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# MML LEGISLATIVE UPDATE

by Richard Sheets

The 2014 legislative session began with a burst of activity as leadership in both the House and Senate pushed to re-enact the 2013 wireless communication legislation that was held to be invalid by the courts. After several very contentious committee hearings, where municipal officials from across the state testified that deregulation of the wireless industry was unnecessary and potentially harmful to Missouri communities, the General Assembly hastily re-adopted most of the 2013 wireless legislation that was thrown out (SB 649, SB 650, SB 651, and SB 653). The City of Springfield and the Missouri Municipal League have filed a lawsuit challenging Senate Bill 649 and Senate Bill 650. SB 649 modifies provisions relating to right-of-way of political subdivisions and allows a utility that has been granted right-of-way access to expand its presence and remain in the right-of-way without entering into an agreement, modifying an existing franchise or obtaining a permit. SB 650 diminishes and undermines municipalities' responsibility for local land use and zoning regulations, negatively impacting the character of communities throughout the state. Further, SB 650 allows wireless equipment to collocate on existing facilities without any local oversight. Our lawsuit argues that these two bills are unconstitutional, both in the way they were adopted and for the provisions they contain.

Once the wireless legislation



was Truly Agreed to and Finally Passed, the House and Senate settled down to working on the budget and proceeding with deliberations on the other 1,800 bills that had been filed. Many of the remaining bills had a direct impact on municipalities. Due to the many contacts by municipal officials to their legislators, the League was successful in preventing a municipal sales tax exemption for the utilities and equipment used in the preparation of food. We were also successful in

preventing the passage of legislation that would have imposed new onerous Open Meetings and Records Law provisions. The legislature also failed to pass legislation to prohibit breed-specific dog ordinances and to prohibit the use of red light traffic enforcement cameras. However, legislation that would have clarified the law regarding the use of red light traffic enforcement cameras did not pass.

In the final hours of the legislative session, the General Assembly passed a series of bills that included a number of sales tax exemptions that would have had a dire effect on municipal revenues. Deviating from the normal legislative process, several of the most costly provisions passed without a public hearing. Fortunately, Gov. Nixon recognized the impact these sales tax exemption measures would have on local governments and vetoed all of the bills.

The General Assembly Adjourned on May 16. Instead of the pace becoming less hectic for the League staff and municipal officials,

the tempo remained at a high level as attempts were made to persuade reluctant legislators to sustain the Governor's vetoes at the September veto session.

The Missouri General Assembly's annual veto session ended after sixteen hours of nonstop debate that saw emotions flare on more than one occasion. State lawmakers overrode more than \$50 million of Gov. Nixon's line-item budget vetoes. However, they were not able to muster enough votes to override the Governor's veto

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of legislation that granted sales tax exemptions to a number of special interests. If overridden, these sales tax exemptions would have shattered municipal budgets. Sustaining the governor's veto of these ill-conceived sales tax exemptions would not have occurred if not for the many contacts made by municipal officials to their state legislative delegation. Local officials from across the state clearly demonstrated to state legislators that the unintended consequences of these sales tax exemptions would be reductions in vital local services.

As this and past legislative sessions have shown, municipal governments are under attack by special interests who want to be exempted from local taxes and regulations. We do not see this trend ending anytime soon. As the political rhetoric about smaller government, lower taxes and fewer regulations intensifies in Jefferson City, it will be incumbent upon all municipal officials to demonstrate to legislators that (at least at the municipal level) regulations and taxes are not excessive and are supported by citizens. It is also critical that we educate state legislators on the connection between local taxes and local services as well as the connection between local regulations and quality of life in our communities. □

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