

HCS SB 845 -- POLITICAL SUBDIVISIONS

SPONSOR: Rupp (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) Allows a county to become a second classification county upon reaching the required assessed valuation and approval from the governing body, rather than having to maintain the higher assessed valuation for five years as required under current law (Section 48.030, RSMo);

(2) Prohibits water and sewer line easements from being considered as transfers of title of real property to counties; therefore, these easements will not need to be proved or acknowledged to be valid if authorized for recording by the county commission (Section 49.292);

(3) Creates a fund to supplement the salaries of county deputy sheriffs, consisting of a \$10 increase in the fee charged by sheriffs for the service-of-process in civil cases. In counties with a deputy sheriff starting salary of at least \$28,000, one-half of the \$10 increase will be paid into the sheriffs' existing discretionary fund and will not count toward the \$50,000 limit of that fund (Sections 57.278, 57.280, 488.435, and 650.350);

(4) Authorizes the counties of Clay and Jefferson to adopt regulations for electrical wiring and installation and the licensing of individuals to make those counties consistent with the authority granted to all other first and second classification counties (Section 64.170);

(5) Authorizes Cass County to impose, upon voter approval, a sales tax of up to 0.5% to fund the operation of public safety departments, including police and fire departments, and the communications of the public safety departments (Section 67.175);

(6) Adds the counties of Andrew and Buchanan to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of real property (Section 67.402);

(7) Authorizes the City of Charleston to impose, upon voter approval, a transient guest tax of 2% to 5% per room per night for the promotion of tourism (Section 67.1360);

(8) Prohibits a city, town, or village from annexing state-owned land that is primarily used for recreation, resource conservation, or natural or cultural resource preservation if the sole purpose of annexing the state-owned land is to allow the city to annex land that is not otherwise contiguous to the city, town, or village (Section 71.012);

(9) Removes the references to the "two houses of legislation" and replaces the term "resolution" with "ordinance" in the provisions regarding street grading in cities with 300,000 or more inhabitants (Section 88.917);

(10) Allows a municipality to annex land within the airport zone of the City of Springfield if it enters into an agreement to adopt, enforce, and administer Springfield's airport zoning ordinance (Sections 89.080, 89.090, and 305.410);

(11) Changes the jurisdiction for the penalty ranges for zoning violations for municipalities in Jackson County to any city with more than 300,000 inhabitants and removes the separate penalty for a willful violation (Section 89.120);

(12) Authorizes the City of Grandview to impose, upon voter approval, a transient guest tax of up to 5% on all occupied hotel and motel rooms for the promotion of tourism (Section 94.271);

(13) Authorizes the City of Sugar Creek to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion of tourism. Motels owned by not-for-profit corporations are exempt from the provision (Section 94.834);

(14) Authorizes the City of Harrisonville to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments including compensation, pension programs, health care, employment of additional police officers, and additional equipment and facilities (Section 94.900);

(15) Authorizes the City of Raytown to impose, upon voter approval, a sales tax of up to 0.5% for improving public safety including, but not limited to, expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers (Section 94.902);

(16) Authorizes the City of Waynesville to impose, upon voter approval, a transient guest tax of up to 3% per occupied room per night for the construction, maintenance, and repair of a multipurpose conference and convention center (Section 94.1011);

(17) Prohibits an employee or official of any political

subdivision from seeking a political appointment in exchange for anything of value to any political subdivision (Section 105.452);

(18) Caps the fee paid to the State Auditor for registering bonds at \$1,500 (Section 108.250);

(19) Lowers the assessment percentage for personal property taxation purposes on vehicles necessary for transporting physically disabled individuals from 33.3% to 12% (Section 137.115);

(20) Extends for one additional year the current term for the director of subdistrict 6 of an ambulance district located in St. Charles County. Thereafter, the term will be three years (Section 190.054);

(21) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district (Section 190.056);

(22) Specifies that when a licensed ambulance is used as an ambulance and staffed with volunteers, the other crew member required in addition to the emergency medical technician (EMT) may be a licensed EMT, registered nurse, physician, or certified first responder and removes the reference to specific counties that are required to have at least one licensed EMT, registered nurse, or physician with a patient in the patient compartment of an ambulance during transport. Currently, only certain counties must meet this requirement during transport (Section 190.094);

(23) Prohibits a political subdivision from imposing a fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for emergency service calls (Section 190.308);

(24) Authorizes the Department of Health and Senior Services to deny, suspend, place on probation, or revoke the license of a child care facility that does not obtain and maintain a license to operate under a local license or permit if required by local law (Section 210.221);

(25) Increases the special road rock fund tax rate from 25 cents to up to one dollar per acre for property classified as agricultural and horticultural that certain counties are authorized to impose upon voter approval (Section 231.444);

(26) Changes the methods by which certain incorporated road districts in counties of the fourth classification can be established, expanded, or dissolved (Sections 233.010, 233.155, 233.177, 233.297, and 233.317);

(27) Allows a special road district located in the counties of Jasper and Newton that has three commissioners from Jasper and one from Newton to add another commissioner from Newton County (Section 233.155);

(28) Changes the laws regarding the re-adjustment of the assessment of benefits in certain drainage and levee districts (Sections 242.230, 242.500, 245.020, 245.105, 245.197, and 246.305);

(29) Revises the amount a city, town, or village must send to the Department of Revenue from its total annual revenue from fines for traffic violations. Currently, if an entity receives more than 45% of its revenue from fines, it must send all revenue over the 45% to the department. The substitute reduces the amount to all revenue over 35% of the annual general operating revenue including court costs for the traffic violations (Section 302.341);

(30) 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);

(31) 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);

(32) Changes the laws regarding the assessment and collection of volunteer fire protection association fees (Section 320.302);

(33) Authorizes fire protection district boards to delegate certain powers and responsibilities to the fire chief and to rescind that delegation upon a majority vote of the board (Section 321.200);

(34) Repeals the provision which requires the board of directors of an industrial development corporation in Lewis County to meet different requirements than the boards in other counties (Section 349.045);

(35) Requires the City of St. Louis to provide suitable

furnishings and to purchase all necessary supplies for, and to pay all necessary expenses of, the public administrator (Section 473.745);

(36) Removes the requirement that Jackson County must reimburse the state for moneys received for the salary and benefits payable to the drug court commissioner in the 16th Judicial Circuit (Section 478.466);

(37) Authorizes municipalities in St. Charles County to adopt ordinances for maintaining the peace and good government and welfare of the city and its trade and commerce and to enforce the ordinances, except for those governing traffic violations on roadways in St. Charles County, with a fine of up to \$1,000, three months' imprisonment, or both. Currently, only municipalities in St. Louis County may adopt and enforce these ordinances, including those for traffic violations (Section 546.902); and

(38) Requires at least 48 hours' notice of inspections under the Missouri Clean Water Law regarding land disturbance activities associated with water pollution, erosion control, or any discharge to waters of the state to be given in writing to the property owner or contractor in control of the land disturbance activities. Five hours' verbal notice may be given in emergency situations. Failure to give notice does not prevent an inspector from entering a site, but prevents the information obtained by the inspection from being used in any manner or introduced in any legal or administrative proceeding (Section 644.020).

The substitute contains an emergency clause for the provisions regarding the bond registration fees paid to the State Auditor.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$731,111 to Unknown in FY 2009, \$758,068 to Unknown in FY 2010, and \$765,838 to Unknown in FY 2011. Estimated Cost on Other State Funds of Unknown in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill will prevent a city from annexing certain parcels of state land in order to be able to annex noncontiguous parcels it otherwise could not annex.

Testifying for the bill was Representative Pratt on behalf of Senator Rupp.

OPPOSERS: There was no opposition voiced to the committee.