The ending of the Second Session of the 96th General Assembly ended in relative calm, unlike the typical burst of activity which characterized the ending of previous sessions. This more composed ending to the 2012 session may be attributed to it being an election year or that most of the priority issues of the House and Senate leadership were addressed, one way or another, earlier in the session. State budget concerns and redistricting also took up much of the legislative calendar. Despite all of this activity, municipal officials had to fend off legislation that attempted to micromanage municipal operations in many areas, including open meeting and records, utilities, procurement, solid waste and traffic management. We were successful in defeating or revising many bills that conflicted with MML policy and successfully supported revising many bills that conflicted with MML policy and successfully supported revising many bills that conflicted with MML policy.

Legislation of Municipal Interest That Passed

Local Sales Tax on Out-Of-State Purchases of Motor Vehicles, Boats and Trailers “Fix”: HB 1329 reestablishes the local sales tax on out-of-state sales of motor vehicles, trailers, boats and motors. The Missouri Supreme Court struck down this tax earlier this year. There was widespread bi-partisan support in the General Assembly for HB 1329; however, Gov. Nixon has indicated he will veto the bill.

Municipal Business License Restrictions: HB 1504 requires municipalities to apply the state sales tax interest, penalty and statute of limitation on delinquent business licenses. The new requirement also may affect delinquent utility franchise fees owed to municipalities. This amendment was sought by the Missouri Chamber of Commerce and was slipped onto this bill by Sen. Wasson without a public hearing.

Annexation: HB 1900 specifies that a petition requesting a voluntary annexation need only be notarized instead of verified. Any legal action to invalidate a previous annexation must be brought within three years of the date of the adoption of the annexation ordinance. Vetoed by Gov. Nixon.

Economic Development Boards: SB 628 allows municipalities with an economic development sales tax to expand the membership of their economic development board to nine members. Currently, the board consists of five members.

Municipal Codes Supersede Fire District Codes: HB 1647 prohibits fire protection districts from enforcing building codes within municipalities that have adopted building codes. However, fire protection districts do have authority over the location and specification of fire hydrants and fire lanes.

Transportation Sales Tax: SB 568 allows the revenue from the city transportation sales tax to be used to construct, repair and maintain sidewalks, trails and parking lots.

Affordability Findings: HB 1251 requires the Department of Natural Resources to make a finding of afford-

Alderman Qualification: SB 569 changes the age qualification for a member of the board of aldermen in a fourth class city from 21 to 18 years of age.

February and June Election Dates: SB 569, HB 1036 and HB 1250 restrict the February election date to only bond elections and eliminates the June election day.

Truck Routes: HB 1402, SB 470 and SB 480 requires municipalities to designate at least one city street, county road or state highway within their corporate limits as a truck route.

Billboards: SB 607 allows resetting of non-conforming bills during state highway construction projects, unless prohibited by municipal ordinances. The bill also makes it easier to upgrade existing billboards to digital, again, if the upgrade conforms to municipal sign ordinances.

Yellow Light Timing: SB 611 requires the Missouri Department of Transportation to establish minimal yellow light change interval times for all traffic-control devices. These standards must be based on nationally recognized standards.

Criminal Records: HB 1647 allows certain criminal records to be expunged for a $100 fee if it has been at least 10 years (for misdemeanors) or 20 years (for felonies) after the completion of the sentence, probation or parole. Records that may be expunged include felonies for passing bad checks and fraudulent credit card use, and misdemeanors for minor property crimes, gambling, peace disturbance and drunkenness. The National Rifle Association pushed this change to allow more people to qualify for concealed weapons permits.

Affordability Findings: HB 1251 requires the Department of Natural Resources to make a finding of afford-
ability when issuing stormwater control permits.

Inverse Condemnation and Dangerous Conditions On Public Property: SB 628 requires lawsuits against municipalities and other political subdivisions of the state involving dangerous conditions of public property or suits in inverse condemnation be brought in the county in which all or part of the public property lies.

Municipally Owned Vehicles: HB 1402 and HB 1807 modifies the provision of law that exempts municipally owned vehicles from the state registration laws and the requirement that vehicles display plates. Under current law, municipal vehicles do not have to display a plate provided the vehicles display (in specific lettering) the name of the municipality, the department and a distinguishing number. This act gives the municipality the option of having a plate on the vehicle in lieu of the lettering.

Water Primacy Fee: HB 1251 extends the fee to Sept. 1, 2017. The Primacy was to expire this September.

Legislative Issues Of Municipal Interest That Did Not Pass

Municipal Construction Bidding: Legislation was introduced that would place pre-empted local purchasing ordinances and make it easier to sue municipalities over procurement decisions.

Restrictions on municipal smoking regulations: Rep. Leach from Springfield introduced legislation restricting municipalities from prohibiting smoking in restaurants, bars and places of entertainment.

Limits on the use of red light cameras: Legislation sponsored by Sen. Kraus required all fines derived from the use of red light cameras to be remitted to the school districts.

“Fair Tax” or “Everything Tax”: Legislation proposed to replace the state income tax with statewide sales tax that applied to most services and sales transactions.

Prevailing Wage law: A number of bills were introduced that ranged from total repeal of Missouri’s Prevailing Wage Law to exempt repair projects from the law.

Tax Credits: A number of bills were introduced that would have capped or terminated state income tax credits including the historic preservation tax credit.

Local Government “Transparency”: Rep. Smith from Salem introduced legislation requiring municipalities, schools and counties to report financial information to the state’s Office of Administration for inclusion on the state’s web-based “Accountability Portal.”

Municipal Bonds: Several bills were introduced that would have placed burdensome restrictions on municipal bonds used for economic development purposes.

Streamline Sales Tax: Legislation that standardized Missouri’s sales tax statutes in order for the state to enter into the multi-state Streamlined Sales and Uses Tax Agreement.

Initiative Petition: Several bills were introduced that made changes to state’s initiative and referendum process.

Prospects For The Future

As a result of term limits, the dynamics of the legislature is constantly changing. Each year brings more and more new legislators to the Capitol with little or no experience of the legislative process or of issues important to municipalities. Because of this, your communications and assistance is needed more than ever. Municipal officials are encouraged to visit often with legislators, especially the new legislators, to discuss the issues that are important to your municipality.