

CCS#2 HCS SCS SB 672 -- POLITICAL SUBDIVISIONS

This bill changes the laws regarding political subdivisions.

COUNTY PROPERTY (Section 49.266, RSMo)

Currently, the county commission in first, second, and fourth classification counties may promulgate reasonable regulations concerning the use of county property. The bill allows the county commission in all noncharter counties to promulgate the regulations.

PROSECUTING ATTORNEYS (Sections 56.067 - 56.816)

The bill specifies that the county commission in Cedar County may, or must upon a voter petition with the specified number of signatures, submit to the voters a proposition to change the full-time county prosecutor position to a part-time position.

If the prosecutor position is changed to a part-time position, the county's retirement contribution to the retirement system and the retirement benefit earned by the prosecutor must prospectively be that of a part-time prosecutor.

LAW ENFORCEMENT OFFICER IMMUNITY (Section 57.095)

A sheriff or any other law enforcement officer must have immunity from any civil or criminal liability while conducting service of process at the direction of any court to the extent that the officer's actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

INSTALLATION OF FIRE SPRINKLERS (Section 67.281)

Currently, a builder of one- or two-family dwellings must offer the purchaser the option to have fire sprinklers installed at the purchaser's cost. The bill extends the expiration date of these provisions from December 31, 2019, to December 31, 2024.

JEFFERSON COUNTY MUNICIPAL COURTS (Section 67.320)

The bill updates the legal description of Jefferson County to its current description in the provisions that allow Jefferson and Franklin counties to prosecute a violation of a county order in a county municipal court.

INITIATIVE PETITIONS IN THE CITY OF SAVANNAH (Sections 79.130 and 79.135)

The bill allows voters in the City of Savannah to submit a proposed ordinance to the board of aldermen by petition signed by at least 10% of the city's registered voters voting for mayor at the last municipal election. Once the petition has been certified by the city clerk that the petition is signed by the requisite number of voters, the board of aldermen must either pass the ordinance within 20 days or submit the question to the voters at the next municipal election or, if the petition has been signed by 25% or more of the registered voters, the board of aldermen must immediately submit the question to the voters. The ordinance must become a valid and binding ordinance if it receives approval from a majority of the voters. Any ordinances in effect that was proposed by petition cannot be repealed except by a vote of the people. The board may amend an ordinance proposed by petition without a vote of the people but the original purpose of the ordinance may not be changed by the amendment.

LICENSE FEE IN THE CITIES OF EDMUNDSON AND FLORDELL HILLS (Section 94.270)

Currently, the cities of Edmundson and Flordell Hills are authorized to levy a license fee on hotel and motel rooms of up to \$27 per room per year. The bill allows the cities to impose a license fee of up to \$13.50 per room per year.

COURT VOLUNTEERS (Section 105.1415)

The bill specifies that any person who performs unpaid volunteer work in the office of a judge or prosecutor must not be considered an employee of the county or municipality.

PUBLIC FINANCIAL INCENTIVES (Section 135.980)

The bill prohibits the City of St. Louis from imposing a restriction by ballot measure on any public financial incentive authorized by statute for a business involved in bituminous coal and lignite surface mining.

This provision expires on December 31, 2017.

PUBLIC LIBRARY DISTRICT SALES TAX (Section 182.802)

The bill adds Saline County to the list of counties within which the board of directors of a public library district may, by majority vote, impose a sales tax of up to one-half of one cent on all retail sales for the purpose of funding the operation and maintenance of public libraries within the boundaries of the district. The tax will not become effective unless approved by a

majority of the voters of the district.

AMBULANCE DISTRICT DETACHMENT (Section 190.088)

The bill allows the City of Riverside to file with the ambulance district's board of directors a notice of intention of detachment stating that an area located in both the city and the district is to be excluded and taken from the district. After filing the notice, the city must conduct a public hearing. The bill specifies the notice requirements the city must follow in regard to the public hearing. After the hearing, the governing body of the city may approve the detachment by enacting an ordinance with the approval of two-thirds of the board of aldermen.

Upon the effective date of the ordinance, the ambulance district must no longer provide services to the detached area and may no longer collect property taxes on property in the area. The bill requires the city, on or before January 1 of the second calendar year after the property was detached, to pay the ambulance district a fee equal to the amount of revenue that would have been generated during the previous year by the ambulance district's tax on the property in the area. For the next four years, the city must pay a gradually decreasing fee to the district.

These provisions do not apply to St. Louis County.

COUNTY HEALTH OFFICERS (Section 192.310)

Currently, cities with a population of 75,000 or more that maintain a county health department are exempt from specified laws regarding county health officers and local and state health rules. The bill adds the City of St. Charles to the exemption.

LATERAL SEWER SERVICE LINE REPAIRS (Section 249.424)

The bill allows a sewer district established and organized under Chapter 249 to impose a fee of up to \$36 per year on specified residential property for the repair of lateral sewer service lines upon the approval by a majority of voters in the district and the adoption of a resolution by the sewer district's board of trustees. The fee cannot be imposed on property in the district that is within any city, town, village, or unincorporated area of a county that already imposes a fee for a sewer line repair program. Voters in an area that already imposes a fee are not eligible to vote on the question of whether the sewer district can impose the fee.

The bill allows the county collector to add the lateral sewer service fee to property owners' tax bills.

If a city, town, village, or county imposed a fee for a lateral sewer line repair program but later rescinds it, the sewer district may submit the question to the registered voters owning property within the sewer district on whether to impose the fee.

FARM-TO-SCHOOL PROGRAM (Sections 262.960, 262.962, and 348.407)

The Farm-to-School Program is established within the Department of Agriculture to connect Missouri farmers and schools to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies. The department must designate an employee to administer the program and to serve as liaison between farmers and schools. The departments of Health and Senior Service and Elementary and Secondary Education and the Office of Administration must provide staff support. The duties of the department employee coordinating the program must include establishing and maintaining a website database, providing leadership to encourage schools to procure and use locally grown agricultural products, conducting workshops and training sessions and providing technical assistance regarding the program, and seeking additional financial sources to support the program.

The bill establishes the Farm-to-School Taskforce under the AgriMissouri Program, which must include at least one representative from each of the following agencies: the University of Missouri extension service, the Department of Agriculture, the Department of Elementary and Secondary Education, and the Office of Administration. The Director of the Department of Agriculture must appoint two persons actively engaged in the practice of small agribusiness. The Director of the Department of Elementary and Secondary Education must appoint two persons from schools who direct a food service program. The taskforce's mission is to provide recommendations for strategies that allow schools to more easily incorporate locally grown agricultural products into their food service and allow schools to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts. The taskforce must review various food service contracts to identify standardized language that could be included in contracts to allow schools to more easily procure and use locally grown agricultural products. The taskforce must prepare a report with its findings and recommendations and submit it to the Governor, the General Assembly, and the director of each agency on the taskforce by December 31, 2015. These provisions will expire on December 31, 2015.

The Missouri Agricultural and Small Business Development Authority may make grants, loans, or loan guarantees to Missouri businesses

to access resources for accessing and processing locally grown agricultural products for use in schools.

COMMERCIAL ZONE IN THE CITY OF COLUMBIA (Section 304.190)

The bill establishes a commercial zone in the City of Columbia. A vehicle operating within the zone cannot exceed 15 feet in height or have a weight greater than 22,400 pounds on one axle. The commercial zone extends north from the city limits along U.S. Highway 63 for eight miles and east from the city limits along State Route WW to the intersection of State Route J and continues south on State Route J for four miles.

FIRE PROTECTION DISTRICT ANNEXATION PROCEDURES (Section 321.322)

The bill repeals the provision exempting Harrisonville from the specified procedures regarding the annexation by a city of property located within the boundaries of a fire protection district and requires the city to be subject to the provisions regarding the annexation by a city with a population of 2,500 to 65,000.

MISSOURI REAL ESTATE APPRAISERS COMMISSION (Sections 339.507 and 339.531)

The bill specifies that members of the Missouri Real Estate Appraisers Commission appointed after August 28, 2014, must not be from the same congressional district and requires the commission to submit by April 1 an annual report to the General Assembly outlining business conducted during the previous year that includes specified information.

The bill establishes procedures for an individual to file a complaint with the commission regarding a licensed appraiser. The bill requires the commission to appoint a probable cause committee to review the complaints. The bill specifies the procedures for the review and investigation of the complaint, including notice requirements for the licensee. If the probable cause committee determines that the grievance has merit, it must present the case to the commission, and the commission must decide whether to proceed with an investigation. If the commission decides to investigate, the complaint must become part of the licensee's record. The bill specifies the procedures for the commission's investigation, including notification procedures. These provisions must not be construed as limiting or delaying any administrative remedies or actions available through the administrative hearing process.

These provisions become effective August 28, 2015.

SPECULATIVE ACCUMULATION OF ASPHALT SHINGLES (Section 407.1610)

The bill specifies that it must be unlawful for any person or entity to accumulate asphalt roofing shingles in the City of St. Louis without a showing that at least 75% of the material will be recycled for other use in a calendar year.

GARNISHMENTS (Sections 408.040, 488.305, and 525.040 - 525.310)

A judgment must accrue interest on the judgment balance, which is the total amount of the judgment awarded on the day the judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits must be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance.

In a case where a garnishment is granted, the circuit court clerk may charge and collect a surcharge of up to \$10 for the clerk's duties. Any moneys collected from this surcharge must be placed in a fund to be used to maintain and improve case processing and record preservation.

The bill specifies that in the case of a continuous wage garnishment, a notice of garnishment served as required by law must have the effect of attaching all personal property, money, rights, or other choses in action of the defendant until the judgment is paid in full or the employment relationship is terminated, whichever occurs first.

Writs of garnishment which would otherwise have equal priority must have priority according to the date of service, and if the employee's wages have been attached by more than one writ of garnishment, the employer must inform the inferior garnisher of the other garnishments.

When applicable, a garnishee may discharge himself or herself by paying the money or giving the property owed to the defendant to the attorney for the party on whose behalf the order of garnishment was issued. The court may order the delivery of the defendant's property possessed by the garnishee to the attorney for the party on whose behalf the order of garnishment was issued.

The bill allows the garnishee to deduct up to \$20 or a fee previously agreed upon between the garnishee and judgment debtor if the garnishee is a financial institution for his or her trouble and expenses in answering the interrogatories and withholding the funds. The garnishee may file a motion with the court for additional costs incurred in answering the interrogatories.

The bill modifies provisions regarding the issuance of a writ of sequestration. Currently, the wages of state government employees are not subject to direct garnishment but must be collected under a process called sequestration. The bill specifies that the state, municipal, or other political subdivision employer must have the same duties and obligations as a private employer when served with a garnishment. The bill repeals provisions requiring a writ of sequestration when the judgment debtor is an employee of the state, municipality, or other political subdivision and specifies that all garnishments against the employees must proceed in the same manner as any other garnishment.

The provisions of the bill regarding garnishments become effective January 15, 2015.