

LEGISLATIVE UPDATE
WEEK ENDED 5/10/19

The session ends on Friday, May 17 at 6:00 pm. Our next report will be a legislative wrap up. Changes from last week are in red. Bills that have not been perfected have been deleted. Bills that have not passed the first chamber have been lined through. HJR 54 passed the Senate Progress & Development Committee on May 8 and is on the Perfection Calendar for debate.

Court Bills

[HB 67](#) (Plocher) - allows a court to order credit for time served when an individual has been held in custody for a show cause order pertaining to any matter related to a minor traffic violation. The bill further requires any summons, notice to appear, or citation for a minor traffic violation to include the date and time a defendant is to appear in court when the defendant is first provided the summons, notice to appear, or citation. If the summons does not include such information when first given to the defendant, the summons will be void. The bill also prohibits a prosecutor in a county with a population greater than 250,000 from concurrently serving as city attorney. General Laws Committee. Heard 1/23. Passed Committee 1/24. Assigned Rules Committee. Passed Committee 1/28. Perfected 2/5. Passed House 2/7. Senate Criminal Jurisprudence Committee. Heard 4/1. Passed Committee 4/8. **Assigned Rules Committee. Passed Committee 5/9**

~~[HB 427](#) (Helms) — repeals provisions stating that failure to appear procedures in moving traffic violation cases, which include driving license suspension, shall not apply to minor traffic violations. This bill repeals a provision prohibiting a municipal judge from serving as a municipal judge in more than five municipalities. The terms "annual general operating revenue," "minor traffic violation," and "municipal ordinance violation," as applied in provisions regarding the assessment of fines in minor traffic violation and municipal ordinance violation cases, are modified. The bill repeals a provision prohibiting defendants in minor traffic violation or municipal ordinance violation cases from being placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless due process procedures are followed. This bill specifies that if such defendant fails to appear and the court finds there is not good cause for failing to appear, the current limitations regarding fines and confinement shall not apply. The bill also decreases the maximum amount of the fine a court can assess for minor traffic violations, if combined with court costs, from \$225 to \$150. Currently, a county or municipality that has a municipal court must submit a financial report to the auditor. This bill provides that a county or municipality meets compliance with this requirement by filing a statement confirming that 20% or less of its general revenue comes from fines, bond forfeitures, and court costs in municipal court cases. This bill modifies the procedures to be adopted and certified by each municipal court by repealing the procedure of prohibiting the detention of defendants in order to coerce the payment of fines and costs unless such defendant is found to be in contempt after compliance with due process and the procedure stating that the community service alternatives are to be offered at no cost to the defendant. Judiciary Committee. Heard 2/26. Passed Committee 3/5. Referred Rules Committee. Passed Rules Committee 3/13. Perfected 4/30. **Informal Third Reading Calendar (Support)**~~

[SS HB 192](#) - (DeGroot) - allows any city or village to establish, by ordinance, an administrative adjudication system for certain municipal code violations. The administrative tribunal shall operate under the supervision of the municipal court. Passed Senate 5/9. Returned to House for consideration of Senate changes.

Economic Development Bills

[SB 108](#) (Koenig) - House Committee substitute modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "flood plain infrastructure projects", "port infrastructure projects", "retail area", and "retail infrastructure projects". (Section 99.805). This act modifies local tax increment financing projects by providing that a study shall be conducted by a party other than the proponent of the redevelopment plan, which details how the area meets the definition of an area eligible to receive tax increment financing. This act also provides that retail areas, as defined in the act, shall not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined in the act, or unless such area is a blighted or conservation area. (Section 99.810). For

tax increment financing projects approved or amended after December 31, 2019, the City of St. Louis may provide for the deposit of up to 10% of the tax increment financing revenues generated by the project into a Strategic Infrastructure for Economic Growth Fund to be established by the city. Moneys deposited in such fund may be expended by the city for the purpose of funding capital investments in public infrastructure that is located in a census tract that is defined as a low-income community or is eligible to be designated as a Qualified Opportunity Zone under federal law. (Section 99.821. This act prohibits new projects from being authorized in any Greenfield area. (Section 99.843). This act also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in: 1) Jackson, Platte, or Clay counties; 2) in a port district, provided such financing is utilized for port infrastructure projects; or 3) in a levee or drainage district created prior to August 28, 2019. This act also provides that new projects may be authorized in an area within a flood plain provided that such financing shall be exclusively utilized to fund flood plain infrastructure projects, as defined in the act, that result in such area no longer being within an area designated as flood plain. This provision shall not apply to tax increment financing projects or districts approved prior to June 30, 2020, and such project may be modified, amended, or expanded by not more than forty percent of such project's original projected cost. This provision shall also not apply to any property that adjoins or is adjacent to a tax increment financing project or district as of June 30, 2020. (Section 99.847). Current law allows district and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. This act expands such eligibility to districts and counties imposing economic activity taxes for the purposes of providing emergency services. (Section 99.848). Ways & Means Committee. Heard 2/12. Committee Substitute Passed 2/21. Perfected 4/3. Passed Senate 4/4. Downsizing Government Committee. Heard 4/29. House Committee Substitute Passed 5/2. **House 3rd Reading Calendar.**

Land Use and P&Z Bills

~~On April 30 the House brought up [HB 1044](#) for perfection. The bill establishes the "Rock Island Trail State Park Endowment Fund" within the Department of Natural Resources. Representative Shelia Solon (R-St. Joseph) offered an amendment that prohibits municipalities from using eminent domain to "acquire property for a recreational use including, but not limited to, a park or trail". The amendment was adopted and incorporated into [HB 1044](#). The bill now moves to third reading and passage in the House. Although eminent domain is not often used to acquire recreational properties, it is one tool municipalities use to provide for recreational opportunities for their citizens. **Please contact your state representative and urge them to oppose [HB1044](#) when it comes up for third reading. Tell your legislator about recreation projects where eminent domain was beneficial.** **Informal Third Reading Calendar.**~~

Miscellaneous Bills

[HB 761](#) (Pfautsch) - specifies that any fine received by a political subdivision for failing to timely file an annual financial statement shall not exceed 10% of the total sales and use tax distribution for the fiscal year of the statement filed. If the failure to submit the statement was a result of fraud or other illegal conduct by any employee, the failure shall not result in a fine. Local Government Committee. Heard 2/12. Passed Committee 2/19. Referred Rules Committee. Passed Rules Committee 2/26. Passed Rules Committee 3/26. Perfected 4/3. Passed House 4/8. Senate Local Government Committee. Heard 4/17. Passed Committee 4/24. **Senate 3rd Reading Calendar** (Support)

[HB 762](#) (Wieman) - establishes the "Missouri Municipal Government Expenditure Database," to be maintained by the Office of Administration. For each fiscal year beginning on or after January 1, 2022, the database must include extensive information about a given municipality's expenditures and the vendors to whom payments were made. The data base must be accessible by the public without charge and have multiple ways to search and filter the information. Municipalities with websites must provide a link to the database. A municipality must provide the information to the Office of Administration on a biannual basis or it will be fined \$100 per day after 30 days. During the executive session this week, the bill was amended to make this a voluntary process for cities. The penalties were removed and language was added that requires the state to pay for all associated expenses incurred by the cities. Language was also added that would allow 5% of the registered voters from the last election in a city to bring a petition forcing a city to put their financial information on the state portal. During floor debate, Representative Shane Roden (R-Cedar Hill) amended the bill requiring mandatory reporting and included a monetary fine for each day a report is not made public. Representative

Phil Christofanelli (R-St. Peters) further amended the bill moving the authorizing ballot language for the bill from the November election, to the April election. Local Government Committee. Heard 2/19. Committee Substitute Passed Committee 3/5. Referred Rules Committee. Passed Rules Committee 3/11. Perfected 3/27. Passed House 4/4. Senate Local Government Committee. Heard 4/17. Committee Substitute Passed 5/1. (Oppose)

Personnel Bills

[HB 568](#) (Black) - allows political subdivision to elect to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the public safety system. Pension Committee. Heard 3/5. Passed Committee 3/12. Referred Rules Committee. Passed Rules Committee 3/27. Perfected 4/9. Passed House 4/11. Senate Local Government Committee. Heard 4/24. Passed Committee 5/1.

[HB 723](#) (Pike) - amended to allow political subdivision to elect to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the public safety system. Perfected 4/2. Passed House 4/8. Senate Pension Committee. Heard 4/24. Passed Committee 5/2

Reorganization Bills

[HJR 54](#) (Plocher) - constitutional amendment requiring ballots to merge or dissolve cities or counties only be approved if those cities or counties approve the ballot. General Laws Committee. Heard 3/27. Passed Committee 4/8. Passed Rules Committee 4/9. Perfected 4/30. Passed House 5/2. **Senate Progress & Development Committee. Heard 5/8. Passed Committee 5/8. Senate 3rd Reading Calendar.** (Support)

[SCR 1](#) (Walsh) - This concurrent resolution opposes any statewide vote or legislative mandate on governmental reorganization regarding the City of St. Louis and St. Louis County. Rules Committee. Heard 2/19. Passed Committee 2/26. Passed Senate 4/18. **House General Laws Committee. Heard 5/1. Passed Committee 5/76. Referred Rules Committee.** (Support)

Taxation and Revenue Bills

[HB 374](#) (Christafonelli) - original bill proposed a sales tax cap of 14%. Substitute House language was adopted that dramatically changes the bill. Specifically, it removes the 14% sales tax cap and enacts new provisions that require sales tax ballots to specify the highest sales tax rate, the lowest sales tax rate and the average sales tax rate in the municipality. During the Senate Committee's discussion, a Committee Substitute was adopted requiring tax ballots to include just the highest rate instead of all local taxes and requires the Department of Revenue to provide tax rate information to the political subdivisions. Additionally, the substitute includes provisions from SB 483, which allows phone companies to utilize traffic studies to properly tax bundled services that include intrastate calls. Ways & Means Committee. Heard 1/30. Passed Committee 2/27. Referred Rules Committee. Passed Rules Committee 3/5. Perfected 3/12. Returned to Rules Committee. Passed Committee 3/26. Perfected 4/2. Passed House 4/8. Senate Ways & Means Committee. Heard 4/16. Committee Substitute Passed 4/23.

[SB 291](#) (Wallingford) - adds language that the prepaid wireless emergency telephone service charge on retail transactions applies to items that provide prepaid wireless telecommunications services. The prepaid wireless telecommunications service charge shall not apply to the first \$15 of a retail transaction for prepaid wireless telecommunications service. Commerce Committee. Heard 2/13. Committee Substitute Passed 2/20. Perfected 3/5. Passed Senate 3/7. House Public Safety Committee. Heard 4/8. Passed Committee 4/15. Referred Rules Committee. Passed Committee 4/24. House Third Reading Calendar.

[SB 333](#) (Rizzo) - increases the fire department sales tax rate from 1/4 cent to 1/2 cent. Local Government Committee. Heard 2/20. Passed Committee 3/5. Perfected 4/15. Passed Senate 4/18. House Public Safety Committee. Hearing 4/29. Passed Committee 5/1. **Referred Rules Committee.** (Support)