

HCS SCS SB 765 -- POLITICAL SUBDIVISIONS

SPONSOR: Goodman (Schneider)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 10 to 2.

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

(1) Removes villages from a certain incorporation procedure for cities and towns and increases the threshold number of signatures required on a petition to incorporate from 15% of the registered voters to 15% of the votes cast in the last gubernatorial election in the area proposed to be incorporated. In charter counties and counties of the first classification, any village incorporated under this procedure between August 28, 2007, and August 28, 2008, will be subject to all county building codes (Section 72.080, RSMo);

(2) Authorizes charter counties and counties of the first classification to impose, upon voter approval, a fee not to exceed 75 cents per month per wireless telephone number on every wireless telephone number capable of accessing the 911 system in that county, for use by the police department for 911 equipment, personnel, training, and related services (Sections 190.450 and 190.451);

(3) Specifies that a liquor license may not be denied, suspended, or revoked based solely on the fact that an employee has a single felony conviction unrelated to the manufacture or sale of alcohol or two or more felony convictions unrelated to the manufacture or sale of alcohol so long as the employee does not directly participate in retail sales. The Division of Alcohol and Tobacco Control within the Department of Public Safety may regulate categories of offenders and offenses and the types of employment and activities within licensed establishments in which different categories of offenders may engage (Section 311.060);

(4) Allows a Kansas City festival district promotional association to obtain a license to sell intoxicating liquor and nonintoxicating beer for consumption at the businesses and common areas within the festival district (Section 311.489);

(5) Prohibits an individual or business organization from misrepresenting the geographic location of the service or product supplier by using a fictitious or an assumed business name in an advertisement in a local telephone directory or in a directory assistance database. A person or organization violating this

provision will be prohibited from listing its name in the next published local telephone directory unless the person or organization provides an actual local address and will be guilty of a class B misdemeanor (Section 407.311); and

(6) Regulates sexually oriented businesses by limiting their geographic location, ownership interests, state of dress and actions of persons within the sexually oriented business, minimum age of patrons, use or sale of alcohol on site, hours of operation, and location of private viewing booths within the sexually oriented business and specifies the penalties for violations of these restrictions (Sections 573.525, 573.528, 573.531, 573.534, 573.537, and 573.540).

The substitute contains an emergency clause for the provisions regarding village incorporation.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$70,007 in FY 2009, \$58,941 in FY 2010, and \$60,709 in FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that Section 72.080 currently takes away a large measure of local control and allows developers and individuals to avoid a county's planning and zoning regulations, building codes, health codes, and nuisance laws. It also puts the interests of the village applicant before the interests of the rest of the county.

Testifying for the bill were Senator Goodman; Carolyn Lorraine, Camden County Commission, County Commissioners Association of Missouri, and Missouri Association of Counties; Jim Roman; Karen Miller, Boone County Commission; Edward Hillhouse and Terry O. Wilson, Franklin County Commission; Greene County Commission; County Commissioners Association of Missouri; Branson/Lakes Area Chamber of Commerce; John R. Harris III; and Clarence Parmentier.

OPPONENTS: Those who oppose the bill say that Section 72.080 currently gives a person a remedy other than litigation when a county will not follow its own master plan, and it gives a property owner the ability to install utilities when the local government cannot or will not.

Testifying against the bill were Brad Ferguson; and Anthony Bequette.