

HCS HB 74 -- POLITICAL SUBDIVISIONS

SPONSOR: Gatschenberger

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Local Government by a vote of 18 to 0.

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

(1) Authorizes any municipality or fire protection district to adopt orders, ordinances, or resolutions, including burn ban orders, as they specifically relate to the actual or impending occurrence of a natural or man-made disaster of major proportions within the county of the municipality or fire protection district when the safety and welfare of the inhabitants of the county are jeopardized. The orders, ordinances, or resolutions may include a penalty for a violation as an infraction or a misdemeanor;

(2) Authorizes any county commission to adopt by order or ordinance reasonable regulations relating to its emergency management functions and operations and conditions controls, including burn ban orders, as they specifically relate to the actual occurrence of a natural or man-made disaster within the county when the health, safety, or welfare of the inhabitants of the county are threatened by actual or impending circumstances. The regulations may include a penalty for a violation as an infraction or a misdemeanor and can include monetary fines;

(3) Authorizes any city, town, village, sewer district, or water supply district to impose, upon voter approval, a fee of up to \$4 per month or \$48 annually for each lateral sewer service line providing sewer service to a residential property having four or fewer dwelling units for the purpose of repair or replacement due to failure of the lateral sewer service lines extending from the residential dwelling to its connection with the public sewer system. The fee may be added to the general tax levy bill of the property owner and collected in the same manner as delinquent real estate taxes and tax bills;

(4) Requires the county or city clerk of the governing body creating a neighborhood improvement district (NID) to file a notice with the recorder of deeds in the county where the land is located. The notice must contain the following information: each owner of property in the NID listed as a grantor, the governing body establishing the NID listed as a grantee, a legal description of the NID, and the identifying number or a copy of the ordinance creating the NID;

(5) Authorizes the county collector in Jackson County to assess a fee for the collection of certain special property tax assessments in NIDs. Currently, only the Boone County collector can assess this fee;

(6) Specifies that an unpaid special assessment in a NID that is a lien upon the property may be foreclosed in the same manner as a tax upon real property by land tax sale under Chapter 141, RSMo, which includes charter counties, certain counties of the first classification, and the City of St. Louis. Currently, these liens may only be foreclosed in the same manner as a tax upon real property by a land tax sale under Chapter 140 or by a judicial foreclosure proceeding at the option of the governing body;

(7) Authorizes the governing bodies of Montgomery and Douglas counties and the cities of Montgomery City and Ava to impose, upon voter approval, a transient guest tax of not more than 5% per occupied room per night to be used for the promotion of tourism, growth of the region, and economic development;

(8) Authorizes any county collector to add a special assessment levied for a community improvement district to the annual real estate tax bills for the properties being benefited by the district. Any unpaid special assessment on January 1 is considered delinquent and the enforcement of the delinquent bill is to be governed by the laws concerning delinquent and back taxes. A lien may be foreclosed in the same manner as a tax upon real property by land tax sale. Currently, only the county collector in Boone County is authorized to do this;

(9) Specifies that if a petition to incorporate a proposed area in Jefferson County fails to be adopted, it cannot be resubmitted to the governing body of the county during the three years immediately following the disapproval of the incorporation petition;

(10) Lowers, from 21 years of age to 18 years of age, the minimum age requirement for a person to serve as an alderman in a fourth class city;

(11) Authorizes the City of Liberty to impose, upon voter approval, a transient guest tax of no more than 6% per occupied room per night to be used solely for the purpose of promoting tourism, cultural activities, business, and economic development and for constructing related infrastructure and improvements;

(12) Changes the date that the county collector is required to return the delinquent tax lists and back tax books to the county commission from the first Monday in March to the second Monday in March and allows the collector to deliver an electronic copy of the

back tax book;

(13) Specifies that if a person other than the owner or a lien holder pays the original property taxes plus interest, that payment will not invoke a lien on the property or person without the knowledge and consent of the owner. Any lien invoked without the knowledge and consent of the owner will be null and void;

(14) Authorizes county collectors to use the procedures for selling property with delinquent property taxes when any special assessment is delinquent. Currently, only a special assessment for a NID is subject to the option;

(15) Authorizes any additional money from the sale of real estate for delinquent taxes or other debt that is placed in a trust fund for the owners of the property if the property sells for a greater amount than the debt to become part of the permanent school fund of the county if the funds are not called for as part of a redemption or collector's deed issuance within three years;

(16) Repeals the provisions that authorizes the county collector to retain a 50 cent fee for each certificate of purchase issued and the 25 cent fee for noting any assignment of any certificate when recording a certificate of purchase of land sold at a tax sale and the \$1.50 fee for a person applying for a tax deed in a specified circumstance. The collector continues to be authorized to receive the fee necessary to record the certificate of purchase; and

(17) Repeals the provision requiring the county clerk to witness the county collector signing the deed given to the property purchaser at a tax sale.

**PROPOSERS:** Supporters say that the bill will provide a tremendous financial benefit to a person who would otherwise be responsible for paying the cost of repairing the lateral sewer service lines from his or her residence to the connection with the public sewer system.

Testifying for the bill were Representative Gatschenberger; and Missouri Association of Municipal Utilities.

**OPPOSERS:** Those who oppose the bill say that the provision limiting the charge that a city, town, village, sewer district, or water supply district may charge its customers for sewage or wastewater treatment when the city, town, village, sewer district, or water supply district contracts with another entity to provide those services is too drastic and should be left to local control.

Testifying against the bill were Mike Dougherty, Public Water

Supply District #2 of St. Charles County; and Missouri Rural Water Association.