

HCS HB 290 -- POLITICAL SUBDIVISIONS

SPONSOR: Gatschenberger

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 11 to 2.

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

- (1) Specifies that any personal identifying information that is utilized in a voluntary registry of persons with health-related ailments created by a public governmental body to assist these individuals during a disaster or emergency is not to be considered a public record under the Open Meetings and Records Law, commonly known as the Sunshine Law. However, a governmental body cannot deny a lawful request for the identifying information from any law enforcement agency or public governmental body providing emergency services (Section 44.035, RSMo);
- (2) Adds Cass County to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of real property (Section 67.402);
- (3) Authorizes an economic development tax board established by a city to consist of five or nine members. For a nine-member board, the school district and the county will each appoint an additional member and the city will appoint two additional members. If a board is already in existence on August 28, 2011, any increase in the number of board members must be designated in an order or ordinance. The substitute also specifies the terms and election cycle for appointing the additional members (Section 67.1305);
- (4) Authorizes a community improvement district to construct, reconstruct, install, repair, maintain, and equip any publicly or privately owned real or personal property used for creating a solar photovoltaic project or a solar thermal energy project and to provide or contract for cleaning, maintenance, and other services for any public or private real or personal property installed as part of a special energy improvement project. A community improvement district located within a blighted area is allowed to contract with a private property owner for the original construction of any building, structure, or improvement (Section 67.1461);
- (5) Authorizes Cass County to prosecute and punish violations of its county ordinances pertaining to county building codes, on-site sewer treatment orders, and zoning orders in the circuit court or in a county municipal court upon adoption by the county

commission of an ordinance establishing the court. The county may also prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county (Section 67.2012);

(6) Specifies that the monthly retirement allowance for certain members of the Missouri Local Government Employees' Retirement System can only be increased to a maximum of 90%. Currently, any member of the system who retires and elects a partial lump-sum distribution will have his or her monthly retirement allowance reduced to 84% if the retiree is 60 years of age at the time of retirement. For each year the retiree's age at the time of retirement is more than 60, his or her monthly retirement allowance will be decreased by four-tenths of 1%; and for each year his or her age is less than 60, his or her monthly retirement allowance will be increased by four-tenths of 1% (Section 70.660);

(7) Establishes the Freedom to Choose Trash Collection Services Act which requires voter approval of any contract with a single-source provider of residential solid waste collection in any city, town, or village with more than 10,000 inhabitants. These provisions will not apply to the cities of Kansas City, North Kansas City, and St. Louis (Section 71.692);

(8) Allows a public entity, in lieu of providing the required bond for a public works contract exceeding \$25,000 but less than \$500,000, to contract with a title insurer, agency, or agent authorized to conduct business as an escrow agent to receive and disburse funds upon receipt of the proper documentation (Section 107.170);

(9) Establishes the Aerotropolis Trade Incentive and Tax Credit Act to encourage foreign trade by authorizing the Mayor of the City of St. Louis or the executive officer of certain counties to designate a gateway zone in a foreign trade zone or a specified site within 50 miles of the Lambert-St. Louis International Airport, an area within the airport boundaries, or any area owned or managed by the City of St. Louis Port Authority by notifying the Department of Economic Development of the designation. Certain economic incentives will be available in a gateway zone for freight forwarders and owners of, tenants in, and entities operating within eligible facilities. No tax credits can be authorized after August 28, 2019 (Sections 135.1500 - 135.1521);

(10) Specifies that in all cases where lands have been or may be sold for delinquent taxes and a certificate of purchase has been or may be issued, it is the duty of the purchaser, his or her heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of a collector's deed.

Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued and including the nonpayment of all subsequent years taxes, it is the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the county recorder of deeds (Section 140.410);

(11) Allows the City of Kansas City to establish a land bank agency for the management, sale, transfer, and other disposition of tax delinquent lands and other lands in its possession in order to return it to effective use to provide housing, new industry, and jobs and to create new revenue for the city. The agency must be established by order or ordinance as provided by the city's charter and will only have authority over tax delinquent lands and other lands in its possession located within the city (Sections 141.210 - 141.790 and 141.980 - 141.982);

(12) Authorizes any school district to enter into a design-build contract for a construction project and establishes procedures, advertising requirements, bidding standards, and bonding requirements for a design-build contract (Sections 177.301 - 177.306);

(13) Specifies that any order, rule, or regulation adopted by the county health board in Henry County must be approved by the county commission (Section 192.300);

(14) Allows the Highways and Transportation Commission within the Department of Transportation to enter into a binding highway infrastructure agreement to reimburse or repay any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. The agreement may provide for the assignment of the commission's reimbursement or repayment obligations. The commission may condition the reimbursement or repayment upon projected highway revenues and may delay repayment if highway revenues fall below the projected levels or if repayment would jeopardize the receipt of federal highway funds (Section 226.224);

(15) Extends the authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects from July 1, 2012, to July 1, 2018. The commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis (Section 227.107);

(16) Authorizes a property owner in a transportation development

district to vote on district issues when there are no registered voters residing within the district (Section 238.202);

(17) Requires any contractor who engages in the installation or service of fire sprinkler systems to register with the State Fire Marshal within the Department of Public Safety. A municipality, county, or any other local governmental body or jurisdiction is authorized to require a contractor to obtain a permit and pay a fee for the installation of a fire sprinkler system and to require the installation to be in conformance with its building code or other construction requirements. The Fire Sprinkler System Advisory Council is established within the Office of the State Fire Marshal in the department to establish rules and regulations regarding application for and renewal of a certificate of registration, education or experience requirements, standards and methods for assessing the competency of applicants, setting licensing fees, and establishing procedures for granting reciprocity with other states (Sections 320.400 - 320.416);

(18) Establishes the Missouri Electrical Industry Licensing Board in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to regulate and license electrical contractors. An applicant for a statewide electrical contractor's license is required to be at least 21 years of age and a United States citizen, provide proof of insurance in an amount of \$500,000, post a bond with each political subdivision in which he or she will perform work, pass a standardized and nationally accredited electrical assessment examination, pay for the costs of the examination, and provide evidence of the completion of certain hours of practical work experience as specified in the substitute (Sections 324.900 - 324.945);

(19) Adds the costs of environmental insurance premiums and the backfill of areas where contaminated soil excavation occurs to the list of expenses that qualify for a remediation tax credit (Section 447.708);

(20) Specifies that political subdivisions that have formed a business entity for the purpose of providing insurance coverage will not be required to solicit competitive bids when procuring risk coverages (Section 537.620);

(21) Requires an owner of a park which consists of at least 50 acres in which property is subject to remediation under a clean-up program supervised by the Department of Natural Resources or the United States Environmental Protection Agency may seek to establish a cleansfields renewable energy demonstration project by submitting an application to the

Department of Economic Development for certification of the project. The department must review all project applications and, in consultation with the Department of Natural Resources, verify satisfaction of all requirements. If the Department of Natural Resources approves a project application, it must forward the application and approval to the Missouri Public Service Commission. Upon receipt of the application and approval, the commission must assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from certain renewable energy resources or certain electric power generated off-site by utilizing biomass fuel or renewable energy resources (Section 620.2300);

(22) Authorizes the Governor to convey certain state properties located in the City of Farmington in St. Francois County to the City of Farmington (Section 1);

(23) Authorizes the Governor to convey certain state properties located in the City of Farmington in St. Francois County to the Highways and Transportation Commission (Section 2);

(24) Authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape Girardeau to the Cape Area Habitat for Humanity (Section 3);

(25) Authorizes the Governor to convey certain state properties located in the City of Farmington in St. Francois County to St. Francois County (Section 4);

(26) Authorizes the Governor to convey certain state properties located in the City of Farmington in St. Francois County to Habitat for Humanity of St. Francois County, Inc. (Section 5);

(27) Authorizes the Governor to convey certain state properties located at the St. Francois County Correctional Facility in the City of Farmington in St. Francois County to St. Francois County (Section 6);

(28) Authorizes the Division of Alcohol and Tobacco Control within the Department of Public Safety to issue a smoking permit to a person, firm, partnership, or corporation under certain conditions, including the installation of an air filtration system. The fee for an initial permit will be \$1,000 and \$500 for an annual renewal fee (Section 7);

(29) Establishes a 12-member interim committee to study and review the issue of consolidation of all the fire protection districts and fire departments in St. Louis County. The committee must prepare a final report with its recommendations to

the General Assembly by December 31, 2011 (Section 8); and

(30) Repeals the provisions authorizing the State Tax Commission to decide all questions regarding delinquent taxes with reference to the powers and duties of county or township tax officers (Section 140.660).

The provisions of the substitute regarding the Aerotropolis Trade Incentive and Tax Credit Act will expire six years from the effective date.

The substitute contains an emergency clause for the provisions regarding a cleansfields renewable energy demonstration project.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$231,324 to a cost of Could exceed \$3,368,676 in FY 2012, a cost of \$128,768 to Could exceed \$13,328,768 in FY 2013, a cost of \$94,434 to Could exceed \$23,494,434 in FY 2014. Estimated Net Effect on Other State Funds of an income of \$20,952 in FY 2012, an income of \$285,948 in FY 2013, and a cost of \$63,548 in FY 2014.

PROPONENTS: Supporters say that the bill clarifies that local governments do not need to solicit competitive bids for risk coverage because it is not deemed insurance.

Testifying for the bill were Representative Gatschenberger; and Terry Norwood, Midwest Public Risk.

OPPONENTS: There was no opposition voiced to the committee.