

SS SS SCS SB 715 -- COUNTIES

SPONSOR: Childers (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 8 to 6 with 4 present.

This substitute changes the laws regarding the classification of counties, law enforcement agency funding, creation of recreational facility districts and entertainment districts, authority of metropolitan park and recreation districts, bonding requirements for developers of subdivisions, hotel taxes, boards of trustees for community colleges, county assessment funds, emergency medical technician protocols, licensing requirements for emergency personnel, taxes on cell phone users for 911 services, special use permits, arrest processing fees, sewer and water district fee collection, landfill fee collection, countywide speed limits, qualifications for fire protection district directors, sales taxes for fire and ambulance districts, water service termination agreements, municipal court management and case docketing, biometric identification of prisoners, sex offender registration fees, authorization for the Board of Fund Commissioners to issue bonds for water and sewer projects, and lead abatement enforcement. In its main provisions, the substitute:

(1) Modifies the classification of counties. The assessed valuation necessary to qualify as a first classification county is increased from the current \$450 million to \$600 million. The assessed valuation necessary to qualify as a second classification county is increased from the current \$300 million to \$450 million. The substitute allows any county that has the requisite assessed valuation to become a first classification county to choose to do so upon an affirmative vote of the county's governing body. Under current law, the county must have the valuation for five successive years. This section of the substitute contains an emergency clause (Sections 48.020 and 48.030, RSMo);

(2) Allows county commissions to establish by ordinance a county law enforcement restitution fund. The money in the fund can only be used for certain law enforcement purposes, such as narcotics investigation and the purchase of equipment. The county commission may not reduce a law enforcement agency's budget as a result of the money that it receives from the fund. The substitute allows courts to order persons convicted of a crime to pay up to \$300 restitution into the county law enforcement restitution fund. A judge may only order payment to the fund if it has been created by county ordinance and cannot have authority over or control the fund. The court, after a hearing, can revoke

a person's probation for failure to pay the restitution (Sections 50.550, 50.565, and 559.021);

(3) Allows other types of security to be offered to political subdivisions in lieu of the full completion of required infrastructure improvements in subdivisions. Current law requires surety bonds to guaranty completion of these projects (Section 64.825);

(4) Allows citizens of Jefferson, Camden, Miller, Morgan, Jasper, Newton, Buchanan, and Wright counties to petition to create an exhibition center and recreation facility district. The district may submit to its voters a sales tax of one-quarter of 1% to fund the district. The substitute requires that the unanimous vote of all land owners is required before the county can take land as a recreation district, when there are no qualified voters residing on the land in question (Sections 67.793, 67.799, and 67.2000);

(5) Clarifies that metropolitan park and recreation districts have no authority to regulate water quality, watershed, or land use issues in the counties comprising the district (Section 67.1706);

(6) Allows St. Charles County to establish a theater, cultural arts, and entertainment district and assess a sales tax of up to one-half of 1% to fund the district (Sections 67.2500, 67.2505, 67.2515, 67.2520, 67.2525, and 67.2530);

(7) Requires political subdivisions to accept a letter of credit from a developer as security for the completion of infrastructure improvements in subdivisions. Current law allows political subdivisions to choose what kind of security, such as surety bonds, the developer must provide. The substitute also requires that the political subdivision accept a replacement escrow from another developer who buys the subdivision property prior to completion, at which time the political subdivision must release the original developer from all obligations. The substitute also requires the political subdivision to inspect the project within 20 days of a request. If the city or town has not released the escrow funds or bond amount within 30 days or timely inspected the improvements, the city must pay interest. The substitute exempts Kansas City from this provision (Section 89.410);

(8) Allows the City of Hermann to submit to voters a hotel tax increase of up to 5% (Section 94.837);

(9) Allows vacancies on a board of trustees for a community college to be filled without an election whenever the number of candidates equals the number of positions available (Section

115.124);

(10) Increases the percentage of property tax collections that are deposited in the county assessment fund. An additional one-eighth of 1% will be deducted in charter and first classification counties and an additional one-quarter of 1% in all other counties. These amounts cannot exceed \$100,000 in any year for any charter or first classification county and \$50,000 for all other counties. These increases will be disallowed in any year the State Tax Commission certifies that the equivalent sales ratio for the county is less than or equal to 31 2/3%. This section will become effective on January 1, 2005, and expire on December 31, 2009 (Section 137.720);

(11) Modifies the collection and imposition of special use permits by a county and prohibits the imposition of special use permit fees on a public utility right-of-way user for certain projects (Section 229.340);

(12) Allows law enforcement agencies in Greene County to charge individuals a fee upon being arrested and processed at the county jail. The fee will be based on recovering the costs of the processing (Section 221.070);

(13) Provides that all initial recording fees necessary to establish a sewer or water district will be payable when the district is awarded grants or loans necessary for the construction (Sections 247.040 and 250.055);

(14) Clarifies that in cases where water and sewer services are being provided to individuals living in a multi-family dwelling, the owner of the premises will be liable for delinquent payments; however, nothing will prevent that owner from pursuing civil action to recover delinquent payments from any occupant (Section 250.140);

(15) Directs landfill fees in Johnson County into the county general revenue fund. Currently, all the counties must dedicate those fees to the industrial development authority for the purpose of economic development (Sections 260.830 and 260.831);

(16) Authorizes second, third, and fourth classification counties to set countywide speed limits on roads within the county which they maintain (Section 304.010);

(17) Revises the qualifications of candidates for fire protection district directors in third and fourth classification counties (Sections 321.130 and 321.180);

(18) Removes St. Charles County from the counties that are

exempted from authorizing a sales tax for fire and ambulance districts, providing for an adjustment in the total operating levy of the district based on the sales tax revenue, and repealing a sales tax for those purposes (Sections 321.552, 321.554, and 321.556);

(19) Allows water companies to contract with sewer providers to terminate water services to any water user who has not paid a sewer bill (Section 393.015);

(20) Grants immunity from civil liability to any water company disconnecting service at the request of a sewer company via a water termination agreement and revises the procedures for water termination agreements regulated by the Missouri Public Service Commission (Sections 393.015 and 393.016);

(21) Allows utility revenue bonds to be approved by a vote of the governing body of a municipality. Current law requires that the issuance be approved by a vote of the people. The commission must receive an engineer's report and provide a public hearing prior to the issuance (Section 393.760);

(22) Makes Kansas City municipal judges and court personnel subject to court management and case docketing by the presiding judge and the rules of the circuit court (Section 479.020);

(23) Authorizes the use of money from the Inmate Security Fund to be used for biometric verification systems to ensure that inmates can be properly identified and tracked within the system. Currently, the fund may be used for biometric measures only. After installing the biometric verification system, any remaining money may be used for the maintenance of the systems and expenses related to housing prisoners (Section 488.5026);

(24) Allows law enforcement officers in Greene County to charge a sexual offender a \$10 initial registration fee for processing. The officers will charge a \$5 fee to the offender for each subsequent change made after the initial registration (Section 589.400);

(25) Authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

(a) \$10 million of bonds for waste water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);

(b) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and

(c) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h)(Sections 644.581, 644.582, and 644.583); and

(26) Grants several powers to the Director of the Department of Health and Senior Services to enforce lead abatement requirements and makes a subsequent violation a class D felony (Sections 701.304, 701.305, 701.308, 701.309, 701.311, 701.312, 701.313 and 701.320, 701.336, and 701.342).

The substitute revises provisions relating to emergency services. In its main provisions, the substitute:

(1) Requires any person or entity that owns an automated external defibrillator used outside of a health care facility to have a physician review all protocols (Section 190.092);

(2) Repeals a provision requiring that a mobile emergency medical technician be present when transporting a patient (Section 190.094);

(3) Requires ambulances to be staffed by two licensed emergency medical technicians (Sections 190.105 and 190.108);

(4) Revises application requirements for an ambulance license and creates additional causes for discipline (Sections 190.109, 190.120, 190.160, 190.165, and 190.171);

(5) Requires ambulance service providers to show proof of insurance or financial responsibility (Section 190.120);

(6) Requires the Department of Health and Senior Services to accredit or certify training for emergency medical technicians-intermediate (Section 190.131);

(7) Allows emergency medical response agencies in certain counties to be licensed to provide advanced life support services with EMT-intermediates (Section 190.133);

(8) Removes a provision regarding patients being transported in vehicles other than ambulances (Section 190.142);

(9) Allows the issuance of a 90-day temporary license for an emergency medical technician (Section 190.143);

(10) Allows licensees with lapsed licenses to request a return to active status within two years of the lapse (Section 190.146);

(11) Requires any settlement agreement in a contested case

against a licensee to be submitted to the Administrative Hearing Commission for its approval. Any person directly harmed by the actions of a licensee may submit an impact statement to the commission (Section 190.172);

(12) Requires a patient care document be given to ambulance personnel by a health care facility for the transfer of a patient to a different facility (Section 190.175);

(13) Creates requirements regarding the reporting of certain felonies by licensees to the department (Section 190.196);

(14) Adds provisions regarding the use of epinephrine auto-injectors (Section 190.246);

(15) Requires that any investigation into the violation of emergency services regulations be completed within six months with full departmental access to records (Section 190.248);

(16) Adds provisions regarding ambulance services and hospital liens (Section 190.250);

(17) Provides three options for counties to levy a tax for 911 telephone services (Sections 190.300, 190.304, 190.305, 190.310, 190.312, 190.335, 190.430, 650.320, and 650.330);

(18) Clarifies that a joint municipal public safety communications is a political subdivision and its employees will be considered eligible for membership in the Missouri Local Government Employees' Retirement System (Section 190.331);

(19) Creates procedures for the issuance and discipline of a new license category for stretcher van services to transport persons in a supine position who do not require medical monitoring or treatment other than self-administered oxygen (Sections 190.525, 190.528, 190.531, 190.534, and 190.537);

(20) Makes it a class B misdemeanor to operate an ambulance without an emergency personnel license (Section 190.534); and

(21) Establishes that a person is deemed to have consented to testing for an infectious disease when an emergency health care worker becomes exposed to a potentially infectious disease (Sections 191.630 and 191.631);

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of Unknown to a cost of Unknown in FY 2005, FY 2006, and FY 2007. Costs expected to exceed \$100,000. Estimated Cost on Other State Funds of Unknown in FY 2005, FY 2006, and FY 2007.

PROPOSERS: Supporters say that much of the emergency services language was actually enacted a few years ago but must be reenacted because of a procedural technicality. Regarding the county assessment funds, the assessors need the bill to do their jobs correctly. Regarding the 911 tax on cell phones, 70% of the 911 calls come from cell phones, so those consumers should be paying part of the cost. There is a real problem with emergency crews not being able to find the scene of the emergency because the call is from a cell phone, and the local 911 offices don't have the funding to fully implement the program. The bill provides that funding. Regarding the surety bonds currently required of subdivision developers, these bonds tie up money the developers could be using to build subdivisions. A letter of credit should suffice.

Testifying for the bill were Senator Childers; Missouri School Boards Association; Missouri School Administrators' Coalition; Cooperating School Districts of St. Louis; Missouri Association of Counties; Missouri Assessors' Association; Kansas City Ambulance Services; Ambulance District Association of Missouri; American Heart Association; Harvest Medical Training Center; Missouri Association of Fire Protection Districts; National Emergency Number Association; Marion County Emergency 911 Board; St. Louis City Police Department; and St. Louis Home Builders Association.

OPPOSERS: Those who oppose the bill say that surety bonds are a necessity for cities and counties to have assurance that developers are going to build their subdivisions according to their development agreements. Without them, developers could force the city or county into court when sidewalks, streets, sewers, storm water drains, etc., are not built to specifications. A letter of credit is not enough. Regarding the taxes on cell phones, this issue has been on the ballot twice; and the last time it was voted down in every county in the state. The voters obviously don't feel this is needed.

Testifying against the bill were Sprint Corporation; City of Springfield; Cingular Wireless; AT&T Wireless; Missouri Municipal League; and St. Louis County Municipal League.

Richard Smreker, Senior Legislative Analyst