

## HCS#2 SS SB 704 -- POLITICAL SUBDIVISIONS

SPONSOR: Hegeman (Dogan)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Local Government by a vote of 8 to 1. Voted "Return to Committee of Origin" by the Standing Committee on Rules - Administrative Oversight by a vote of 13 to 0. Voted "Do Pass with HCS #2" by the Standing Committee on Local Government by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 7 to 1.

This bill modifies provisions regarding political subdivisions.

## ELECTRONIC PAYMENTS TO STATE AGENCIES AND DEPARTMENTS

Currently, state agencies and departments cannot incur any additional fees for utilizing an electronic method for receiving credit and debit card payments. The bill adds an exception to the prohibition upon a finding by the commissioner of administration that the fees would result in a positive fiscal impact for the state (Section 37.007, RSMo).

## TECHNICAL CORRECTIONS

This bill makes technical corrections to certain provisions relating to political subdivisions (Sections 49.020 and 67.617).

## COUNTY COMMISSIONER VACANCIES

When a vacancy occurs in the office of county commissioner and there is less than one year remaining in the term, the remaining county commissioners must appoint a person to the vacated office within 14 days of the vacancy, to serve until the Governor makes an appointment, which appointment must be made within 60 days of the vacancy. In the event that the remaining county commissioners cannot come to an agreement on an appointee, the acting presiding commissioner shall fill the vacancy. If there is one year or more remaining in the term, the Governor must appoint an eligible person with the advice and consent of the Senate. These procedures do not apply to charter counties (Sections 49.060 and 105.030).

## COUNTY BIDDING REQUIREMENTS

Currently, counties must advertise a request for bids for contracts and purchases of more than \$4,500 with any one person or corporation during a 90-day period. This bill provides that the bidding requirement applies to contracts or purchases involving expenditures of more than \$6,000.

Currently, a county commission is required to seek competitive bids or proposals on single feasible source purchases of \$3,000 or more, and advertise for bids on such purchases of \$5,000 or more. This bill requires the commission to seek bids and advertise on single feasible source purchases of more than \$6,000 (Sections 50.660 and 50.783).

#### DUTIES OF COUNTY OFFICIALS

This bill requires all county employees and officials to provide the county treasurer with any documents he or she requests when signing a warrant (Section 54.140).

#### RETIREMENT FOR PROSECUTING AND CIRCUIT ATTORNEYS

This bill changes provisions regarding the retirement system for prosecuting and circuit attorneys.

When a county votes to make the office of prosecuting attorney a full-time position then the position shall qualify for the same retirement benefits as a full-time prosecutor of a first class county and such county shall make the same contributions to the Prosecuting Attorneys and Circuit Attorneys' Retirement Fund (PACARS) as paid by a first class county.

The term "compensation" as used in the PACARS retirement statutes shall include any salary reduction amounts under a cafeteria plan or a deferred compensation plan, but not include reimbursement for any expenses, consideration for agreeing to terminate employment, or any unusual payment not part of regular work pay.

Beginning on January 1, 2019, all members who are eligible to receive an annuity equal to 50% of the final average compensation upon retirement will contribute 2% of their salary to the fund, and beginning in the year 2020, such members shall contribute 4% of salary to the fund. Upon retirement and at the discretion of the board of trustees, a member can receive a lump sum of his or her total contribution not to exceed 25% of average pay, in addition to any retirement benefits.

A person who becomes a member on or after January 1, 2019, may retire with a normal annuity with 12 or more years of service and reaching the age of 65. Upon termination of employment such member is entitled to a deferred normal annuity payable at age 60.

A former member who has forfeited creditable service may have the service restored again, in addition to requirements under current law, by becoming an employee within 10 years of termination and

contributing an amount to the retirement fund equal to any lump sum payment of contributions received upon termination of service.

All members serving in a county that has elected to make the position of prosecuting attorney a full-time position shall receive one year of creditable vesting service for each year served as a part-time or full-time prosecuting attorney. However, a member serving as a part-time prosecuting attorney shall receive six-tenths of a year of creditable benefit service for each year served. Any member who has less than 12 years of creditable benefit service upon retirement shall receive a reduced full-time benefit.

A member who vested as a part-time prosecuting attorney and ceased being a member for more than six months before returning as a full-time prosecuting attorney shall be entitled only to part-time benefits, and any creditable service earned as a full-time prosecutor shall begin a new vesting period. A member cannot receive benefits while employed as a prosecuting attorney (Sections 56.363, 56.805, 56.807, 56.814, 56.833, and 56.840).

#### STATUTORY COUNTY RECORDER'S FUND

This bill provides a method by which distributions from the statutory county recorder's fund will be allocated among counties if collections fall below distributions (Section 59.800).

#### ZONING CLASSIFICATIONS

This bill requires that, for purposes of property zoning classifications, sawmills must be classified as agricultural property (Sections 64.002, 65.702, and 89.020).

#### BI-STATE METROPOLITAN DEVELOPMENT DISTRICT

This bill adds Franklin County to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan Development District (Section 70.370).

#### KANSAS CITY POLICE SALARIES

This bill raises the maximum compensation level for lieutenant colonels, majors, captains, sergeants, master patrol officers, master detectives, detectives, investigators, and police officers in Kansas City (Section 84.510).

#### SALE OF LAND UNDER EXECUTION

This bill authorizes a sheriff's sale of land under execution in

certain cities to be conducted at the front door of the courthouse, within the courthouse, or at another location that the presiding judge deems fit, provided that the location is specified in the notice of the sale (Section 92.820).

#### PUBLIC SAFETY SALES TAX

This bill adds certain cities to the list of cities authorized to impose, upon voter approval, a sales tax of up to .05% for public safety purposes, including expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The sales tax must be reconsidered every 10 years.

Currently, the additional cities include Ava, Byrnes Mill, Hayti, Hillsboro, Knob Noster, Montgomery City, Mountain View, Pleasant Valley, Riverside, and Windsor (Section 94.902).

#### VACANCIES IN ELECTED COUNTY OFFICES

This bill requires the county commission in all noncharter counties to fill by appointment, within 14 days, a vacancy in a county elected office to serve until the Governor makes an appointment or until the vacancy is filled by operation of another provision of law. In counties with only two county commissioners, when there is the absence of an agreement, the acting presiding commissioner shall fill the vacancy.

The offices of associate circuit judge, circuit clerk, prosecuting attorney, and circuit attorney are excluded from this provision (Section 105.030).

#### ETHICS

This bill prohibits all types of lobbyists from making any expenditure for local government officials, superintendents, school board members, members of governing bodies of charter schools, their staffs, and specified family members. Elected local government official lobbyists must include on the registration form the name of the local government official to be lobbied (Sections 105.470 and 105.473).

#### COUNTY ROADS

Currently, county bond funds and county special road and bridge funds for road, street, and bridge construction, maintenance, improvement, and repair can be used for those purposes in municipalities within the county if the road, street, or bridge is part of a continuous road, street, or bridge leading into or

through the municipality. This bill removes the restriction that the road, street, or bridge must be part of a continuous road, street, or bridge leading into or through the municipality (Sections 108.120 and 137.555).

#### ASSESSOR'S REAL ESTATE BOOK

The bill authorizes, upon written consent of a property owner filed with the assessor, an alternate address from the residence address for the purpose of sending ad valorem property tax statements (Section 137.225).

#### ST. FRANCOIS COUNTY ROAD AND BRIDGE TAX

This bill corrects the description of St. Francois County in a provision of law relating to expenditures of the county's special road and bridge tax moneys (Section 137.556).

#### GIFTED EDUCATION

This bill requires any district with an approved gifted education program to have a process, approved by the district's board of education, that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district's gifted education program. The bill also provides that school districts and their employees are immune from liability for all acts and omissions relating to the decision that a student did not qualify to receive services through the district's gifted education program.

The bill also requires school districts to establish a policy that allows for the subject or whole grade acceleration of any student who demonstrates advanced performance and emotional readiness for acceleration (Sections 162.720 and 162.722).

#### STORMWATER FACILITIES AND SYSTEMS

This bill authorizes the formation of certain concession agreements using the public and private partnership model under Section 227.615, but requiring only agreements between a private party and the governing body of a political subdivision. Any sale of state or county assets is still subject to a vote of the people. Certain conditions for such public-private concession agreements are specified in the bill.

The bill adds stormwater facilities and wastewater systems to the entities under the "Missouri Public-Private Transportation Act" provisions (Sections 227.600 and 227.601).

## BRUSH CONTROL ON COUNTY ROADS

This bill states that one purpose of the brush control law is to prevent brush from interfering with vehicles traveling on the road. If the county is required to take action to control the brush because the owner fails to do so, the county will extend the costs as a special tax due on the landowner's real and personal property tax assessment and collected in the same manner as state and county taxes.

Notice that must be provided to the landowner, of these requirements, can be given in writing using any mail service with delivery tracking.

The county right-of-way or county maintenance easement will be deemed to extend 15 feet from the center of the county road or at a distance set forth in the original conveyance. The center of the road will be a point equidistant from both edges of the drivable ground of the road in its current condition.

In the event a county is required to obtain a land survey to enforce these provisions, the costs of the survey will be divided equally between the county and the landowner (Section 263.245).

## KANSAS CITY PUBLIC SCHOOLS

This bill provides that the Kansas City Public Schools school board may contract with any municipality, bi-state agency, or other governmental entity to transport high school children. The contract shall be for additional transportation services and shall not replace or fulfill any of the school district's obligations to transport students to and from school. The school district may notify students of the option to use district contracted transportation services (Section 304.060).

## FIRE PROTECTION DISTRICT SALES TAX

This bill authorizes all fire protection districts located in Clay County to impose, upon voter approval, a sales tax of up to 0.5% for the purpose of providing revenue for the fire protection district. Currently, only the Smithville Fire Protection District in Clay County is authorized to impose this tax. The sales tax must be reconsidered every 10 years (Section 321.246).

## WATER RESOURCES

Currently, Missouri landowners have the right to have, use, and own private water systems and ground source systems any time and

anywhere unless prohibited by city ordinances. This bill specifies that this includes systems for potable water and that all Missouri landowners have the right to have, use, and own systems for rainwater collection anytime and anywhere on their own property, including land within city limits (Section 640.648).

This bill includes penalty provisions.

PROPOSERS: Supporters say that the bill was intended to clarify that local projects are left to local governments.

Testifying for the bill were Senator Hegeman; Missouri American Water; Missouri County Treasurers Association; Missouri Community College Association; Kansas City Public Schools; and Luetkenhaus Properties.

OPPOSERS: Those who oppose the bill say that this is an important decision for municipalities and that the higher voter-approval threshold better represents the will of the residents of the municipality.

Testifying against the bill was the Missouri Association of Municipal Utilities.