

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

LR No.: 0432-06  
Bill No.: HCS for SCS for SB 199  
Subject: Counties: Classifications, Storm Water Control, County Counselor  
Type: Original  
Date: May 8, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

**Sections 48.020 and 48.030: County Classifications**

Officials of the **State Tax Commission** assume any county that would change classification would be required to maintain the necessary assessed valuation for five successive years; therefore, it is unknown if any of these counties would be affected by this proposal. Officials assume no fiscal impact to the Tax Commission

**Oversight** assumes this proposal is procedural in nature and should have no fiscal impact other than by raising the required assessed valuation might postpone a county from changing classification, thereby, postponing an increase in the expenditure of money on salaries, new offices, etc.. For purposes of this fiscal note, Oversight assumes this proposal could save certain counties money from postponing a classification change until a larger assessed valuation has been reached. Fiscal impact to certain counties will be shown as \$0 to unknown savings.

ASSUMPTION (continued)

**Section 49.272: Boone County Counselor**

Officials of the **Office of State Court Administrator** assume no fiscal impact to the Courts.

**Oversight** assumes this section is permissive. **Boone County's governing body would have to elect to impose civil fines that could not exceed \$1,000 by ordinance. This section does not require Boone County officials to impose a fine, or to appoint a County Counselor. If the County would impose a fine, and appoint a Counselor, the fines collected would be paid into the County's General Revenue Fund and could only be used to pay for the cost of enforcement of such misdemeanors.**

**Section 64.907 Environmental Protection- Storm Water:**

Officials of the **Department of Natural Resources (DNR)** assume this proposal allows counties affected by Phase II storm water to adopt rules, regulations or ordinances and hold an election to allow them to collect a utility tax to be used to administer the rules, regulations or ordinances.

This proposal does not change DNR's authority and therefore, DNR would not anticipate any direct fiscal impact from this legislation.

**Oversight** assumes this proposal is permissive and would require voter approval before any positive fiscal impact would be realized. **Oversight** presented the fiscal impact in a range of voters not approving such measure to an unknown number of local districts in the state passing the measure. **Oversight** assumes the Local Utility Tax, at the earliest, would be passed by voters in October, 2003, and therefore, would become effective April 1, 2004. With a month of lag time, only 2 months of revenue would be realized in FY04. **Oversight** also assumes the **Department of Revenue** would not have an administrative impact as a result of this Section. *For purposes of this fiscal note, fiscal impact will be shown as \$0. Oversight assumes costs would not exceed income in any fiscal year.*

**Section 67.399: St. Louis County- Registration Fee for Code Violations:**

**Oversight** assumes this section offers an alternative procedure for St. Louis County to enforce code violations. **Oversight** assumes there would be no fiscal impact unless the County's governing body would vote to initiate this system to enforce code violations.

**Oversight assumes any fee monies assessed would go to defray inspection cost, enforcement**

ASSUMPTION (continued)

**costs and court costs. Oversight assumes** this act does not require St. Louis County to initiate this program, therefore, **Oversight assumes no fiscal impact from this section to St. Louis County.**

**Section 67.1775- All Counties- Community Children's Services Fund Sales Tax:**

Officials of the **Department of Revenue** assume no fiscal impact. Officials noted that this proposal does not provide language that would require the Department of Revenue to collect the tax. Therefore, officials assume there would be no 1% collection fee collected as a result of this proposal.

**Cass County** officials assume if this proposal were placed before the voters, there would be additional election cost of approximately \$25,000 to \$30,000.

**Jefferson County** officials assume no fiscal impact.

**Oversight** assumes this proposal is enabling legislation and would have no fiscal impact unless, either the County's governing body, or by citizen petition, would place the question of imposing a sales tax on the ballot, and receive voter approval to impose a sales tax that could not exceed one-quarter of a cent. **Oversight assumes that this proposal as written, does not mandate counties to impose a sales tax, therefore, Oversight assumes no fiscal impact. Oversight assumes that as written, local governments would have to collect and administer the sales tax.**

**Section 137.082- Cass County Property Tax Collection Fees:**

Officials of the **State Tax Commission** assume Cass County's assessment fund would realize an increase in revenue. Officials assume this proposal changes the collection costs percentage from one-tenth of one percent to one-fifth of one percent.

**Cass County** officials did not respond.

**Oversight assumes there would be a decrease in property tax income from local taxing authorities, and there would be a corresponding increase of revenue to the County's**

**Assessment Fund, resulting in a net effect to local government of zero.**

ASSUMPTION (continued)

**Section 304.010- Certain Class Counties- Speed Limits::**

Officials of the **Department of Public Safety- State Highway Patrol** assume no fiscal impact to their department.

Officials of the **Department of Transportation** assume no fiscal impact.

**Oversight assumes this is enabling legislation, and as written, this proposal would have no fiscal impact unless the county's governing body would elect to initiate the regulation of county road speeds as authorized by this proposal.**

All Other Sections:

**Oversight assumes that all Sections not addressed in the assumption and fiscal impact sections are either enabling and permissive, or changing procedures, or sets qualifications and would have no fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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**CASS COUNTY (Section 137.082)**

<b><u>Income</u></b> to Assessment Fund from increase in collection cost fee.	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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<b><u>Total</u></b> Effect to County Assessment Fund	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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**Loss of Income** to Taxing Authorities

from increase in withholding for collection costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>Total Effect to Local Taxing Authorities</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<b>Estimated Net Effect to Local Government (Section 137.082)</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**CERTAIN COUNTIES**

**Savings** to Certain Counties from raise in classification assessed valuation requirements. (Section 48.020, and 48.030)

	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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**CITY/COUNTY STORM WATER FUND (Section 64.907)**

<b>Income</b> to Certain Cities/Counties from utility tax (Section 64.907)	Unknown	Unknown	Unknown
<b>Cost</b> to Certain Cities/Counties Storm Water Control Projects	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>Estimated Net Effect to Certain City/County Storm Water Fund *</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**BOONE COUNTY GENERAL REVENUE FUND (Section 49.272)**

<b>Income</b> to Boone County from civil fines not to exceed \$1,000	Unknown	Unknown	Unknown
<b>Cost</b> to Boone County Cost of enforcement of county rules, regulations and ordinances.	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>Estimated Net Effect to Boone County General Revenue Fund *</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**\*Oversight assumes that costs would not exceed the total amount of revenue in a given year.**

#### FISCAL IMPACT - Small Business

Small businesses located within a city or county that would receive voter approval to levy a utility tax to fund for storm water projects would be expected to pay the tax, (Section 64.907).

Small businesses located in St. Louis County, that are in violation of housing codes could expect to pay a registration fee if the County's governing body would initiate the provisions of (Section 67.399).

Small businesses located in Missouri counties that would receive voter approval to impose a sales tax for community services for children, would be expected to pay and administer the collection of the sales tax. (Section 67.1775)

#### DESCRIPTION

This act modifies the classification of counties. The assessed valuation necessary to qualify as a first class county is increased from the current \$450 million to \$600 million. No county could remove from a lower class to a higher class or from a higher class to a lower class subsequent to August 28, 2003, pursuant to the requirements for assessed valuation of any county for that class so as to place such county within a lower classification. The assessed valuation necessary to qualify as a second class county has been increased from \$300 million to \$450 million.

A county could become a first class county at any time after the assessed valuation of the county is such as to be a first class county and the governing body of the county elects to change classes.

Section 49.170 of this act changes the months in which County Commissions would be required to hold meetings from the first Monday in February, May, August, and November, to January, April, July, and October.

Section 49.266 of this act would allow the County Commissions in all counties to promulgate rules and regulations, by ordinance concerning the use of county property, and pedestrian and vehicular traffic and parking thereon. Violation of any of the rules would be an infraction. The County Commission is required to publish the rules. Current law only allows first class counties these powers.

Section 49.272 of this act authorizes the Boone County Counselor to prosecute certain misdemeanors in order to seek a civil fine of not more than \$1,000 per violation. Fines collected

pursuant to this act shall be paid into the county general fund to be used to pay for the cost of enforcement of such misdemeanors.

Section 49.278 of this act would allow the governing bodies of all counties to provide worker's compensation, health insurance, life insurance, and retirement plans for all county employees.

DESCRIPTION (continued)

Section 49.370 would allow the County Commission to acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice, as long as the building or property is located within the county.

Section 49.650 would allow the County Commission in all non-charter counties to have the power to adopt ordinances or resolutions relating to its property, affairs, and local government provided no provision has been made in the State's Constitution or statute. All ordinances or rules require approval of the electorate. No tax would be allowed unless the tax has been authorized by the General Assembly.

Section 56.640 requires that all cases in which a civil fine would be imposed pursuant to Section 49.272 RSMo, would be the duty of the County Counselor to prosecute rather than the County Prosecutor. In Counties of the first classification the Prosecutor and Counselor could prosecute the violation or defend any civil action under a mutual agreement.

Sections 64.907 of this bill authorizes counties to adopt ordinances that are necessary to comply with federal storm water regulations. Counties may also establish storm water control utilities with authority to impose user fees for administration and, if approved by voters, utility taxes to fund public storm water control projects.

Section 67.399 grants authority to St. Louis County to pass an ordinance to establish a semi-annual registration fee that could not exceed \$200 which would be charged to the owner of residential or commercial property that is in violation of applicable housing codes established by the county. The property owner has 30 days within which they can make the improvements to the property to avoid the imposition of the levy fee. Any registration fee unpaid after one year would become a lien upon the property. Current law only allows cities to impose this fee.

Section 67.1775 expands authority to levy a sales tax for children services to all counties. Currently, only St. Louis, St. Charles, Greene, Jefferson, Franklin, Cass, Marion, Stone, Lincoln, Stoddard, and Warren counties and the City of St. Louis may seek voter approval to levy a sales tax for purposes of establishing a community children's services fund. This bill allows any

county in the state and the City of St. Louis to seek voter approval for this sales tax.

Section 137.082 authorizes Cass County to deposit up to .20% of all ad valorem property tax collections on newly constructed property into the assessment fund of the county for collection costs.

DESCRIPTION (continued)

Section 473.730 sets qualifications for the office of County Public Administrator.

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

Missouri State Tax Commission  
Office of State Court Administrator  
Department of Natural Resources

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A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA  
Director  
May 8, 2003