



## MAC LOOKS AHEAD TO THE NEW YEAR

December 31, 2008

### MAC's 37th Annual Conference Held In November Was A Huge Success

The Nov. 23-25 Annual Conference at Tan-Tar-A was one of the best! Attendance was high; our speakers were top-notch; exhibit space sold out early; and sponsors contributed handily to defray overall costs. Due to the generosity of our gold, silver, and bronze sponsors, we were able to keep MAC registration fees at a very reasonable rate. Please extend your appreciation to them when you have a chance! Company names are posted on our website – [www.mocounties.com](http://www.mocounties.com).

### Meet Your New Executive Committee

At conference, the following persons were elected to serve as executive officers for the coming year: President and **Carroll County** Clerk Peggy McGaugh, President-Elect and **Livingston County** Presiding Commissioner Eva Danner, 2nd Vice President and **Iron County** Treasurer Jack Adams, 3rd Vice President and **Polk County** Collector Debbi McGinnis, Treasurer and **Greene County** Presiding Commissioner Dave Coonrod, and Past President and **Greene County** Recorder Linda Montgomery (due to Mike Forck's retirement from the Cole County Commission, Linda Montgomery will continue on in this capacity). These are the people that you will be working with (along with the full board of directors and MAC staff) to implement the association's policies in the coming year.

### Gearing Up For A New Session ...

The General Assembly Convenes On Wednesday, Jan. 7

### MAC Legislative Services For 2009

With the Missouri General Assembly convening on Jan. 7, the MAC staff will utilize a number of legislative tools to keep you abreast of what is going on in Jefferson City. Periodic bulletins (including bill numbers, brief summaries and dates of importance) will be sent out to help you track county legislation. Urgent messages will be sent out by broadcast fax and/or e-mail (for those of you who prefer it). Our website, [www.mocounties.com](http://www.mocounties.com), is also a great tool for tracking legislation and keeping informed of governmental changes. The website is linked to the state government website and will allow you easy access to the Missouri Senate and House websites.

### 2009 Missouri County Government Platform

The membership adopted the following five resolutions during the Nov. 24 annual business meeting. *(The resolution summaries are in no particular order. All five are MAC priorities and will be given the same attention.)*

1. **Support Upgrading Statewide 9-1-1 Wireless Emergency Services.** Missouri trails the nation in wireless 9-1-1 accessibility. MAC will support legislative action to design a complete and detailed plan for upgrading Missouri's 9-1-1 wireless emergency services.
2. **Oppose Legislation That Erodes The Local Tax Base And Call Upon The General Assembly To Address Missouri's Antiquated Tax Structure.** MAC will be calling upon the General Assembly to limit legislation that would have a negative budgetary effect on local governments without guaranteed replacement revenue. Additionally, MAC will request the General Assembly address Missouri's antiquated tax code, especially as it relates to sales tax, so that both state and local governments are well-positioned in the future to meet the increasing service needs of their citizens.
3. **Oppose The Pre-Emption Of Local Authority.** MAC will oppose legislation that would pre-empt a county's authority to deal with local issues and local problems.
4. **Support Fully Funding State Mandates On County Governments.** MAC will respectfully request that the Missouri General Assembly and Gov. Nixon include in the state's FY 2010 budget (1) an increase in the appropriation for prisoner per diem reimbursement authorized under 221.105, *RSMo*, (2) an appropriation to fully fund state assessment maintenance reimbursements, (3) an appropriation to fully fund any new obligations placed on the election officials of this state, (4) both an appropriation to fully fund the reimbursement for the detention and care of neglected and/or delinquent juveniles and the salaries of juvenile court

# NEWS

Missouri Association of Counties

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personnel in single-county circuits, and (5) an appropriation that would relieve counties of the cost of providing office space and certain utility expenses for the various state public defenders' offices.

5. **Support A Transportation Funding Package That Will Address Missouri's Dire Infrastructure Needs.** Amendment 3 funding ends in 2009, reducing significantly the amount of funding available for maintenance and repair of our current system and leaving virtually no new money for Missouri's transportation needs beyond our current system. MAC will respectfully request the General Assembly's support for a transportation funding package that will address Missouri's dire infrastructure needs.

### **Initial 2009 Legislative Outlook**

A number of bills pre-filed for the 2009 Legislative Session pertain to county government. Below are a number of key bills that MAC will be watching in the coming months. Please keep in mind that this is not a comprehensive list of legislation MAC is monitoring, but simply an overview of initial legislation that may affect county governments.

#### ***Elections:***

After the 2008 election cycle, a number of recently proposed ideas have been filed changing current election laws. From early voting and photo I.D. requirements, to changes in the procedures surrounding initiative petitions, all of these proposals will come at a price to county governments.

**HB 49 (Frame)** -- Allows voters to cast advance ballots

**HB 59 (Corcoran)** -- Allows voters to cast advance ballots

**HB 115 (Wildberger)** -- Allows any registered voter who is eligible to vote in a particular election to do so by absentee ballot

**HB 173 (Cox)** -- Establishes the Andrew Jackson Vote Restoration Act which requires certain elections to be held even if the number of candidates filing for a position is equal to the number of positions available

**HJR 3 (Kuessner)** -- Proposes a constitutional amendment increasing the percentage of required voter signatures in each of two-thirds of the congressional districts before a petition can be placed on the ballot

**HJR 4 (Kuessner)** -- Proposes a constitutional amendment requiring at least 60 percent of voters to approve amendments to the *Missouri Constitution* instead of the current simple majority requirement

**HJR 9 (Cox)** -- Proposes a constitutional amendment authorizing the General Assembly to require photo identification to vote in elections

**SB 14 (Nodler)** -- Bars felons from holding public office

**SB 21 (Days)** -- Creates an advance voting system for elections

**SB 22 (Days)** -- Modifies the ballot requirements for elections

**SB 35 (Goodman)** -- Creates the Fair Ballot Commission to approve fair ballot language statements

**SB 70 (Bray)** -- Modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates

**SB 74 (Wilson)** -- Creates an income tax credit for poll workers

**SB 95 (Justus)** -- Allows all registered voters to vote absentee for any or no reason

**SB 106 (Justus)** -- Bars disseminating certain information that would encourage voters to vote improperly

**SB 115 (Bray)** -- Modifies requirements pertaining to petition circulators

#### ***Property Taxes:***

After last session's passage of SB 711, we know how far the Legislature is willing to go in order to change Missouri's laws regarding property taxes. Once again, another round of property tax changes has been filed.

**HB 47 (Davis)** -- Grants a parent the right to request a reimbursement of a portion of real estate taxes paid based on monies expended by the parent for private or home schooling of his or her unemancipated minor children

**HB 68 (Bivins)** -- Authorizes a taxpayer 65 years of age or older who has lived in his or her home for at least two years to file a claim with the county assessor for a \$5,000 reduction from the appraised value of the home

**HB 101 (Wildberger)** -- Requires counties to accept quarterly payments of real and personal property taxes

**HB 102 (Wildberger)** -- Limits the increase in assessed valuation on certain residential property owned by a taxpayer 62 years of age or older

**HB 113 (Pollock)** -- Requires collectors to establish a method by which taxes on personal property may be paid on or before June 30 of each year

**SB 99 (Cunningham)** -- Establishes the Predictable Property Tax Act

**SJR 4 (Cunningham)** -- Limits increases in the assessed value of real property caused by reassessment until a transfer of ownership occurs

#### ***Enhanced 9-1-1:***

On a brighter note, Sen. John Griesheimer has filed a bill to help fund Enhanced 9-1-1 (E9-1-1) in Missouri. Even though the current draft of this legislation is rough at best, by working with Sen. Griesheimer, MAC feels confident that this will be a great vehicle for a comprehensive 9-1-1 bill. MAC is currently working with House members in an effort to get similar legislation filed in the House as well.

**SB 119 (Griesheimer)** -- Authorizes the imposition of a fee on wireless phone services to fund enhanced 9-1-1 service

***County Planning:***

MAC has been working with members of the Legislature on a comprehensive overhaul of outdated planning statutes over the past couple of years. Sen. Greisheimer has filed a bill that would simplify planning statutes in Missouri in an effort to give the counties more tools to plan for the futures of their communities.

**SB 5 (Griesheimer)** -- Creates the Missouri County Planning Act

***Miscellaneous:***

Each year legislators file a host of bills that change laws dealing with county government. Below is list of miscellaneous legislation that affects Missouri counties.

**HB 101 (Wildberger)** -- Requires counties to accept quarterly payments of real and personal property taxes

**HB 108 (Bivins)** -- Requires all public governmental bodies to make and retain a verbatim audio recording of any closed meeting

**SB 19 (Bray)** -- Implements the provisions of the Streamlined Sales and Use Tax Agreement

**SB 57 (Stouffer)** -- Imposes various billboard standards to billboards adjacent to Interstate 70 and Interstate 44 during periods of interstate construction

**New FMLA, ADA, Immigration Regulations And Minimum Wage Increases Take Effect:**

- 1. The Family and Medical Leave Act (FMLA)** -- The Department of Labor issued final regulations, effective Jan. 16, 2009, making significant changes to the administration of FMLA and providing guidance on the new military leave provisions. The final regulations include new DOL-approved forms for utilization during the FMLA certification process. Given the final regulations, each employer should review and, to the extent necessary, revise existing FMLA policies and practices.
- 2. The Americans with Disabilities Act (ADA)** -- Effective Jan. 1, 2009, amendments to the ADA will liberalize the rules for determining whether an individual is disabled and, as a result, the number of employees who have covered disabilities will increase. For example, the amendments provide that mitigating measures (such as medication and medical devices) may no longer be considered when determining whether an individual has a disability. The amendments also clarify that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Further, the amendments make it easier for an individual to establish the claim of being "re-garded as" disabled, but provide that such individuals are not entitled to reasonable accommodations.
- 3. Illegal Alien And Immigration Status Verification** -- Missouri public and private employers must be in compliance with this new law which institutes a number of requirements and subjects employers to financial and other penalties for employing unlawful immigrants. It also requires that all public and some private employers participate in the federal E-Verify authorization program.  
Further, all county construction bid requests and contracts should include language that insures compliance with the new law. An example of such language is as follows: *All bidders and successful contractors and subcontractors are required to comply with the State of Missouri's immigration laws as enacted and revised from time to time, including compliance with the certification of the legal employment status of all workers utilized on the public works project by the contractor and by any subcontractors encompassed by the bid and the resulting contract after award. Such compliance shall also include compliance with the state mandate for OSHA-type safety and health training for all workers used on the public works project regardless of by whom they are actually employed.*
- 4. Missouri Minimum Wage For 2009** -- Missouri's minimum wage will increase on Jan. 1, 2009, to \$7.05 per hour. Since Jan. 1, 2006, and the passage of Proposition B, there has been a significant increase in litigation pursuant to Missouri's wage and hour laws. Employers should ensure their compensation practices are in compliance with Missouri law.

**Jefferson County Adopts Charter**

Effective with the certification of the November election results, Jefferson County is now structured under a charter form of government. They join St. Louis, Jackson and St. Charles as home rule counties in Missouri.

**Workers' Comp Fund Rate Reductions And Premium Credits Scheduled For 2009**

We are pleased to announce that rates for the upcoming year have been slashed by an average of 22 percent! In addition, premium credits of up to 25 percent are being passed along to members with favorable loss ratios.

Due to a decline in claim payouts for 2008, and knowing that the economic uncertainty has played havoc with county budgets, the MAC Workers' Comp Board voted unanimously to cut pricing and incorporate a new credit/surcharge system. All participants will receive the rate reduction. However, premium credits will be based

on individual loss ratios. Members whose losses are less than premiums collected will receive up to a 25 percent discount. There are a few members who will have their premium rate savings offset by a surcharge due to adverse loss history. This method was implemented to reward those with good loss history and serve as an incentive for those who do not.

Please keep in mind that should you opt not to renew, there are financial ramifications and other penalties for those leaving without proper notification. Written notice must be given not less than 120 days prior to the end of the operating year. If required notice is not provided, a 25 percent surcharge on the '08 premium will be assessed. Additionally, you must wait three years to reapply. A 20 percent re-entry fee will also be charged with 50 percent of said fee subject to refund.

Thank you for your past support and we look forward to serving you again in 2009.

#### **Consider Joining MAC's Prepaid Legal Services Program**

Forty-four counties have signed up to take advantage of the Prepaid Legal Services Program managed by Ivan Schraeder, the association's legal counsel and a partner with The Lowenbaum Partnership L.L.C.

Under contractual agreement, Mr. Schraeder will provide to participating counties 10 hours of advisory or opinion services per month via telephone or written communication.

Participating counties pay an annual fee, based on their assessed valuations. Counties who are interested in the program should contact Cindy Wells at the MAC office (573-634-2120) for an application form. Mr. Schraeder may also be contacted at 314-746-4823 for more information about the program.

#### **Your State (MAC) And National (NACo) Membership Service Fees Are Due**

What happens this year in the halls of the State Capitol will not only have impact on your duties, but it will also influence the public's perception of your ability to extend much-needed services to the friends and neighbors who elected you.

For budgeting purposes, you have already received the formula for estimating your 2009 member service fees and you may compute the calculation, as long as you obtain the exact figure that your county assessor submitted to the State Tax Commission for your 2008 assessed valuation.

MAC will also do the calculations as soon as we receive the current assessed valuations from the Tax Commission the first week in January. **Immediately after receiving the figures, we will send out the invoices for MAC member service fees. Please wait for your invoice before submitting your payment.**

**Current members of NACo should have received a dues invoice from NACo in October. If you have not already paid your NACo dues, please forward your check directly to NACo at P.O. Box 79007, Baltimore, MD 21279-0007. Non-member counties wishing to join NACo may call 202-942-4242 to obtain the amount of dues for 2009.**

**Congratulations and welcome to the many newly elected county officials who  
took office on Jan. 1. We're here to serve you!  
On behalf of the MAC board of directors and staff,  
we hope you had the happiest of holidays and  
we wish each and every one of you  
a prosperous new year.**