

HCS#2 HB 1358 -- POLITICAL SUBDIVISIONS

SPONSOR: Gatschenberger

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 17 to 0.

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

(1) Authorizes the Secretary of State to enter into an agreement with a nonprofit organization to print and distribute copies of the Official State Manual. The nonprofit organization must charge a fee for a copy of the manual to cover the cost of production and distribution (Sections 11.010 and 11.025, RSMo);

(2) Specifies that any personal identifying information that is utilized in a voluntary registry of persons with health-related ailments created by a governmental body to assist these individuals during a disaster or emergency is not to be considered a public record under the Open Meetings and Records Law, commonly known as the Sunshine Law. However, a governmental body cannot deny a lawful request for the identifying information from any law enforcement agency or public governmental body providing emergency services (Section 44.035);

(3) Authorizes a sheriff in any county to hire an attorney to aid and advise him or her in the discharge of the sheriff's duties and to represent him or her in court (Section 57.104);

(4) Prohibits any city, town, village, sewer district, or water supply district in St. Charles County that does not actually process or treat sewage or wastewater but pays a premium or fee to another entity for the service from increasing the premium or fee it charges and collects from its customers by more than 200% of the premium or fee it pays to the other entity without a majority vote of the qualified voters of the city, town, village, sewer district, or water supply district (Section 67.312);

(5) 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 (Section 67.313);

(6) Authorizes any county of the first classification to establish a law enforcement district under the provisions of the Missouri Law Enforcement District Act. Currently, any county of the first classification without a charter form of government and a population of 50,000 inhabitants or less may establish a district. The substitute specifies that two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water. If any real property owner or registered voter within the proposed district does not sign the petition or file an entry of appearance and waiver of service of process, a copy of the petition must be served upon the owner or voter. He or she may object to the petition by filing a timely written answer. The district may impose, upon voter approval of at least four-sevenths of the registered instead of the current qualified voters, an annual property tax rate in an amount not to exceed 30 cents per \$100 assessed valuation; however, if the district does not impose the maximum allowable amount after initial voter approval, the district must obtain voter approval for any subsequent increase in the property tax rate. A new method for repealing the district property tax is specified in the substitute. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources (Sections 67.1860 - 67.1898);

(7) Requires the St. Louis Boundary Commission to grant or approve a voluntary annexation sought by a municipality within 14 days if the municipality demonstrates that a majority of the property owners in the area to be annexed support the annexation, the area is consistent with a boundary change proposal adopted by the municipality, and the municipality is a service provider for both water and sewer services within the municipality (Section 71.009);

(8) Authorizes North Kansas City to impose, upon voter approval, a retail sales tax of up to one-half of 1% for the purpose of improving the public safety for the city 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);

(9) Merges the provisions of Sections 190.400 through 190.440 and 650.320 through 650.340, in order to establish a single entity that will oversee emergency 911 services statewide to insure consistent quality and performance. In the merged provisions, the substitute:

(a) Repeals the provisions regarding the Wireless Service Provider Enhanced 911 Advisory Board established in Section 190.410 and renames the Advisory Committee for 911 Service

Oversight established in Section 650.325 as the 911 Service Oversight Board (Section 190.411);

(b) Reduces the size of the 911 Service Oversight Board from 16 to seven members (Section 190.415); and

(c) Moves the provisions regarding the 911 Training and Standards Act to Section 190.445 from Section 650.340 (Section 190.445);

(10) Authorizes a county health center to make payments approved by its board of health center trustees through an electronic funds transfer system. Currently, a center must make payments using approved vouchers of the board (Section 205.042);

(11) Changes the provisions regarding the distribution of fines and court costs for traffic violations. Currently, if a city, town, or village receives more than 35% of its total annual revenue from fines and court costs for traffic violations, all revenue from these violations in excess of 35% must be sent to the Director of the Department of Revenue. The substitute changes the requirement to apply only to a city, town, or village with less than \$2 million in general revenue excluding fines and court costs collected for cited moving violations whether the violations are finally adjudicated as a moving or nonmoving violation and with fines and court costs from cited moving violations in excess of \$70,000, whether the violations are finally adjudicated as a moving or nonmoving violation, and requires the governing body of the city, town, or village to prepare and send to the department an annual report of the fines and court costs collected and the entity's general revenue for the year. If the fines and court costs exceed the 35% limit, the entity must include the payment of any excess revenues with the report. The department director is required to disburse the excess to the schools of that county within 30 days of the receipt of the payment. Failure to send the annual report or excess revenue to the department director will result in the city, town, or village being subject to a civil penalty of up to \$1,000 (Section 302.341);

(12) Requires a municipality to allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. The substitute prohibits any civil action for a public or private nuisance on the basis of an individual or business entity legally using a vehicle on a public street or highway (Sections 304.120 and 537.293);

(13) Specifies that if any city, town, village, or county adopts, implements, and enforces a residential construction

regulatory system applicable to residential construction within its jurisdiction, any fire protection district wholly or partially located therein is prohibited from enforcing or implementing a residential construction regulatory system. Any regulatory system adopted by a fire protection district or its board will be treated as advisory only and cannot be enforced. Fire protection districts will have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes and can inspect residential dwellings but cannot charge a fee for the services (Section 321.228); and

(14) Authorizes the Governor to vacate an easement between the state and the City of Sedalia located at 2600 West 16th Street and grant the city an easement to construct and operate a fire station and an entrance on and over certain state-owned property (Section 1).

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill is necessary to prevent certain public water supply districts from raising rates just because they have the authority to do so.

Testifying for the bill was Representative Gatschenberger.

OPPOSERS: Those who oppose the bill say that it is not good public policy to take decision-making power away from the locally-elected officials of any political subdivision of the state.

Testifying against the bill was Missouri Rural Water Association.