

HCS SB 24 -- POLITICAL SUBDIVISIONS

SPONSOR: Parson (Hinson)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 15 to 0.

This substitute changes the laws regarding political subdivisions.

BUILDING CODES (Section 64.170, RSMo)

Currently, the county commission in first and second classification counties may adopt building codes if approved by the voters. The substitute allows the county commission in all counties to adopt building codes if approved by the voters.

No structure used solely for specified agricultural purposes can be subject to any code adopted under these provisions.

LIQUEFIED PETROLEUM GAS INSTALLATIONS (Section 64.196)

No county building ordinance can conflict with liquefied petroleum gas installations governed by Section 323.020.

FIRE SPRINKLERS (Section 67.281)

The substitute removes the expiration date of December 31, 2019, on the provisions regarding the required installation of fire sprinklers in one- or two-family dwellings or townhouses.

TRANSIENT GUEST TAX FOR ENTITIES PROVIDING DISASTER RELIEF (Sections 67.1020 and 144.030)

The substitute exempts nongovernmental agencies congressionally mandated to provide disaster relief services from transient guest taxes and exempts any person from state sales tax, local sales tax, and transient guest tax sales when payment is made by these nongovernmental agencies as part of a disaster relief service.

PORT IMPROVEMENT DISTRICT ACT (Sections 68.205 - 68.259)

The substitute changes the laws regarding the Port Improvement District Act. The substitute:

(1) Defines "consent" as the written acknowledgment and approval of the creation of a district by more than 60% of the property owners and by property owners who collectively own more than 60% of the assessed value of the real property within the proposed district;

(2) Revises the definition of "project" to include the construction or modification of any infrastructure or fixture the port authority determines to be essential for developing energy resources; preventing, reducing, or eliminating pollution; or providing water facilities or the disposal of solid waste. A "project" also includes the clearing and grading of real property and the acquisition of other property and improvements that are determined to be significant in the history, architecture, archeology, or culture of the United States, Missouri, or its political subdivisions or in the purpose of a port authority;

(3) Revises the definition of "qualified project costs" to include the costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing new or existing infrastructure and facilities or removing public works or improvements;

(4) Defines "taxpayer" as a person or owner of real property within the proposed district who would pay real estate or use taxes as a result of the district establishment;

(5) Changes the filing location of the draft petition for creating a port improvement district to the circuit court where a majority of the proposed port improvement district is located;

(6) Changes when the port authority board must file certain documents with the Missouri Highways and Transportation Commission within the Department of Transportation to when the proposed district is within the highways of Missouri. Currently, a port authority board must file the documents with the commission even if the proposed district is not within state highways;

(7) Requires a petition to have the consent of the property owners to be considered and approved by the port authority board and the circuit court unless the port authority is the owner of all the real property within the district;

(8) Allows Clay County to establish a port improvement district;

(9) Requires the port authority to hold a public hearing no more than 60 days prior to the submission of the draft petition to the circuit court. Currently, the public hearing must be held no more than 10 days prior to the submission of the petition;

(10) Specifies that no notice by mailing regarding the public hearing on a proposed project is required if the port authority is the owner of all the real property within the proposed district;

(11) Allows a property tax resolution to be final without a mail-in ballot election if the port authority is the owner of all the real property within the proposed district;

(12) Requires the port authority to repeal by resolution the continuation of any real property tax imposed under Section 68.235 when all of the obligations of the port improvement project have been met unless the tax secures an outstanding obligation of the project or covers ongoing expenses the port authority has incurred to pay qualified project costs of the approved project;

(13) Requires any funds remaining in the special trust fund to be refunded to the property owners if the funds exceed any remaining obligations of the port improvement project and are not needed to cover ongoing expenses. Currently, the remaining property tax funds that are not needed for current expenditures may be invested by the port authority or used for other port improvement projects;

(14) Allows a resolution for a district-wide sales and use tax to be final without a mail-in ballot election if the port authority is the owner of all of the real property within the proposed district;

(15) Requires all revenue received by the authority from a sales and use tax that is designated for a specific project to be deposited into a special trust fund to be expended solely for the purpose or the port authority's treasury if the sums are not designated;

(16) Requires the port authority to repeal by resolution the continuation of any sales and use tax when all of the obligations of the port improvement project have been met unless the tax secures an outstanding obligation of the project or covers ongoing expenses the port authority has incurred to pay qualified project costs of the approved project; and

(17) Specifies that specified provisions regarding port authorities are severable and if any provision is held to be invalid, the decision will not invalidate any of the remaining provisions.

VOLUNTARY ANNEXATIONS (Sections 71.012 - 72.401)

The substitute specifies that a petition requesting a voluntary annexation only needs to be notarized instead of verified. Any action seeking to deannex or to reverse, invalidate, set aside, or challenge a previous annexation must be brought within three years of the date of the adoption of the annexation ordinance except for an action to deannex an area or challenge an annexation for failure of the annexing municipality to provide required services to the

area within three years which must be brought within four years from the effective date of the annexation. The fact that a petition requesting annexation is not or was not verified or notarized will not affect the validity of the annexation.

Specified voluntary annexations are exempt from boundary commission review in St. Louis County. The annexation is not prohibited by the existence of an established unincorporated area.

LAND SALES IN CERTAIN CITIES (Section 92.387)

The substitute requires any sale of land under Chapter 92 to be subject to valid recorded covenants running with the land and valid easements of record or in use.

ASSESSED VALUATIONS (Sections 137.090 and 137.095)

The substitute requires the assessed valuation of any tractor or trailer owned by an individual, partner, or member or corporation and used in interstate commerce to be apportioned to Missouri based on the ratio of miles traveled in the state to miles traveled in the United State in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

NEW HOME INCOME TAX DEDUCTION (Section 143.145)

Beginning January 1, 2013, and ending December 31, 2015, the substitute authorizes a one-time individual income tax deduction for the purchaser of a new home built or self-built between August 28, 2013, and December 31, 2015, and used as the principal residence of the taxpayer for at least two years. The amount of the deduction will be equal to one-third of the purchase price or \$166,667, whichever is less and cannot exceed a maximum tax benefit of \$10,000. Any amount of the deduction that exceeds the taxpayer's Missouri adjusted gross income may be carried forward to any subsequent tax year until the full deduction is claimed.

DEBT SETOFFS FOR UNPAID HEALTHCARE EXPENSES (Sections 143.789 and 143.790)

Currently, the Department of Health and Senior Services processes claims submitted by hospitals and health care providers requesting an offset of income tax refunds to satisfy an outstanding debt owed by a taxpayer. The substitute repeals the provisions regarding the process by which the department requests offsets and authorizes an entity designated as a claim clearinghouse to process and verify requests for an offset for ambulance service providers of taxpayer income tax refunds and lottery winnings to satisfy outstanding

debts for ambulance services received. Prior to utilizing the clearinghouse, an ambulance service provider must determine whether the patient is eligible for relief from the claim under the provider's financial hardship policy and if not, the provider must exhaust all available means of collecting the debt from the patient or third-party payer and give certain notices to the patient and allow for various levels of review and appeal of his or her claim. A collection assistance fee of \$31 allocated between the clearinghouse and the Department of Revenue is assessed to each offset for the costs of collecting the debt.

The Director of the Department of Revenue is authorized to impose an offset against a refund owed to a taxpayer for eligible claims in the following priority:

- (1) Delinquent taxes owed to the state of Missouri;
- (2) Delinquent taxes owed to the United States;
- (3) Debts owed to any state agency or for a support obligation;
- (4) Collection assistance fees for the state and the claims clearinghouse for processing the debt offsets;
- (5) Eligible claims for debts owed to ambulance service providers; and
- (6) Debts owed to other states with whom Missouri has a reciprocal offset agreement.

SCHOOL FACILITIES AND EQUIPMENT (Sections 177.011 and 177.088)

Currently, a school board cannot lease a building to be used as a school when the district school is unused. The substitute makes an exception for leases entered into under Section 177.088.

Currently, a school district board, community college board, or college or university board for an institution organized under Chapter 174 may enter into an agreement with a not-for-profit corporation when acquiring, constructing, extending, or remodeling sites, buildings, facilities, furnishings, and equipment. The substitute repeals the requirement that it be an agreement with a not-for-profit corporation.

The substitute repeals the provision allowing the governing board to refinance any lease purchase agreement for the purpose of payment on any lease with a corporation for sites, buildings, facilities, furnishing, or equipment which the corporation has acquired or constructed.

MUSEUM AND CULTURAL DISTRICTS IN DISASTER AREAS (Sections 184.800 - 184.865)

The substitute changes the name of the Missouri Museum District Act to the Missouri Museum and Cultural District Act and expands the scope of museum districts to include a building or area used for promoting community culture and the arts, recreation, and knowledge including the performing arts, theater, music, entertainment, public spaces, public libraries, or other public assets. Each proposed district may impose, upon voter approval, a sales tax to restore cultural assets within the district. The substitute restricts the creation of museum and cultural districts under these provisions to include areas where the majority of the property is located within a disaster area. The substitute requires property owners who own at least two-thirds of the property to file a petition to create a museum and cultural district within five years of the Presidential declaration establishing the disaster area. The museum and cultural district can contain one or more parcels of property that may or may not be contiguous. Legal voters who live in the proposed district will not be required to be listed on the petition to create the district, will not be required to be served a copy of the petition creating the district, and will not have statutory authority to sue to support or oppose the creation of the district. The substitute changes the number of members of the board of directors governing the district from eight to five. All of the members are to be elected at a public meeting removing the Governor's authority to appoint three of the members. The provision prohibiting the board from hiring an employee who is related to a board member within the fourth degree by blood or marriage is repealed. The General Assembly is authorized to make appropriations from general revenue to a district created under the act for a period of 20 years after January 1, 2013. In addition to a sales tax, the board is authorized to impose, upon voter approval, a fee no more than \$1 on any person or entity that offers or manages an event in the district and charges admission for the event. The substitute adds a limited partnership or a limited liability company to the entities that the district may contract with regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a district.

COMMUNITY PARAMEDIC (Sections 190.098 and 190.100)

The substitute allows a person to be eligible for certification by the Department of Health and Senior Services as a community paramedic if he or she is currently certified as a paramedic; successfully completes or has successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or

accredited by a national accreditation organization approved by the department; and completes an application form. A community paramedic must practice in accordance with protocols and supervisory standards established by the medical director and must provide the services of a health care plan if the plan has been developed by the patient's physician, advanced practice registered nurse, or physician assistant and the patient isn't receiving the same services from another provider. An ambulance service must enter into a written contract to provide community paramedic services in another ambulance service area, and the contract may be for an indefinite period of time, as long as it includes at least a 60-day cancellation notice by either ambulance service. The substitute specifies that no person can hold himself or herself out as a community paramedic or provide the services of the position unless he or she is certified by the department. The medical director must approve the implementation of the community paramedic program.

ST. CHARLES HEALTH DEPARTMENT (Section 192.310)

The substitute adds the City of St. Charles to those cities that are exempt from the provisions requiring the appointment of a county health officer if the city furnishes the Department of Health and Senior Services with reports of designated contagious, infectious, communicable, or dangerous diseases and other required statistical information.

MAINTENANCE OF PRIVATE ROADS (Section 228.369)

A plan of maintenance for a private road must be a direct agreement among the homeowners who abut or have easement rights over a private road. No homeowner can be required to join a homeowner or subdivision association or be subject to any use of development restrictions on the homeowner's property or the private road as part of the plan of maintenance for the private road.

ALCOHOL-RELATED TRAFFIC OFFENSES (Sections 302.060, 302.302 - 302.309, 302.525, 476.385, and 577.041)

The substitute changes the laws regarding alcohol-related traffic offenses. The substitute:

- (1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has been convicted more than twice of driving while intoxicated upon the person petitioning the court after the expiration of 10 years from the date of conviction of the last driving while intoxicated offense and the court finding that he or she has not been convicted, pled guilty to, or been found guilty of and has no

pending charges for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding 10 years; and his or her habits and conduct show that he or she is no longer a threat to public safety. Currently, the department director may issue the license;

(2) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense, if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of and has no charges pending for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding five years; and his or her habits and conduct show he or she no longer poses a threat to public safety. Currently, the department director may issue the license;

(3) Requires a driver to be given the option to complete a driver-improvement program through an online or in-person course in lieu of the assessment of points against his or her license for specified violations;

(4) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege;

(5) Specifies that any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense and has a prior alcohol-related enforcement contact will be required to file proof with the department director that any motor

vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license;

(6) Allows a person to receive a limited driving privilege if his or her license at the time of application has been suspended or revoked due to a failure to submit to a chemical test and the person has completed the first 90 days of revocation and files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device, provided he or she is not otherwise ineligible for a limited driving privilege;

(7) Specifies that a circuit court or the department may allow a person who has been convicted more than twice for driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license or for a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege and repeals the requirement that he or she must serve at least 45 days of the disqualification or revocation. A circuit court must grant a limited driving privilege to any person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the contact that resulted in his or her license denial;

(8) Allows a person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol setpoint or has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege; and

(9) Specifies that any person who has a license to operate a motor vehicle revoked under these provisions and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by him or her is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock

device must be required on all motor vehicles operated by the person for a period of at least six months immediately following reinstatement. If the monthly monitoring reports show that the device has registered a confirmed blood alcohol concentration reading above the alcohol setpoint or has been tampered with or circumvented, then the period will be extended for an additional six months.

MOVING TRAFFIC VIOLATIONS (Section 302.341)

Currently, if a Missouri resident fails to dispose of a moving traffic violation charge, the court must order the Director of the Department of Revenue to suspend his or her driving privileges if the charges are not disposed of and fully paid within 30 days. Upon proof of disposition of charges and payment of fine, court costs, and reinstatement fee, the department director must return the license and remove the suspension from the driving record if he or she was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. The substitute repeals this provision.

FIRE PROTECTION DISTRICT IN THE CITY OF DESOTO (Section 321.322)

The substitute specifies that the provisions of Section 321.322 regarding annexing property in a fire protection district do not apply to the City of DeSoto. The city's fire and emergency medical services following an annexation must be governed by Section 72.418.

FIRE PROTECTION DISTRICT AUDITS IN GREENE COUNTY (Section 321.690)

The substitute repeals the provision requiring the governing body of each fire protection district located in Greene County to have an audit performed every two years in conformance with rules established by the State Auditor.

The provisions of the substitute regarding the new home income tax deduction will expire December 31, 2015.

The provisions of the substitute regarding alcohol-related traffic offenses, except Section 302.309, become effective March 3, 2014.

The provisions of the substitute regarding a limited driving privilege if a person's license has been suspended or revoked due to a failure to submit to a chemical test in Section 302.309 contain an emergency clause and will become effective July 1, 2013, or upon its passage and approval, whichever occurs later.

PROPOSERS: Supporters say that the bill gives third and fourth

class counties the option, after a vote of the people approve, to adopt building codes in the same manner as currently allowed for first and second class counties.

Testifying for the bill were Senator Parson; and American Institute of Architects of Missouri.

OPPONENTS: There was no opposition voiced to the committee.