

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1531-02
Bill No.: HCS for SB 386
Subject: Counties; Taxation and Revenue
Type: Original
Date: April 20, 2009

Bill Summary: This proposal modifies various provisions relating to political subdivisions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(\$30,000) to (Unknown)	(\$30,000) to (Unknown)	(\$30,000) to (Unknown)
Total Estimated Net Effect on General Revenue Fund	(\$30,000) to (Unknown)	(\$30,000) to (Unknown)	(\$30,000) to (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Road Fund	(Unknown)	(Unknown)	(Unknown)
Red Light Enforcement	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 22 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government*	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

*** Does not include an increase in the St. Louis Police Retirement System's Unfunded Actuarial Accrued Liability (UAAL) of \$28.9 million to \$57.0 million**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development, Department of Health and Senior Services, Department of Conservation** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the Attorney General (AGO)** assume that any potential costs arising from the proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the workload increases from the implementation of the legislation.

Officials from the **Department of Natural Resources (DNR)** state Section 60.670.2 would require the state land surveyor to write standards for maps with land boundaries tied to the Public Land Survey System or cadastre. A portion of a Professional Land Survey would be responsible for authorizing the standards and revising the standards every ten years.

DNR assumes the proposal would have minimal fiscal impact.

Officials from the **Department of Revenue (DOR)** assume the proposal would not have a fiscal impact on their agency. Also, due to the Statewide Information Technology Consolidation, DOR's response to a proposal will now also reflect the cost estimates prepared by OA-IT for impact to the various systems. As a result, the impact shown may not be the same as previous fiscal notes submitted. In addition, if the legislation is Truly Agreed to and Finally Passed the OA-IT costs shown will be requested through appropriations by OA-IT.

Office of Administration Information Technology (ITSD DOR) estimates the IT portion of this request can be accomplished within existing resources, however; if priorities shift, additional FTE/overtime would be needed to implement. The estimated cost is \$17,764.

Officials from the **Office of Administration - Administrative Hearing Commission** anticipate that this legislation will not significantly alter its caseload. However, if other similar bills also pass, there will be fiscal impact. If there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to

ASSUMPTION (continued)

schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Officials from the **Department of Transportation (MoDOT)** assume the bill imposes some obligations upon MoDOT, which could result in the need for additional staff or overtime. The bill requires MoDOT to collect of funds, assess of fines, and certify traffic signal timing for signals. The proposal also requires MoDOT to change signal timing. There are also some requirements for signing and pavement marking.

Section 304.287.2 requires all automated photo red light enforcement systems to be registered with MoDOT before they are installed. MoDOT will also collect a one-time registration fee of \$500 for each system used; these fees are to be deposited into the newly-created "Red Light Enforcement Fund," which will be used to fund audits of agencies using the systems.

Section 304.287.8 requires all signal phase timings to be certified by MoDOT before a system can be activated. Any signal timing adjustments must be approved in writing by MoDOT and must be certified by a MoDOT traffic engineer.

Section 304.287.10 requires all agencies and political subdivisions using red light camera systems to submit an annual report to MoDOT.

Section 304.289.2 states that no agency shall employ the use of a photo radar system to enforce speeding violations. This would prohibit any future use of automated speed enforcement in work zones where studies show the use to be effective in reducing speeds.

MoDOT assumes an unknown negative fiscal impact from the legislation. They are unable at this time to determine an amount but anticipate the amount to be less than \$100,000 annually.

ASSUMPTION (continued)

Oversight assumes the registration fees will be deposited into the Red Light Enforcement Fund. For fiscal note purposes, Oversight assumes the costs of compliance audits will equal the registration fees collected.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined because the number of cities utilizing the red light camera systems is not known. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Oversight assumes local governments that choose to implement an automated red light enforcement system could realize increased revenues in the form of fines. These local governments could also realize increased costs of equipment and administrative costs for implementing and enforcing the system. For fiscal note purposes, Oversight has reflected the revenues and costs as Unknown.

Officials from the **Department of Mental Health (DMH)** state section 56.700.5 would establish a payment of \$15,000 annually to the county counselor for duties relating to mental health for certain counties (first class counties with more than 135,400 but less than 135,500 inhabitants) and an additional \$15,000 annually for investigative and clerical costs. The funds would come from the state treasury. DMH assumes that one county (Boone) is intended in this legislation; therefore, an annual cost of \$30,000 is projected.

Oversight assumes this annual payment to Boone County will be made from the General Revenue Fund.

Officials from the **Police Retirement System of St. Louis** state the proposal would result in an increase in unfunded liability in the amount of \$28.9 million to \$57 million; with an annual cost of \$3.5 million to \$6.9 million depending on the option chosen.

Officials from the **St. Louis County Government** assume no fiscal impact from the proposal.

Officials from the **City of Centralia** state the proposal would result in a savings to their city of about \$560, probably in 2011.

Officials from the **Missouri County Employee's Retirement Fund** assume the proposal would not fiscally impact the fund.

ASSUMPTION (continued)

Section 82.1026 - Vacant nuisance building in Kansas City;

In response to a similar proposal from this year (SB 424), officials from the **City of Kansas City** stated the proposal would have a positive fiscal impact on their city because it would save money as a result of expediting and resolving the many abandoned building cases it must mitigate.

Oversight will show the potential savings to Kansas City as \$0 (proposal is permissive) or Unknown (based upon Kansas City's response).

Section 91.265 - Platte City authorized to provide water and sewer service;

In response to a similar proposal from this year (HB 881), officials from the **Department of Economic Development - Public Service Commission** and **Office of Public Counsel** stated this proposal will have no fiscal impact on their respective divisions.

In response to a similar proposal from this year (HB 881), officials from **Platte City** stated that if this proposal becomes law and the City of Platte City chooses to establish utility service where there previously was none, it is conceivable that the City could collect meter fees, equivalent dwelling units (EDU's), and monthly utility bills that might provide a positive fiscal impact. The capital cost of providing new infrastructure (as well as debt service) would need to be considered.

Oversight assumes that Platte City may or may not choose to provide utility services and will, for fiscal purposes, range fiscal impact as \$0 or Unknown to (Unknown).

Officials from Platte County did not respond to a request for fiscal note.

Sections 99.1082 - 99.1092 Downtown Revitalization Preservation Program;

Oversight assumes by adding state income tax increment to the amount of money downtown revitalization projects may retain may increase the utilization of the program and therefore, reduce total state revenues. However, the annual limit of \$15 million for the program has not changed, and has already been reflected in a prior fiscal note. Therefore, Oversight will assume no additional fiscal impact from this part of the proposal.

ASSUMPTION (continued)

Section 138.431 Hearing officers in St. Charles County;

Officials from the **State Tax Commission** assume this part of the proposal, since it only applies to St. Charles County, would not result in a need for additional FTE in their office. However, it may result in a delay of the process of conducting the hearing.

Section 473.745 - St. Louis to provide furnishings;

In response to a similar proposal from 2008 (SB 1271), officials of the **City of St. Louis - Budget Division** stated that the **City Public Administrator** estimated the costs at of up to \$200,000 annually.

Officials stated that the proposed legislation would require the City of St. Louis to cover the expenses of the Public Administrator. Costs would be paid from the City's General Revenue Fund

Section 701.355 - Elevator Safety Board can license mechanics & contractors;

In response to a similar proposal from this year (SCS for HB 103), officials from the **Department of Public Safety - Division of Fire Safety (DFS)** stated the Elevator Safety program is housed within DFS. This legislation allows the Elevator Safety Board to implement rules for the licensing of elevator mechanics and elevator contractors. The requirements and fees for this process has not been discussed with Division staff; therefore, the fiscal impact cannot be quantified at this time. There are approximately 500 elevator mechanics and 50 elevator contractors in Missouri.

Oversight assumes the Division of Fire Safety will be allowed to charge a fee for the licensure of elevator mechanics and elevator contractors sufficient to cover expenses. Oversight will reflect offsetting unknown costs and unknown revenue from changes Section 701.355. The proposal gives the Elevator Safety Board the power to license mechanics and contractors; therefore since the power rests with the board to have the licensure or not, Oversight will range the potential costs and revenue from \$0 (board does not utilize the power) to an unknown amount of costs/revenue.

Officials from the **Office of the State Treasurer, Office of the Secretary of State, Office of the State Auditor, Office of Prosecution Services, Office of the State Public Defender** and the **Department of Insurance, Financial Institutions and Professional Registration** and numerous local political subdivisions did not respond to our request for fiscal impact.

Oversight assumes there would be some positive economic benefit to the state as a result of the changes in this proposal, however, Oversight considers these benefits to be indirect and therefore, have not reflected them in the fiscal note.

This proposal may decrease Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Revenue</u> - potential income to cover the costs of licensure of elevator mechanics and elevator contractors (Section 701.355)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> - potential costs to be borne by the Division of Fire Safety for the licensure of elevator mechanics and elevator contractors (Section 701.355)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - Department of Economic Development - expansion of Brownfield remediation tax credit to cover costs of environmental insurance premiums, and backfill of areas where soil excavation occurs (Section 447.708)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - payment to Boone County for county counselor duties and also for investigative and clerical personnel costs (Section 56.700.5)	<u>(\$30,000)</u>	<u>(\$30,000)</u>	<u>(\$30,000)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$30,000) to (Unknown)</u>	<u>(\$30,000) to (Unknown)</u>	<u>(\$30,000) to (Unknown)</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2010 (10 Mo.)	FY 2011	FY 2012
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ROAD FUND

<u>Costs</u> - Department of Transportation Administrative Costs (Sections 304.287 - 304.290)	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT TO THE ROAD FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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RED LIGHT ENFORCEMENT FUND

<u>Revenues</u> - Department of Transportation Registration Fees (Sections 304.287 - 304.290)	Unknown	Unknown	Unknown
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<u>Costs</u> - Department of Transportation Costs of Audit Compliance	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE RED LIGHT ENFORCEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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LOCAL POLITICAL SUBDIVISIONS

<u>Costs</u> - to the City of St. Louis - increase to retirement funding to correct new unfunded liability of \$28.9 million to \$57 million (Section 86.362)*	\$0	(\$3,500,000) to (\$6,900,000)	(\$3,500,000) to (\$6,900,000)
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<u>FISCAL IMPACT - Local Government</u> (continued)	FY 2010 (10 Mo.)	FY 2011	FY 2012
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<u>Costs</u> - to the City of St. Louis for Public Administrator expenses and new duties - net of total costs and revenues (Section 473.745)	Up to (\$200,000)	Up to (\$200,000)	Up to (\$200,000)
<u>Savings</u> - to Kansas City - proposal allows Kansas City to enact ordinances for building official to petition the court for the appointment of a receiver to rehabilitate the building, demolish it, or sell it to a qualified buyer (Section 82.1026)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Income</u> - to Platte City - Utility related income	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Revenues</u> - from fines (Sections 304.287 - 304.290)	Unknown	Unknown	Unknown
<u>Revenues</u> - to Boone County Counselor from State (Section 56.700.5)	\$30,000	\$30,000	\$30,000
<u>Costs</u> - to Platte City - Utility infrastructure costs	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - to implement and enforce red light camera systems (Sections 304.287 - 304.290)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS*	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

*** Does not include an increase in the Unfunded Actuarial Accrued Liability (UAAL) of \$28.9 million to \$57.0 million**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies various provisions relating to political subdivisions.

SECTION 48.020 - this act changes the assessed valuation that counties must obtain for different classifications.

SECTION 48.030 - this act allows Lincoln County, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body.

SECTION 48.050 - under this act, when a county changes classification, the salary established for each county official at the time of the change shall not be reduced until such person holding office at the time of the change leaves office.

SECTIONS 49.082 & 50.343 - this act modifies the continuing education requirements for county officers.

SECTION 49.310 - this act allows Caldwell County to establish a jail or holding facility outside of the county seat.

SECTIONS 50.660 & 50.783 - under this act, a county is not required to obtain bids on purchases of \$6,000 or less. Currently, such amount is set at \$4,500.

Under current law, counties may waive competitive bidding when the County Commission determines that there is only one feasible source for the supply. This act requires counties to post notice on such proposed purchases of over \$6,000 and advertise the commission's intent to make such purchase in the newspaper at least ten days in advance. Currently, the commission must post notice for such proposed purchases of at least \$3,000 and also advertise in the newspaper for such purchases of at least \$5,000.

FISCAL DESCRIPTION (continued)

SECTION 52.230 - under current law, the collectors of revenue for every county must mail property tax due notices thirty days prior to the delinquent date to all resident taxpayers. This act requires collectors of revenue in first class counties to provide such notices forty-five days prior to the delinquency date while all other county collectors will be subject to the thirty day requirement, unless a collector is prevented from mailing the notices by circumstances out of the control of such collector. In such a case, the collector must report the reason for delayed mailing to the county commission.

SECTIONS 52.290, 52.312, and 54.010 - currently, in counties without a charter form of government the collector collects a seven percent fee for the collection of delinquent taxes. In counties with a charter form of government and St. Louis City, the collector collects a two percent fee for the collection of such taxes. Under this act, in counties adopting a charter form of government after January 1, 2008, the collector shall collect a seven percent fee for the collection of delinquent taxes, while the collector in counties adopting a charter form of government before January 1, 2008, shall collect a two percent fee.

Currently, all counties, except counties with a charter form of government excluding St. Charles County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under this act, counties adopting a charter form of government after January 1, 2008, shall be required to establish such a fund as well.

In the event a county of the third or fourth classification abolishes its township organization, the county collector shall assume all duties, compensation, and requirements of the collector-treasurer.

SECTION 55.030 - current law requires auditors of charter counties to keep an inventory of all county property under the control and management of the county which has an original value of two hundred fifty dollars or more. This act requires the auditor only inventory property with an original value of one thousand dollars or more.

SECTION 55.140 - the act grants auditors of first and second class counties access to all records, collections, and settlements for licenses issued by the county and requires county offices to provide the auditor with a monthly listing of the names of the parties to whom such licenses were issued.

FISCAL DESCRIPTION (continued)

RS:LR:OD (12/02)

SECTION 55.190 - this act requires the collectors of counties of the first and second classification to provide the county auditor with daily reports of receipts and a deposit slip showing such day's deposit. Collectors will be required to provide taxpayers a numbered receipt upon collection of taxes.

SECTIONS 60.670 AND 327.272 - this act requires the office of the land surveyor in the department of natural resources to promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with such rules, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map already agreed to their contractual terms on the effective date of the rules promulgation.

The practice of land surveying shall include working with positions of the United States Public Land Survey System. It shall also include creating, preparing or modifying electronic or computerized data relative to the performance of certain other surveying activities; however, such acts shall not be exclusive to professional land surveyors unless they affect real property rights.

SECTION 64.170 - this act allows Boone County to adopt, by order or ordinance, regulations to control the minimum standards of occupancy for residential units rented or leased and also to develop a program for licensing and inspecting the units. The county may recover the costs to administer the program through establishing reasonable fees.

SECTION 67.456 - specifies the manner in which each parcel of property in a neighborhood improvement district will be assessed if a single parcel within the district is divided into additional parcels within five years of the final costs of the improvement's assessment.

SECTION 65.610 - this section allows the county commission, upon a majority vote, to put the issue of abolishing the county's township organization to a vote of the people. Currently, it requires a petition by ten percent of the voters to submit the issue to a vote.

SECTION 67.280 - this section requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies.

SECTION 67.281 - a builder of family residences or multi-unit dwellings with no more than four units must offer purchasers to install fire sprinklers in the residence. No purchaser of such residences shall be denied the right to choose to install the fire sprinkler or decline the offer by

FISCAL DESCRIPTION (continued)

the political subdivision's code, ordinance, rule, regulation, order or resolution. Such provisions must provide the mandatory option for purchasers to choose and the requirement that builders offer to purchasers such option.

SECTION 67.304 - currently, a municipality or county has discretion to allow organizations to solicit charitable contributions in its roads. Under this act, a municipality or county is required to authorize organizations to make such solicitations if public safety officers will be making the solicitations. The organization must file a written application providing certain information, including proof of a valid liability insurance policy in an amount of at least one million dollars, in order to receive authorization.

SECTION 67.2000 - this act allows real property owners in Caldwell, Clinton, Davies, and DeKalb counties to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a one-quarter of one percent sales tax, for a period not to exceed twenty-five years, to fund the district.

SECTION 67.3000 - it shall be lawful for Caldwell County to enter into a contract with private corporations engaged in delivering water at wholesale for domestic consumption. The county may also acquire, own, and hold, with private corporations, water mains.

SECTION 71.275 - the governing body of a municipality may annex a research park that is compact and contiguous to the existing municipal boundaries if the property has not been sold within the previous six months and the municipality receives the written consent of all the property owners. The municipality and county shall adopt reciprocal ordinances authorizing the annexation. A "research park" is defined as an area developed by a university to be used by technology-intensive and research-based companies as a business location.

SECTION 82.1026 - under this act, Kansas City may enact ordinances to allow the city building official to petition the circuit court in the county where a vacant nuisance building is located for the appointment of a receiver to rehabilitate the building, demolish it, or sell it to a qualified buyer.

SECTION 84.830 - this act repeals provisions of law which currently prohibit any Kansas City police officer from:

(1) Belonging to a political party committee;

FISCAL DESCRIPTION (continued)

RS:LR:OD (12/02)

- (2) Soliciting any person to vote for or against any political candidate, party, or organization;
- (3) Making contributions of any kind for political activity; or
- (4) Allowing any solicitation of contributions to take place on police department property.

This act also repeals the provision which prohibits any person from soliciting a police officer or a member of the police board for any political purpose.

SECTION 86.362 - beginning August 28, 2009, this act allows any member of the Police Retirement System of St. Louis who has accumulated up to 30 years of creditable service to use accumulated sick leave for vesting purposes or for the Deferred Retirement Option Plan (DROP). For members participating in the DROP, the member can have placed in his or her DROP account a dollar amount equal to his or her accumulated number of sick leave hours multiplied by his or her hourly rate of pay at the time of retirement or a member has the option to place one-half of this dollar amount in his or her account, to have one-fourth of the amount added to his or her average final compensation, and to have the remaining one-fourth of this dollar amount remain as time and added to his or her creditable service.

SECTION 88.832 - third class cities are prohibited from imposing storm water usage fees on property owned by any church, public school, nonprofit organization, or political subdivision.

SECTION 91.265 - authorizes Platte City to be the exclusive provider of all public utilities, including water, electric, gas, and sanitary sewer service to all areas within the city if the utility service is not already being provided by the state or another political subdivision, including a common sewer district established under Chapter 204, RSMo.

SECTION 99.710 - under current law, the statement of total assessed valuation for all real property contained in a land clearance for redevelopment project must remain on file in the assessor's office for ten years. This act requires the statement remain on file for at least five years but not more than ten years in the assessor's office.

SECTIONS 99.1082, 99.1088, 99.1090, AND 99.1092 - The act defines "other net new revenues" as it relates to the Downtown Revitalization Preservation Program, commonly referred to as MODESA-Lite, as the amount of state sales tax increment or state income tax increment, or the sum of both, as determined under Section 99.918, RSMo; and defines "state income tax increment" as it relates to the Downtown Revitalization Preservation Program, commonly referred to as MODESA-Lite, as an estimate of the income tax due the state for salaries and

FISCAL DESCRIPTION (continued)

RS:LR:OD (12/02)

wages paid to new employees in new jobs in the redevelopment area and created by the redevelopment project. Such estimate will be a percentage of gross payroll based upon analysis done by the Department of Revenue which cannot exceed two percent.

SECTION 115.607 - The act changes the procedures for the election of county political party committee members in Prairie Township outside Kansas City in Jackson County.

SECTION 138.431 - Provides that in St. Charles County, the assignment of a hearing officer, for appeals of assessments to the state tax commission, will be deemed to have been made when the scheduling order is first issued and signed by the hearing officer, unless another hearing officer is assigned to the case by other provisions in said order. In St. Charles County, a change of hearing officer of request to have the appeal heard by the full commission or a quorum thereof, must be granted by the commission upon an application filed by a party within thirty days of the assignment of a hearing officer. Such request need not show cause for the change, but no more than one such request will be allowed for each party in an appeal.

SECTION 139.031 - Modifies provisions of law regarding the payment of taxes under protest and prohibits the dismissal of an appeal of property taxes due to a failure to file a written statement when paying taxes based upon a disputed statement.

SECTIONS 139.140, 139.150, 139.210, AND 139.220 - Modifies provisions of law regarding the duties of the various city and county collectors of the state.

SECTION 140.150 - The act requires county collectors to send up to three notices prior to a tax sale to the publicly recorded owner of record of the real property. The first notice is by first class mail, the second by certified mail, and a third notice is sent if the certified mail is returned unsigned to both the owner of record and the occupant of the real property at least fifteen days before the fourth Monday in August.

SECTION 140.160 - removes the requirement that the county auditor provide a list of all delinquent and back taxes and unpaid special assessments when conducting annual audits of county collectors. Under current law, a copy of such audits may be provided to the city collectors, within the county, at the discretion of the county collector. This act allows a copy of such audit to be provided to all applicable taxing entities, within the county, at the discretion of the county collector.

SECTIONS 140.190, 140.250, 140.290 - the purchase price of the property at a third offering must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs. The

FISCAL DESCRIPTION (continued)

RS:LR:OD (12/02)

certificate of purchase will be issued to an agent if the purchaser is a nonresident. The purchaser is required to pay a fee to the collector to record the certificate of purchase. After the third offering, the collector's deed or trustee's deed will have priority over all the other liens or encumbrances on the property sold except for real property taxes or federal liens.

SECTIONS 140.230, 140.260 - if a land sale for satisfaction of delinquent or back taxes results in an amount greater than the amount of debt, taxes, interest, and costs; the excess proceeds must be held in trust in the county treasury for three years for the publicly recorded owner or owners of the property sold or their legal representatives. After three years, any amount not called for will be deposited into the county's school fund.

SECTIONS 140.310, 140.340, 140.420 - the redemption periods for the owner of record to redeem tax sale property are revised; and the owner must reimburse the purchaser for all costs of sale, including the cost for recording the certificate of purchase, the fee to record the release of the certificate, the cost of the title search, the cost of the required certified mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus eight percent interest.

SECTION 165.071 - requires county collectors to perform the same duties as collector-treasurers with regard to monthly payments to school districts.

SECTION 182.647 - currently, the librarian of a consolidated public library district is required to submit an annual status report to the district board by August thirty-first, and the board is required to submit this report and an independent audit to the county commission and the State Library Commission by September thirtieth of each year. This bill changes the due dates to September thirtieth and October thirty-first, respectively.

SECTIONS 221.360, 221.365, 221.370, 221.375, 221.380, 221.385, 221.390 - authorizes County Sheriffs to require prisoners, to perform labor in county work programs upon the roads, bridges, or other public works of the county or any other projects for which public funds could be expended. Sheriffs may hire such prisoners out to other counties to perform similar labor, but may not lease such prisoners to work for any private interests except nonprofit organizations. Sheriffs must provide food, clothing and medical attention as well as other necessities for such prisoners and are prohibited from requiring prisoners from working more than eight hours a day with no more than two additional hours for travel to and from the work site. Sheriffs are prohibited from compelling prisoners with legitimate physical, mental, or health problems from such labor, or requiring prisoners to perform labor which would be detrimental to a prisoner's physical or mental health. Any sheriff or employee of the sheriff who treats of a prisoner in a

FISCAL DESCRIPTION (continued)

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cruel or inhuman manner will be guilty of a class A misdemeanor. The sheriff must protect prisoners from insult by others, persistence of a person to insult or annoy prisoners after being commanded to cease by the sheriff will result in such person being found guilty of a class C misdemeanor. Prisoners will be entitled to a credit of one dollar per day for labor performed against any fines and costs imposed against such prisoner.

SECTION 300.349 - allows licensed drivers to operate off-highway vehicles on gravel or dirt roads located in any charter county in certain situations. Anyone violating these provisions will be guilty of a class C misdemeanor and may be subject to a civil penalty of up to one thousand dollars per day of violation.

SECTIONS 304.287, 340.288, 304.289, 304.290 - the act establishes the Missouri Universal Red Light Enforcement Act which allows various political entities to establish automated photo red light enforcement systems to detect red light signal violations. Prior to installation, all systems must be registered with the Department of Transportation. At the time of registration, a one-time, five hundred dollar-per-light fee will be collected and deposited into the Red Light Enforcement Fund for conducting audits to ensure entity compliance with the provisions of the act. The roadway must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection prior to activation of the system. The entity must also install warning signs within five hundred feet of the white stripe indicating the stop line and have the signal phase timings at the intersection certified by the department. Prior to installing the automated enforcement system, the entity must give notice of the intersection where the system will be located and the date on which the system will begin to monitor the intersection. The entity must give the notice at least 14 days prior to the installation of the system in a newspaper of general circulation throughout the area served by the entity.

The act requires entities implementing a system to submit an annual report to the department regarding:

- (1) The number of intersections enforced by an active system;
- (2) The number of notices of violation mailed;
- (3) The number of notices of violation paid;
- (4) The number of hearings; and
- (5) The total revenue collected as a result of the system.

FISCAL DESCRIPTION (continued)

Any entity failing to complete the annual report within 45 days of its due date will be fined \$50,000 and must remove all automated photo red light enforcement systems. Entities that establish an automated photo red light enforcement system may contract with a private vendor to perform operational and administrative tasks associated with the use of the system but not the issuance of the notice of violation. Any compensation paid to a private vendor must not be based upon the number of violations mailed, the number of citations issued, the number of violations paid, or the amount of revenue collected by the entity.

Before a notice of violation may be issued, all images produced by a system must be reviewed and approved by a law enforcement officer employed by the entity in which the alleged violation occurred. Based on inspection of recorded images, a signed notice of violation or copy of the notice alleging that the violation occurred will be evidence of the facts and will be admissible in any proceeding. The act specifies what the notice of violation is to contain including a copy of two recorded images and a zoomed and cropped image of the vehicle's license plate and an image of the driver as well as information on how he or she can review the alleged violation and contest it. Any issued notice of violation must be mailed no later than three business days after the violation was recorded by the automated system.

The penalties and court costs imposed for a violation must not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. A person who commits a red light violation will be guilty of a moving violation as specified in Section 302.302. A person charged with committing a red light violation may rebut the violation by filing an affidavit with the court that he or she was not the operator of the vehicle at the time of the alleged violation. Entities must issue warning notices for the first 30 days after a system is installed, and no entity may use a photo radar system to enforce speeding violations. Entities will also be required to maintain photographic and other recorded evidence for at least three years. Photographic and recorded evidence will not be subject to disclosure under the Open Meetings and Records Law, commonly known as the Sunshine Law.

SECTION 311.060 - currently, a liquor license may not be denied, suspended, or revoked based solely on the fact that an employee has a felony conviction unrelated to the manufacture or sale of alcohol if the employee does not directly participate in retail sales. Under this act, the employee may not directly participate in retail sales at any establishment where less than fifty percent of the gross income is derived from the sale of prepared meals or food consumed on the premises.

SECTION 319.015 - modifies the definition of the term "approximate location" to a strip of land not wider than the width of the underground facility plus eighteen inches rather than two feet, for

FISCAL DESCRIPTION (continued)

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purposes of the Underground Facility Safety and Damage Prevention Act.

SECTION 429.015 - currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land have a lien on the building or land to the extent of one acre. This act increases the lien to encompass three acres.

SECTION 431.210 - specifies that the automatic renewal of contracts for service, maintenance, or repair to or for any residential real property intended for personal, family, or household use will be invalid unless a written notice by certified mail or email is given to the customer thirty to ninety days prior to the contract being renewed.

SECTION 447.708 - modifies the brownfield redevelopment tax credit to include costs incurred due to environmental insurance premiums and the backfill of areas where contaminated soil excavation occurs. The act allows for the release of a prorated amount of tax credits upon receipt of a letter of completion, for a portion of a project, from the department of natural resources.

SECTION 473.745 - the act requires the City of St. Louis to provide suitable furnishings and to purchase all necessary supplies for the public administrator. All necessary expenses of the public administrator must be approved by the comptroller and paid out of the city treasury. Upon approval of a majority of the circuit court judges of the city, the public administrator is authorized to employ as many deputies and assistants as the public administrator deems necessary and to set their compensation up to a certain limit established by the board of aldermen. When appointed by the probate division or the circuit court, the public administrator must act as trustee or successor trustee for any additional duties imposed.

SECTION 490.240 - allows electronic versions of ordinances, resolutions, rules, orders, or bylaws of cities and towns to be submitted as evidence in court.

SECTION 701.355 - allows the Elevator Safety Board within the Department of Insurance, Financial Institutions and Professional Registration to adopt a code of rules and regulations governing licenses of elevator mechanics and elevator contractors.

SECTION 1 - allows first class counties to establish curfews for persons under the age of seventeen. Any minor and who violates such curfew will be guilty of a class C misdemeanor. If such minor's legal guardian has knowledge of such violation he or she will also be guilty of a class C misdemeanor.

FISCAL DESCRIPTION (continued)

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SECTION 2 - requires political subdivisions to revise property tax rates for each subclass of real and personal property, exclusive of new construction and improvements, to produce the same amount of revenue as was produced in the previous year for each subclass of property provided such rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recently voter-approved rate.

SECTION 3 - requires every person seeking election to the position of county executive or presiding commission for any charter county with an assessed valuation of fifteen billion dollars or more to hold a bachelor's degree from an accredited four-year university.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Conservation
Office of the State Courts Administrator
Office of the Attorney General
Department of Natural Resources
Department of Revenue
Office of Administration
Department of Elementary and Secondary Education
Department of Transportation
Department of Mental Health
State Tax Commission
Department of Public Safety
Police Retirement System of St. Louis
St. Louis County Government
City of Centralia
City of Kansas City
City of St. Louis

SOURCES OF INFORMATION (continued)

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NOT RESPONDING:

Office of the State Treasurer

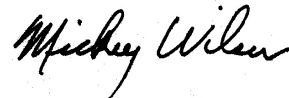
Office of the Secretary of State

Office of the State Auditor

Office of Prosecution Services

Office of the State Public Defender

Department of Insurance, Financial Institutions and Professional Registration



Mickey Wilson, CPA
Director
April 20, 2009