

March 21, 2007

THE MISSOURI LEGISLATURE TAKES A BREAK

The General Assembly adjourned last week for its scheduled spring break. The bill filing deadline for the Senate has passed, but the House has until April 1 to file bills. The material in this bulletin is a review of specific measures of interest and/or prominent county issues that we expect will be taken up during the second half of the legislative session.

Lawmakers reconvene on Monday, March 27, a few weeks before **MAC's April 16 Legislative Conference at the Capitol Plaza Hotel in Jefferson City**. For overnight accommodations, call the hotel at 573-635-1234. Registration fliers for our April 16 meeting were mailed out last week, or you can visit www.mocounties.com and print off a copy from our home page.

We have an exciting lineup of speakers and issues this year. Attorney General Jay Nixon and State Auditor Susan Montee will be with us, along with House Speaker Rod Jetton who will give the keynote luncheon address. Other scheduled speakers include Sens. Chris Koster and Wes Shoemyer on local control of CAFOs, Sen. John Griesheimer on this year's omnibus local government bill, Rep. Shannon Cooper on revamping the archaic county planning statutes, Rep. Doug Funderburk on revisions to the TIF law, and R.D. Porter (OA director of information security) on the 9-1-1 statewide emergency crisis Missouri is experiencing with cell phones and severely outdated equipment.

Also, presidents of MAC's affiliate organizations will update conference attendees on legislation pertinent to their individual offices; and, as usual, the Workers' Comp Fund will issue dividend credits, no claims and safety awards. Individual county photographs will be taken at the end of this session.

The biggest change this year pertains to our evening reception for legislators. We're getting more casual and calling it a **Legislative Spring Fling**, which will include a buffet dinner, followed by a little bit of dancing. Music will be provided by Night Magic Entertainment.

Appropriations – Gov. Matt Blunt's proposed FY 2008 state budget included the following items of particular interest to county officials. Despite the efforts of many county officials dating back to last fall, the state-paid **prisoner per diem** rate of \$20 was not increased. However, the House has added a \$1.25 increase in the per diem rate, and we will be working with the Appropriations Committees in both chambers to keep the increase in the budget. **Please ask your legislators to support this effort!** Reimbursements to **single-county circuits for juvenile court employees' salaries** remain at the original level, which is the same as the '07 appropriation. The state also reimburses a portion of the costs of maintaining property assessments. There has been a modest increase in the **assessment maintenance costs** to \$6.05 – up just 5 cents from the '07 appropriation. State **reimbursement for juvenile detention** is proposed at the same level of \$14 per day.

Minimum Wage/Overtime Requirements – **SB 249 (Gross)** and **SB 279 (Griesheimer)** were combined early on with **SB 255 (Loudon)** in order to reinstate the federal overtime standards that were in place prior to the 2006 passage of Proposition B. Last November, Missouri voters passed the proposition, increasing the state minimum wage from \$5.15 to \$6.50 per hour. However, the MO Department of Labor and Industrial Relations' interpretation of the law also makes local government employees, peace officers, and firefighters eligible for overtime based on a 40-hour work week, which would prove costly to local governments. The federal overtime standards are based on a monthly (28-day) calculation. **SCS SBs 255, 249 & 279** was debated on the Senate floor and quickly sent to the House. MAC hoped this issue would have a speedy resolution, but the House has held the measure up – much like most of the legislation that has been sent over to them by the Senate. We'll keep you apprised of this bill and are still hoping for a quick decision on the matter.

Omnibus Local Government Legislation – **SB 22 (Griesheimer)** is this session's omnibus local government bill. In recent years the Legislature has chosen to deal with many local issues in one large proposal, rather than in dozens of individual bills. The bill modifies numerous statutes pertaining to virtually all political subdivisions. Here are a few components of the bill that will have impact on county government:

- One provision increases the non-advertised bid limit from \$4,500 to \$6,000 in all counties.
- The bill forces mandatory mediation if a dispute arises concerning a financial expenditure between one county and another county as to which is fully responsible or if both counties are partially responsible for paying such expenses. Such mediation shall be non-binding and independently administered. Any decision issued by a mediator or panel may be appealed to the circuit court.

- Current law requires unclaimed money or property found on a deceased person be delivered to the public administrator. This act requires the public administrator to follow the procedures laid out for taking charge of a deceased person's estate. In addition to other circumstances, the public administrator shall have the duty of taking charge of a deceased person's estate when monies are delivered to him/her by the county coroner.
- Another section changes the deadline from April 1 of each year to any date on or before the first Monday of July for county commissions to receive proposals and publicly open bids from banks to be selected as the depositories of county funds. The section of law requiring counties to divide the funds is repealed.
- This bill also requires county boards that receive funding from the county treasury and whose members are appointed by the county commission to submit an annual report each fiscal year itemizing expenditures.

Deputy Salaries Grant Program – SB 53 (Koster) proposes a state grant program to raise the salaries of sheriffs' deputies across the state. It establishes the Public Safety Enhancement Fund, which provides grant money to counties that pay deputies less than \$28,000 a year. The latest version of the bill (**SCS SB 53**) was voted "do pass" out of the Senate Local Government Committee and was placed on the Senate calendar awaiting debate. The bill no longer requires a commitment on behalf of the county to maintain salaries at a minimum level upon the expiration of the grant or to repay the state if they fail to do so.

The bill's sponsor attempted to add this language on to **SB 22** (the omnibus local government bill). Because the Senate budget chair expressed fiscal concerns, it was quickly amended, which essentially defeated the proposal. SB 53 is currently on the Senate calendar awaiting debate on the floor.

Collector-Treasurer Separation – SCS SB 330 (Engler) started out requiring each county to have at least two full-time deputy circuit clerks. However, the bill was amended in committee and now includes a provision that states that the office of county collector and the office of county treasurer shall be separate and the creation of an office of collector-treasurer in counties that function under the township organization shall separate those offices. Essentially the new language splits the offices in the 22 township counties of the state. The bill was voted "do pass" by the Senate Local Government Committee, but it has not been turned in to be placed on the calendar.

County Planning – SB 193 (Griesheimer) and HB 487 (Cooper) establish the Missouri County Planning Act, which would allow counties to create a county planning commission. The commission, formed by county commission appointment or petition vote and approval, would be able to recommend subdivision and zoning regulations, as well as adopt street plans for unincorporated areas. It also requires counties to appoint a board of zoning adjustment to hear appeals to zoning decisions. Both bills have been voted "do pass" by their respective committees. Of the two bills, MAC feels HB 487 has the better chance of passage due to the sponsor's willingness to get this bill debated on the House floor.

Sovereign Immunity Extension – HB 121 (Nance) makes revisions to Chap. 537.610, *RSMo*, regarding the liability of the state, its public entities and employees. When a claim against the state or one of its public entities arises out of the operation of a motor vehicle or a dangerous condition of property and a claim is also brought against an employee arising out of the same accident, the maximum allowable recovery shall be reduced by any amount paid toward the claim by the public entity or employee acting on its behalf. Attempts have been made to place this proposal on bills in both the Senate and House. We expect that the legislation will not stand alone and will be added to a larger bill if it is going to pass.

County Health Ordinances/CAFOs – In 2005, MAC began working with the House and Senate Agricultural Committee chairmen (Rep. Peter Myers and Sen. Dan Clemens, respectively) in an attempt to find a solution to the Confined Animal Feeding Operation (CAFO) issue. Last session, both Sen. Clemens and Rep. Myers decided not to pursue legislation that would have eliminated or limited county authority to implement health ordinances to deal with these operations. At their request, a MAC Agricultural Impact Task Force, which was composed of seven county commissioners from around the state, was formed in January of 2006. After a number of work sessions, the task force ultimately adopted principles they felt would help foster discussions that would lead to a fair compromise. Those recommendations were then approved by the full membership during the MAC annual meeting last November.

The focus thus far this session has been on **SB 364 (Koster)** which would eliminate all local control regarding farming regulation and ordinance-making authority. The bill provides that state laws and regulations would pre-empt local ordinances or regulations regarding agricultural operations. Under his proposal, any local ordinances or regulations regarding farming operations that are not identical to the state of Missouri's are rendered null and void.

The association is still working closely with Sen. Koster and the agriculture community in an effort to find a reasonable compromise. MAC has four sticking points that we want addressed in any

changes to the state CAFO regulations. In a nut shell, those issues include (1) an increase in state setbacks, (2) notification given by all CAFOs attempting to build, (3) an increase to the indemnity fund, and (4) a local input component that has "teeth" when it comes to the siting of these types of operations within a respective county. We are confident that all four of these issues will be addressed in an overall change to the CAFO statutes.

SB 364 was voted "do pass" by the Agriculture, Conservation, Parks & Natural Resources Committee and is currently on the Senate calendar awaiting debate.

Military Personnel Personal Property Tax Exemption – Both **HJR 6 (Bruns)** and **SJR 13 (Vogel)** would exempt the personal property of active-duty military personnel from taxation. Both of these bills have had hearings and are anticipating assignment to their respective legislative calendars.

Statewide 9-1-1 Proposal – Early on MAC was following the lead of the Department of Public Safety on the 9-1-1 issue. MAC was confident that with the department as the lead, along with all of the emergency services throughout the state, a solution to a tough issue like 9-1-1 was reachable this session.

However, despite a strong push by the emergency services groups and MAC, the bill has not been filed in the Legislature. We are still hoping that a proposal can be filed in the House and are making every effort toward that end; but we are "up against the wall" on this issue because it is looked upon as a tax increase that has been previously defeated twice by the voters.

Tax Increment Financing (TIF) – Similar to last session, a number of legislators are attempting to tighten the law governing Tax Increment Financing (TIF). However, the only TIF legislation that seems to be moving is **SB 20 (Griesheimer)**. There are numerous provisions within the bill, but the one MAC is watching the closest prohibits voter-approved tax increases (which are approved subsequent to the adoption of a TIF project) from being captured as economic activity taxes by the project, unless the tax is levied for the specific purpose of funding or retiring the debt of the TIF. Existing taxes that are set to expire and are reauthorized or extended are still considered economic activity taxes subject to allocation to the special allocation fund. **HB 1083 (Funderburk)** requires a municipality wishing to implement a Tax Increment Financing project within the boundaries of another taxing entity to obtain the permission of the governing body of each sales-taxing entity.

County Classifieds – Job Openings & Items For Sale

As another member service, MAC has added a new feature to its website – www.mocounties.com. Look on the homepage at the very bottom of the side bar, and you'll see an option called "County Classifieds." If you have any county job openings or know of vacancies in other entities related to county government, let us know and we'll post it on the website. Similarly, if you have used equipment for sale, send us the information. Please send all correspondence via e-mail to Jay Shipman, our web manager, at jshipman@mocounties.com. MAC reserves the right refuse, as well as to edit, all submissions. No submissions will be accepted by phone, fax, or regular mail.

Mark your calendars for these upcoming dates!

MAC Legislative Conference
April 16
Capitol Plaza Hotel
Jefferson City, MO

NACo Annual Conference
July 13-17
Richmond, VA