

HCS HB 58 -- POLITICAL SUBDIVISIONS (Johnson, 47)

COMMITTEE OF ORIGIN: Local Government

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

(1) Exempts county commissioners of first classification counties from the requirement that \$2,000 of their authorized salary be payable only upon the annual completion of 20 hours of classroom instruction relating to the operations of the commissioner's office (Section 49.082, RSMo);

(2) Raises from \$250 to \$1,000 the value of property for which the county auditor in first and second classification counties and the county department officer in third and fourth classification counties is required to inventory (Sections 49.093 and 55.160);

(3) Authorizes the Jasper and Jefferson county commissions to impose by rule, regulation, or ordinance a civil fine of up to \$1,000 for each violation of any rule, regulation, or ordinance adopted by the commission (Section 49.272);

(4) Allows county officials' salaries to be computed on an assessed valuation basis without regard to modifications because of the existence of enterprise zones (Section 50.343);

(5) Requires all county commissions without a purchasing agent to estimate county expenditures for supplies for the following year. The commission may authorize the purchase of supplies at a public auction. No contract for a purchase is valid until the commission has approved a purchase order for the supplies for which bids were advertised and submitted (Section 50.760);

(6) Clarifies that "supplies" include materials, equipment, and contractual services but excludes regulated utility services (Section 50.770);

(7) Authorizes competitive bids to be waived by the county commission under emergency circumstances or when there is only a single, feasible source for the supplies. A proposed purchase of more than \$3,000 from a single, feasible source must be posted; and a proposed purchase of more than \$5,000 must be advertised (Sections 50.780 and 50.783);

(8) Authorizes the county commission to delegate its procurement authority to county departments provided that the department follows all the laws for purchasing, entering contracts, and keeping records (Section 50.784);

(9) Provides that recorders of deeds separate from circuit clerks in second, third, and fourth classification counties be paid the statutory compensation pursuant to Section 50.334 (Section 59.044);

(10) Authorizes any city or county to levy a sales tax of up to 0.5%, upon voter approval. This tax must be in lieu of the economic development sales tax allowed by Sections 67.1300 and 67.1303. Revenue collected from this tax will be deposited by the Director of the Department of Revenue in the city's or county's local option economic development sales tax trust fund. These funds will not be considered state money and will be distributed monthly to the city or county which levied the tax. The substitute specifies how the funds are to be spent and requires that the city or county establish an economic development tax board. The Department of Economic Development must submit to the Joint Committee on Economic Development by March 1 of each year a one-page report summarizing the status of each project using this sales tax. The substitute specifies what must be included in this report (Section 67.1305);

(11) Extends authority to all cities and counties in the state to develop geographic information systems and the ability to charge for the use of the systems (Section 67.1850);

(12) Eliminates the requirement that the notice of a hearing for a proposed special business district be sent by registered or certified mail with a return receipt attached (Section 71.794);

(13) Extends the expiration date of Section 82.291 from August 28, 2005, to August 28, 2008, which makes property owners in the City of Hazelwood liable for the removal of all derelict vehicles that are not properly stored if they are deemed to be a public nuisance (Section 82.291);

(14) Provides that a neighborhood organization representing persons aggrieved by a Kansas City code violation may seek injunctive and other equitable relief in circuit court for abatement of a nuisance (Sections 82.301 - 82.305);

(15) Grants neighborhood organizations in the cities of St. Louis, Kansas City, and Springfield and the counties of Platte, Jefferson, and St. Louis standing to file nuisance actions against a nearby property owner when the owner fails to maintain his or her property (Section 82.1025);

(16) Authorizes any city with a population of 100 or more to levy a transportation sales tax, upon voter approval. Currently, only cities with a population of 200 or more are authorized to levy this tax (Section 94.700);

(17) Authorizes the cities of Canton, La Grange, and Edina to impose a transient guest tax, upon voter approval, on all hotels and motels within their city limits. This tax cannot exceed 5% per occupied room per night and is to be used solely for promoting tourism (Section 94.837);

(18) Authorizes the City of Lamar Heights to impose, upon voter approval, a room tax of no more than 6% per night and a local sales tax on food of no more than 2%. These taxes will be used solely for capital improvements (Section 94.838);

(19) Allows nursing home districts in Marion and Ralls counties to establish and maintain assisted living facilities (Section 198.345);

(20) Requires water supply district board elections to be held in April and deems three consecutive unexcused absences from board meetings by a member to be a vacation of the seat (Sections 247.060 and 247.180);

(21) Removes Douglas, Ozark, and Wright counties from the Upper White River Basin Watershed Improvement District and allows a petition initiative by the residents of these counties to vote on whether to remain in the district (Sections 249.1150 and 249.1152);

(22) Adds water supply districts to those entities that may sue landlords or tenants for past due bills less any security deposit amounts and requires those supplier entities to make a good faith effort to notify the property owner when the tenant's sewer or water bill is more than 30 days past due. The owner cannot be held liable for sums due from the tenant for more than 90 days of service, and the water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. This section only applies to residences with their own private water and sewer lines and becomes effective on February 1, 2006 (Section 250.140);

(23) Eliminates the requirement that candidates for trustee of a watershed district live within the district (Section 278.240);

(24) Modifies the terms served by board members of fire protection districts in St. Charles, Lincoln, St. Louis, and Jefferson counties (Section 321.120);

(25) Prohibits fire district board members from being paid more than one attendance fee per week if the member attends more than one meeting in a calendar week (Section 321.190);

(26) Provides that the City of Harrisonville will be governed by

Section 72.418 relating to city reimbursement to the fire protection district (Section 321.322);

(27) Lengthens the time from one month to six months that a property has to be unoccupied before a person can petition to have it declared abandoned (Sections 447.620, 447.622, 447.625, and 447.640);

(28) Expands the purpose for which a tax charged on adult cabarets may be used from solely for background checks on cabaret employees to include general law enforcement use of the sheriff's department (Section 573.505);

(29) Requires, after September 1, 2005, any money received or collected to fund additional costs and expenses incurred by county offices to be deposited into the county general revenue fund, unless the fund is required by state law or was approved by a vote of the people (Section 1);

(30) Transfers the responsibility of computing county officials' salaries to the county salary commissions (Section 2);

(31) Requires that certain cities in Jackson County provide sewer services to premises which already receive water services and are located outside the corporate boundaries of the city. The rate charged for sewer services supplied to customers outside the city must be the same as the rate charged to customers inside the city, regardless of whether or not the area has been annexed by the city (Section 3); and

(32) Prohibits the Missouri Housing Development Commission from awarding grants or loans to the City of Kansas City unless the city's governing body implements oversight procedures to review expenditures and development plans for all housing contracts in excess of \$75,000 (Section 3).

The substitute contains an emergency clause for Section 94.838 regarding the room and food tax for capital improvements for the City of Lamar Heights.

FISCAL NOTE: Estimated Income on General Revenue Fund of \$0 or Unknown in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.