

HCS SB 114 -- RELATING TO POLITICAL SUBDIVISIONS

SPONSOR: Schatz

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 12 to 0. Voted "Do Pass" by the Rules-Legislative Oversight Committee by a vote of 14 to 0.

This bill changes the laws regarding political subdivisions.

OFFICE OF COUNTY COMMISSIONER

Currently, when there is a vacancy in the office of county commissioner, the Governor is required to fill such vacancy with a person who resides in the district at the time of vacancy. This bill changes that process so that when there is less than one year remaining in the term, the vacancy shall be filled by appointment by the Governor but if there is one year or more remaining in the term, the Governor shall appoint an eligible person with the advice and consent of the Senate. These procedures do not apply to charter counties (Section 49.060 RSMo).

This provision is similar to HB 234 (2017).

VACANCIES IN CERTAIN ELECTED OFFICES

This bill modifies two provisions in law relating to vacancies in certain elected offices. Currently, whenever any vacancy occurs in any office filled by election, other than the offices of Lieutenant Governor, state senator, state representative, sheriff, or St. Louis City Recorder of Deeds, the Governor is responsible for appointing a successor until the next general election. This bill adds a new provision permitting the county commission to appoint a person to the vacated office within 14 days of the vacancy. In the event that the county commission consists of two members who cannot come to an agreement on an appointee, the acting presiding commissioner shall fill the vacancy. Such appointees shall continue in office until the Governor appoints a person to serve out the remainder of the term. This provision does not apply to charter counties or to the offices of any associate circuit judge, circuit clerk, prosecuting attorney, or circuit attorney. Currently, whenever there is a special election to fill a vacancy in a state or county elected office, the person elected will take office on the first Monday in January following the election, except if the term for the office to be filled begins on a date other than the first Monday in January, in which case the appointed person will stay in office until such other date. This bill removes the exception such that a person elected at a special election to fill a vacancy in any state or county elected office

shall always take office on the first Monday in January following the election. This provision does not apply to charter counties or to the offices of any associate circuit judge, circuit clerk, prosecuting attorney, or circuit attorney (Section 105.030).

This provision is similar to HB 54.

COUNTY BUDGETS

This bill extends the expiration date for a provision relating to the authority of counties to decrease their annual budgets under certain circumstances to July 1, 2027, from July 1, 2016. This bill permits county clerks of counties of the third and fourth classification to send the counties' estimated budgets to the State Auditor by email or other electronic system, and permits the State Auditor to send a receipt by the same method. The bill also permits county clerks and the State Auditor to correspond electronically for the purpose of complying with a provision relating to estimated budgets (Sections 50.622 and 50.740).

These provisions are similar to HB 200 and HB 843 (2017).

CONSOLIDATED PUBLIC LIBRARY DISTRICTS

This bill adds four trustees to the board of a consolidated public library district when a county public library district successfully petitions to be included in the consolidated district. When a city, municipal, school, or other public library district that does not include an entire county and is outside the boundaries of a consolidated public library district successfully petitions to be included in the consolidated public library district, the county commission or county executive of each county in which the petitioning district is located must appoint one trustee. This bill adds one trustee to the board of a consolidated public library district when a city or municipal library district is petitioning to be included in the consolidated district and the petitioning district is partially located in a county that is not participating in the consolidated district. The additional trustee must be appointed by the county commission or county executive officer of the county that is not participating in the consolidated district. After admission of a petitioning district into a consolidated district, transfer of the title and interest in the property of the petitioning district, and appointment of the additional trustee, a petitioning district and its board of trustees will cease to exist (Sections 182.640 and 182.660).

These provisions are similar to HB 568 (2017).

COUNTY RECORDER OF DEEDS FEES

In addition to the fees collected under Chapter 59, the county recorder of deeds shall collect one additional dollar on the recordings of certain instruments, which shall be deposited in the statutory county recorders fund. The recorder of deeds' fee on documents recorded or filed is increased from \$6 to \$9. A fee on delinquent and back dated taxes is increased from 7% to 9%. The penalty for failing to return personal property assessment lists is increased by \$5. The amount the county collector and clerk receive per tract of land recorded as delinquent on taxes is increased to \$5 with such sum going to CERF. By December 31st of each year, the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained for the current calendar year and the previous calendar year. The assessor will also report to the county employees' retirement fund the dollar amount associated with any penalty waiver granted by the assessor. The county employees' retirement fund shall provide an analysis of expected revenue from assessed penalties compared to the actual revenue from assessed penalties to the joint committee on public employee retirement (Sections 50.1190, 52.290, 137.280, 137.345 and 140.100).

These provisions are similar to HB 979 and 1151 (2017).

OFFICE OF PUBLIC ADMINISTRATOR

This bill provides that candidates for the office of public administrator must provide to the election authority a copy of a signed affidavit from one surety company indicating that the candidate meets the bonding requirements. After being elected to office, a public administrator shall enter into bond to the state in a sum not less than \$10,000 with one or more securities, rather than two or more securities. The bill also modifies the duties of a public administrator. A public administrator can exercise his or her duties as specified in statute upon the appointment by the probate court. Additionally, a public administrator no longer has the duty to take charge of all minors in certain situations, minors under the age 14 who have no legal guardian, or has charge and custody of the estate of a deceased person when moneys are delivered from the county coroner. The bill repeals provisions stating that the public administrator is the ex officio public conservator and has charge of all estates of minors pursuant to court order. The bill states that a guardian may execute a preneed contract for a ward's funeral services. If a next-of-kin does not exercise his or her right of sepulcher within 10 days of the ward's death, then the guardian may consent for the disposition of the body (Sections 473.730, 473.743 and 475.120).

These provisions are similar to HB 897 and 921 (2017).

REGULATION OF SPECIFIC DOG BREEDS

The bill specifies that the General Assembly occupies and preempts the entire field of legislation touching in any way the control or regulation of specific breeds of dogs. However, a village, town, or city can still prohibit dogs from running at large or to further control or regulate dogs within its boundaries so long as the ordinance, order, policy, or regulation is not breed specific (Section 67.142).

This provision is similar to HB 905 (2017).

SAWMILLS

This bill requires that, for purposes of property zoning classifications, sawmills must be classified as agricultural property (Sections 64.002, 65.702 and 89.020).

These provisions are similar to HB 719 (2017).

SALES TAX IN CERTAIN CITIES

This bill adds certain cities to the list of cities authorized to impose, upon voter approval, a retail sales tax of up to 0.5% for improving public safety including compensation, pension programs, health care, and additional equipment and facilities for police, fire, and emergency medical providers. The additional cities include Peculiar, Lamar, Salem, St. Clair, Higginsville, Lexington, Mount Vernon, Eldon, Platte City, Rock Hill, and Mountain Grove; Jackson, Republic, and Lake St. Louis; Carl Junction, Sullivan, Pacific, Oak Grove, Dexter, and Warrenton; and Eureka, Harrisonville, Union, Bolivar, Branson, and Troy. In certain of the additional cities, the sales tax will expire in 10 years unless approved again by the voters, and if the sales tax fails on the first ballot, the cities cannot put the issue on the ballot again without new statutory authorization. The cities to which the 10 year duration and the one-time vote opportunity applies include Peculiar, Lamar, Salem, St. Clair, Higginsville, Lexington, Mount Vernon, Eldon, Platte City, Rock Hill, and Mountain Grove. In certain of the additional cities, regardless of when the tax is imposed, it will expire on December 31, 2038. The specific tax expiration date provision currently applies to the cities of Eureka, Harrisonville, Union, Bolivar, Branson, and Troy. In certain of the additional cities, the sales tax will expire in 15 years, and then every 10 years thereafter, unless approved again by the voters. If the sales tax fails on the first ballot, those cities cannot put the issue on the ballot again for at least 12 months. If the sales tax fails on a second ballot, then the

authorization for the sales tax for those cities is repealed. Currently, this provision only applies to the cities of Branson, Eureka, Harrisonville, Union, Bolivar, and Troy. The bill also adds certain fire protection districts to the list of fire protection districts authorized to impose, upon voter approval, a sales tax not to exceed 0.5% for the purpose of providing revenues for the operation of the fire protection district. The additional fire protection districts currently include those located in Ripley and Mississippi counties (Sections 94.900, 94.902, 94.903, 321.242 and 321.246).

These provisions are similar to HB 48 (2017).

POLITICAL SUBDIVISIONS

This bill states that no ordinance or law enacted by a political subdivision can penalize a resident, tenant, or landlord from requesting police or emergency assistance under certain circumstances (Section 67.405).

This provisions is similar to HCS HB 134 (2017).

PROPONENTS: Supporters say that the original bill would give voters more involvement in the process and hopefully prevent these vacant positions going to unqualified individuals as political favors.

Testifying for the bill was Senator Schatz.

INFORMATION: Those testifying for informational purposes say that there are seven months in which the Senate isn't in session. The bill doesn't address what happens with positions that become vacant during that time. The positions shouldn't just remain vacant until the Senate goes back into session.

Testifying for informational purposes was Boone County.