

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

LR No.: 2494-02
Bill No.: Perfected HCS for HB 795, 972, 1128, & 1161
Subject: Counties: Board of Equalization Members
Type: Original
Date: March 17, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government*	(Unknown)	(Unknown)	(Unknown)

* Oversight assumes cost would be less than \$100,000.

FISCAL ANALYSIS

ASSUMPTION

Section 49.650 - Counties power to adopt ordinances:

Oversight assumes this section is permissive, and only allows third classification County Commissions to enact certain ordinances. Oversight assumes no state or local fiscal impact.

Section 50.339 - County Treasurer - Salary

Oversight assumes this proposal would allow the Cape Girardeau County's Salary Commission to equalize the County Treasurer's salary to an amount not greater than the amount set as the maximum compensation in Subdivision 1 of Subsection 1 of Section 50.343. **This proposal does not require the County Salary Commission to equalize the salary.** Oversight assumes that if the County Salary Commission would equalize the Treasurer's salary they would do so in 2004, and at their own discretion.

Oversight assumes this proposal is enabling legislation and is discretionary. Oversight assumes this proposal would have no local fiscal impact unless the Salary Commission would equalize the Treasurer's salary. Oversight assumes no state or local fiscal impact.

ASSUMPTION (continued)

Section 138.011 - County Board of Equalization, Membership Qualifications

Officials of the **State Tax Commission** assume no fiscal impact to the Commission.

Officials of the **Kansas City Manager's Office** assume no fiscal impact.

Officials of the **Jasper County Commission** assume no fiscal impact.

Section 260.831 - Landfill Fees, County Commissions

Oversight assumes this section allows County Commissions as well as Industrial Development Authorities to use landfill fees for economic development within the county. Currently only Industrial Development Authorities are allowed to use the fees. **Oversight** assumes no state or local fiscal impact from the provisions of this section.

Section 304.010 - County Roads, Speed Limits

In response to almost identical legislation (fiscal note 3424-01) Officials of the **Department of Public Safety - State Highway Patrol** assume no fiscal impact.

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

Oversight assume this is enabling legislation, and as written, 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.

Section 64.520 and 64.805 - County Planning Commission

Oversight assumes this proposal is discretionary and would have no fiscal impact, unless the County Commission would raise the expense reimbursement rate that would be paid to members of Planning Commission. This proposal as written does not require County Commissions to increase the reimbursement rate, therefore, Oversight assumes no fiscal impact.

ASSUMPTION (continued)

Section 475.275 : Jackson County Conservator

In response to identical legislation (SB 1243) the following fiscal impact statements were issued:

Officials from the **Office of State Courts Administrator** assume this proposal would not fiscally impact their agency.

Officials from **Jackson County** did not respond to our request for fiscal impact. **Oversight** assumes an unknown costs for public administrator audits to be paid for by Jackson County.

Section 537.550: Political Subdivisions, Fairs, Liability:

In response to identical legislation (HB 762) the following fiscal impact statements were issued:

Officials of the **Office of Attorney General** assume no fiscal impact.

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

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

Officials of the **Cities of Ozark** and **Boonville** assume no fiscal impact.

Oversight assumes certain cities and counties would have insignificant cost in printing and posting signs. **Oversight** assumes there could be some savings from not having to purchase liability insurance.

For purposes of this fiscal note Oversight assumes no fiscal impact.

Section 67.320 - Jefferson County Municipal Court:

Oversight assumes this section is permissive and would have no fiscal impact to Jefferson County, unless the County Commission, at their discretion, would establish a county municipal court. The county would have the cost of staffing, maintaining and administering the court and would receive income from fines and costs. This proposal does not require the Jefferson County Commission to establish a county municipal court system. **Oversight** assumes no fiscal impact.

ASSUMPTION (continued)

Section 50.515 - Counties Administrative Service Fees:

Oversight assumes the provisions of this section are discretionary, and would have no total fiscal impact to the county. The County Commission would be allowed, but not required, to impose an administrative service fee on certain county funds, to recoup administrative costs made on the county's General Revenue Fund. **Oversight** assumes this would be a transfer of moneys, in an equal amount, from one county fund to another, which would result in no total fiscal impact to local government.

Section 49.272 - Cass County : Ordinance Violations, Fines

In response to identical legislation (HB 1079) the following fiscal impact statements were issued:

Officials of the **Office of State Courts Administrator** assume this proposal would have no fiscal impact on the Courts.

Oversight assumes this proposal is permissive, however, should the Cass County Commission, by ordinance, place penalties on violations of county ordinances, the fines allowed would go to the County's General Revenue Fund and would be used to pay the costs of enforcement of such rules, regulations, or ordinances. Oversight assumes no State or local fiscal impact.

Section 251.160 - Office of Administration, Technical Assistance, Local Government:

Officials of the **Office of Administration - Division of Budget and Planning**, and **Office of Administration - Division of Design and Construction** assume no fiscal impact.

Oversight assumes this section grants additional authorization to the **Office of Administration**, however, the **Office of Administration** is not required to do any of these new authorizations. **Oversight** assumes if the **Office of Administration** were to exercise any of their new authorizations, they would be able to request additional funding through the normal budgetary process.

Official of the **Office of Secretary of State** stated that the provisions of Sections 251.160 to 251.190 makes changes relating to county government. The Office of Administration would promulgate rules for the implementation of this program. Based on experience with other divisions, the rules, regulations and forms issued by the Office of Administration could require as

ASSUMPTION (continued)

many as 8 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the Code of State Regulations is \$27.00. The estimated cost of a page in the Missouri Register is \$23.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Section 479.020 - Kansas City Municipal Judges

Oversight assumes there would be no fiscal impact from the changes made in this amendment.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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JACKSON COUNTY (Section 475.275)

<u>Costs</u> - annual audit for public administrator	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>(UNKNOWN)</u>	<u>(UNKNOWN)</u>	<u>(UNKNOWN)</u>
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**CASS COUNTY GENERAL
REVENUE FUND**

<u>Income</u> to County GRFund from fines	Unknown	Unknown	Unknown
<u>Cost</u> to County GRFund for Enforcement of violations	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO COUNTY GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ESTIMATED NET EFFECT TO LOCAL GOVERNMENT*	(Unknown)	(Unknown)	(Unknown)

*** Oversight assumes fiscal impact would be minimal and less than \$100,000.**

FISCAL IMPACT - Small Business

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

DESCRIPTION

This substitute changes the laws regarding county government. In its main provisions, the substitute:

- (1) Prohibits any municipal official, member of a school board, or an employee of a school district from serving on a County Board of Equalization in counties with a charter form of government;
- (2) Allows any second, third, or fourth classification county to set by ordinance countywide speed limits on roads within unincorporated areas of the county;
- (3) Allows the Salary Commission of Cape Girardeau County in 2004 to determine whether to equalize the base salary of the County Treasurer to an amount not greater than the current maximum statutory salary for treasurers in counties of the first classification;

DESCRIPTION continued

(4) This bill authorizes all counties without a charter form of government to adopt ordinances or resolutions related to its property, affairs, and local government. The bill limits the types of ordinances that may be passed. Ordinances may be submitted to the voters for approval. No county may pass an ordinance which will submit a tax to the voters without authorization by the General Assembly or pass an ordinance that governs any railroad, telecommunications or wireless company, public utility, electric cooperative, or municipal utility.

Under current law, only counties of the first, second, or fourth classification may adopt ordinances related to their property, affairs, and local government.

(5) Allows County Commissions and industrial development authorities to use landfill fees for economic development within the county. Currently, these fees are used only by industrial development authorities.

(6) Section 64.520 and 64.805 increases the maximum reimbursement rate for members of county planning commissions. In second and third classification counties, the rate of reimbursement for expenses would increase from \$15 to \$25 per meeting. In counties with alternative county planning and zoning, the rate will increase from \$10 to \$25. The bill also deletes the maximum number of meetings for which the members may be reimbursed.

(7) Section 475.275 requires the Public Administrator of Jackson County, who is serving as a conservator, to have pooled accounts audited at least once a year. The audit must review all receipts and disbursements of each estate account and a CPA must report to the judge about each account. The county is responsible for the expense of the audit.

Under this act, an account cannot be considered pooled unless: (1) It is maintained at a bank or saving and loan institution; (2) It is titled to reflect that the account is being held by a fiduciary; and (3) The fiduciary maintains records that contain a statement of all accretions and disbursements and are maintained in the ordinary course of business.

(8) Section 1 states that nothing in Chapter 61, RSMo, shall require the County Commission to hire a County Engineer. The County Commission would be allowed to hire an individual based the persons education and training.

DESCRIPTION continued

(9) Section 537.550 relieves counties, cities and villages with fewer than 10,000 inhabitants of liability for the injury or death of any person attending any fair, festival, or similar gathering organized or sponsored by the county or municipality. The county or municipality must post a sign at the gathering stating that the county or municipality is not liable for injury or death resulting from the inherent risks of participating in an activity.

(10) Section 67.320 would allow the Jefferson County Commission to establish a county municipal courts and to adopt orders with penal provisions in the areas of traffic violations, solid waste management, and animal control. The court would only have jurisdiction over violations of county ordinances and municipal ordinances, provided the municipality had a contract with the county to prosecute and punish violations of the municipal ordinances.

(11) Section 50.515 would allow any county, by order, to impose an administrative service fee on the County Park Fund, Road and Bridge Fund, or any specific purpose Capital Improvements Fund. The fee could only be imposed to recoup expenditures made from the County General Revenue Fund for providing administrative services to those funds. The administrative service fee could not exceed three percent of the total budget of the fund on which the fee would be imposed, except in any county of the third classification, in which the fee could not exceed five percent.

(12) Section 251.160 authorizes the Office of Administration to provide technical assistance, prepare technical publications, and make grants to local governments, including unincorporated areas of counties adopting a plan regarding local planning and land development. The bill also expands the areas or issues that can be addressed through comprehensive planning. The state office is authorized to prepare model ordinances, manuals, and other technical publications and distribute them to local governments,

(13) Section 479.020 would make Kansas City Municipal Judges subject to court management, case docketing, by the Presiding Judge, and would place them under the rules of the Circuit Court of which the municipal divisions are a part. Kansas City Municipal Judges are currently exempt from the general administrative authority and rules of the Circuit Court and of the Presiding Judge of the Circuit.

DESCRIPTION continued

Section 49.272 - Under current law, the Boone County Commission is authorized to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations; and the county counselor, rather than the county prosecuting attorney, is required to prosecute these violations. Fines are paid into the County General Revenue Fund and used to pay for the cost of enforcement of the ordinances. This bill authorizes the Cass County Commission to impose these fines.

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 Public Safety - State Highway Patrol
Department of Transportation
State Tax Commisison
Kansas City Manager
Jasper County Commission
Office of Administration
Office of Secretary of State
Office of State Court Administrator
Office of Attorney General
Department of Agriculture
City of Ozark
City of Boonville

NOT RESPONDING

Timing requirements would not allow local governments to respond in a timely manner.
Office of Administration - Division of Intergovernmental Relations



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