

HCS SCS SB 700 -- POLITICAL SUBDIVISIONS

SPONSOR: Lager (Brown, 30)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 13 to 1 present: 0

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

(1) 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);

(2) 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);

(3) 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);

(4) 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);

(5) 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);

(6) 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);

(7) 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. Currently, the city is allowed to impose a tax of up to 5% per occupied room per night (Section 67.1000);

(8) Authorizes the City of Excelsior Springs to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion of tourism (Section 67.1003);

(9) 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);

(10) 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 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);

(11) 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);

(12) 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);

(13) 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);

(14) 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);

(15) 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);

(16) 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);

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

(18) Specifies that the combined rate of sales taxes adopted under the city sales tax law cannot exceed 2%. This change is not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of Article X, Section 22, of the Missouri Constitution, commonly known as the Hancock Amendment, which requires voter approval. Cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city. Currently, under the general city sales tax law, cities may impose a sales

tax, upon voter approval, at a rate of one-half of 1%, seven-eighths of 1%, or 1%; and the City of St. Louis may impose the tax at a rate not to exceed one and three-eighths percent, for the benefit of the city. The substitute also specifies that the combined rate of sales taxes adopted under the capital improvement city sales tax law cannot exceed 1%. This change is not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of the Hancock Amendment which requires voter approval. Cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city. Currently, under the capital improvements city sales tax law, cities not in St. Louis County may impose a sales tax, upon voter approval, at a rate of one-eighth, one-fourth, three-eighths, or one-half of 1% for the purpose of funding, operating, and maintaining capital improvements. Municipalities in charter counties are authorized to impose a capital improvements tax under Section 94.890. Cities which already impose and collect taxes under the general city sales tax law or the capital improvements city sales tax law are prohibited from seeking voter approval to impose a new tax in addition to any taxes already imposed and collected on August 28, 2010. Any city which does not already impose and collect a tax under the general city sales tax law or the capital improvements city sales tax law as of August 28, 2010, cannot seek voter approval for the imposition of more than one tax under that law (Sections 94.510, 94.550, and 94.577);

(19) 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 for funding tourism and infrastructure improvements (Section 94.832);

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

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

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

(23) 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);

(24) 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);

(25) 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);

(26) 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);

(27) 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);

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

(29) 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);

(30) Establishes procedures for the sale of water or sewer systems of a small water utility to a large public water utility (Section 393.320);

(31) 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);

(32) 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);

(33) Extends the public notice requirements of the Clean Water Commission when listing any impaired waters of the state under Section 303(d) of the federal Clean Water Act from August 28, 2010, to August 28, 2012. The commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control is extended from December 31, 2010, to December 31, 2012. The provision regarding a joint committee to review proposals for the restructuring of fees, storm water programs, and the state's implementation of the federal Clean Water Program is repealed (Sections 644.036 and 644.054); and

(34) Authorizes the Governor to convey state property in St. Francois County to the City of Farmington (Section 1).

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown - could exceed \$63,561 in FY 2011, Unknown - could exceed \$71,751 in FY 2012, and Unknown - could exceed \$73,903 in FY 2013. Estimated Cost on Other State Funds of Unknown in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill is necessary to help the school district pay for recreational facilities.

Testifying for the bill was Senator Lager.

OPPOSERS: There was no opposition voiced to the committee.