for certain farmland property, will not apply to any drainage district or levee district established under state law (Section 246.310);

(66) Authorizes the Metropolitan St. Louis Sewer District to enter into design-build contracts for construction projects exceeding \$1 million (Section 249.425);

(67) Authorizes any sewer district established under Sections 249.430 - 249.668 in a charter county to subdivide into subdistricts, issue bonds, collect annual rental charges, and construct and finance certain additional lateral sewers (Section 249.669);

(68) Requires the Department of Natural Resources to establish minimum design, siting, operation, inspection, monitoring, financial assurance, and closure requirements by regulation for all material recovery facilities. The department may establish different requirements depending on the nature and content of the solid waste streams processed by the facility, the degree of automation to be used in the processing and recovery activities, the amount and type of nonrecyclable wastes remaining after

resource recovery, and other factors as determined by the department. Until the material recovery facility regulations have become final and effective, the department is prohibited from issuing any permit to construct or operate a material recovery facility unless the facility processes only solid waste collected as part of a source-separated or single-stream residential, commercial, or industrial recycling program (Section 260.205);

(69) Requires any city or political subdivision that owns or operates a solid waste processing facility where the collection or processing of solid waste is currently being provided by a private entity to notify the entity by certified mail of its intent to own or operate a processing facility in the area. No city or political subdivision may begin ownership or operation of a solid waste reprocessing facility where solid waste processing is currently handled by a private entity until at least five years from notifying the private entity of its intent to begin operation. If the city or political subdivision does not begin processing solid waste within six years of the notification, it must renotify the private entity (Section 260.247);

(70) Allows for a special license plate for members of the National Wild Turkey Federation (Section 301.4010);

(71) Requires a person applying for an original certificate of ownership for an all-terrain vehicle or a recreational off-highway vehicle to provide certain information in an affidavit. Beginning January 1, 2011, a nonresident is required to obtain and display an annual permit from the Department of Natural Resources or to display a valid highway license on the off-highway vehicle to operate it in Missouri. The cost of the permit will be \$20. Anyone violating this provision will be guilty of an infraction (Sections 301.4015 - 301.4029);

(72) Specifies that, when determining a city's gross general operating revenue from fines and court costs, traffic violations will include moving and nonmoving violations and any moving violations that are pled or amended to nonmoving traffic violations. Currently, if any city receives more than 35% of its annual gross general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues in excess of the 35% threshold are distributed to the county schools (Section 302.341);

(73) Changes the time period in which an underground facility owner must contact the excavator in response to a notice of intent to excavate. Currently, an underground facility owner must contact the excavator within two working days beginning at 12:00 a.m. following the receipt of the request by the

notification center. The substitute removes the 12:00 a.m. starting time and specifies that the period begins upon receipt of the notice and will end at the same time on the second working day (Section 319.030);

(74) Specifies that an employee who has worked for at least seven years for a fire department cannot be required to reside within the department's geographical boundaries but must reside within a one-hour response time if the only school district in the area is or has been unaccredited or provisionally accredited in the last five years of his or her employment. Currently, upon approval of the board of aldermen, a fire department employee must not be required to live within the department boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment (Section 320.097);

(75) Prohibits an employee of a fire protection or ambulance district from serving as a member of any fire protection or ambulance district board in the same county where he or she is employed. Currently, employees of fire protection or ambulance districts are prohibited from serving as a member of a fire protection or ambulance district board of directors, unless it is a voluntary district (Section 321.017);

(76) Prohibits a person contracting to provide professional legal and accounting services to a fire protection district from receiving compensation after the lawful termination of the contract, except for services actually rendered (Section 321.018);

(77) Specifies that the director of a fire protection district who has been found guilty of or pled guilty to a felony must immediately forfeit the office (Section 321.130);

(78) Changes the date that a fire protection district board located at least partially within a charter county or the City of St. Louis is required to certify its property tax rate from no later than September 1 to no later than October 1 (Section 321.250);

(79) Requires the membership requirements for the industrial development corporation board of directors in Lewis County to be consistent with the requirements of all other industrial corporation boards in other counties. Currently, the board of directors of an industrial development corporation in Lewis County has its own specific requirements (Section 349.045);

(80) Establishes procedures for the sale of water or sewer systems of a small water utility to a large public water utility

(Section 393.320);

(81) Allows design professionals, contractors, subcontractors, and other persons who perform work or labor on buildings or real property to place a lien on three acres of the real property for work or rental services that have not been paid. Currently, these persons may place a lien on one acre of real property (Section 429.015);

(82) Changes the method by which notice of a mechanics lien on real property of an absent or nonresident owner may be given and requires an applicable recording fee (Section 429.110);

(83) Specifies that the automatic renewal of contracts for service, maintenance, or repair to or for any residential real property intended for personal, family, or household use will be invalid unless a written notice by certified mail or email is given to the customer 30 to 90 days prior to the contract being renewed. Contracts for credit insurance and service contracts regulated under Chapter 385 are not included in the notice requirement (Section 431.210);

(84) Exempts intangible property due or owed by a business association to or for the benefit of another business association resulting from a transaction occurring in the normal and ordinary course of business from the provisions relating to unclaimed property and the Uniform Disposition of Unclaimed Property Act. The State Treasurer cannot enforce the provisions of Chapter 447 relating to lost and unclaimed property more than three years after the holder of property filed a report or gave express notice of a dispute. If a report is filed fraudulently with the intent to evade escheatment of property, the State Treasurer can enforce these provisions within six years after the report was filed. If no report is filed, the State Treasurer may enforce these provisions at any time (Sections 447.535 and 447.548);

(85) Specifies that the required continuing instruction for public administrators in certain counties of the first classification does not have to be classroom instruction in order for them to receive compensation. A public administrator from a second, third, or fourth classification county or the City of St. Louis who chooses to receive an annual salary will receive \$2,000 of the salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of county public administrators (Sections 473.739 and 473.742);

(86) Prohibits an action to recover damages from a person performing a land survey for errors or omissions in the survey, except in the case of fraud, from being more than 10 years from the completion of the survey. Currently, the action is

prohibited more than five years after the discovery of the error or omission (Section 516.098);

(87) Specifies that when three or more political subdivisions of the state form a business entity for the purpose of providing liability and other insurance, including public and quasi-public governmental bodies, the risk coverages procured by a member of the entity will not be deemed to constitute a contract, purchase, or expenditure of public funds for which competitive bids must be solicited (Section 537.620);

(88) Specifies that, for the purpose of interpreting all tax measures that are required by law to be enacted by a popular vote, the fractional requirement for passage will be deemed satisfied only if the popular vote percentage is equal to or greater than a four decimal percentage equivalent of the fraction with the last decimal in the ten thousandths position increased by adding one. These provisions must not be construed to permit or require the rounding requirements if it does not appear in the context of the tax measure (Section 1); and

(89) Authorizes the Governor to convey state property in St. Francois County to the City of Farmington (Section 2).

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown exceeding \$458,635 in FY 2011, Unknown Exceeding \$10,711,008 in FY 2012, and Unknown exceeding \$10,821,189 in FY 2013. Estimated Effect on Other State Funds of a cost of Unknown to an income of Less than \$100,000 in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that political subdivisions should be required to bid public contracts the same as the state, counties, and school districts. The provisions changing the deadline to set ad valorem property tax rates for political subdivisions located at least partially in charter counties or the City of St. Louis corrects a drafting error and will allow political subdivisions, especially school districts, to more accurately set their tax rates and avoid significant revenue losses. The bill is needed to help clean up the port in Kansas City.

Testifying for the bill were Senator Griesheimer; Vincent Gauthier, Port Authority of Kansas City; Site Improvement Association; Missouri Library Association; Missouri Rural Water Association; Mid-America Retail Food Industry Joint Labor Management Committee; Missouri County Collectors Association; Missouri Council of School Administrators; Cooperating School Districts of Greater St. Louis; and Cooperating School Districts of Greater Kansas City.

OPPONENTS: Those who oppose the bill say that the law

enforcement districts authorized in the bill are problematic, will cause jurisdictional issues, and seem like the privatization of law enforcement. Voters have never favored charging admission fees at the St. Louis Zoo. Restricting the days and hours of operation of a solid waste processing facility in St. Louis County will open the door to these restrictions statewide and cause traffic issues, and the problems allegedly addressed by the legislation have already been addressed at the local level. The provisions allowing counties to adjust their budgets downward need a sunset provision to force a reevaluation of whether they are working and will strain conciliatory relationships between county commissions and other county officers. The provision prohibiting a school district in Chesterfield from operating a recycling center within 500 feet of a residential area is aimed specifically at the Parkway School District, whose recycling plant was initiated by students, has won awards, and has been used as a model by other school districts. The recycling plant has passed inspections by the county health department and the Department of Natural Resources, and the school district has spent a lot of money trying to alleviate the residents' concerns but they will not be satisfied until it is shut down.

Testifying against the bill were Charles Heiss, Missouri Sheriffs' Association; Environmental Industry Associations; David Overfelt, National Solid Waste Management Association; Charles Valier; Derrick Stanley, Waste Corporation of Missouri, Incorporated; David Bryant, Fred Weber, Incorporated; Polsinelli Shughart P.C.; IESI Corporation; Genesis Group Ltd; Environmental Federation of Missouri; Erik Lueders, Parkway School District; Mark Richardson, Cole County Prosecuting Attorney, Missouri Association of Prosecuting Attorneys; Christy Blakemore, Missouri Circuit Clerks Association; and Judicial Conference of Missouri.

OTHERS: Others testifying on the bill say that the political subdivision construction bidding standards language is confusing, and the central bid repository provisions are problematic. Local bidders will not know where to look to bid.

Testifying on the bill was Associated General Contractors of Missouri, Incorporated.