

PROPOSED

MML

POLICY STATEMENT

2008-2009

PREAMBLE

The 657 member cities and villages of the Missouri Municipal League representing 95 percent of the urban population, in adopting this statement of policy, wish to call attention to the needs of Missouri municipalities and the obligations of the state and federal governments to support municipalities.

This policy statement addresses itself to those specific areas in which state or federal assistance is needed and in terms of the resources, powers and revenues required by the cities and villages to solve their problems. It contains the issues and League policies that confront municipal officials in the areas of environmental quality, human resources, government and administration, revenue and finance and urban development. It urges that where legislation is called for, the General Assembly or Congress meet its responsibility and enact legislation, and where administrative action is needed, the Governor initiate and ensure the action is taken. It also encourages the General Assembly to recognize those areas where legislation is not needed and to refrain from enacting special legislation that adversely affects a single municipality or group of municipalities.

ECONOMIC DEVELOPMENT AND HUMAN RESOURCES

Introduction A.
Child Care..... A.1.
Community Education (**Amend**)..... A.2.
Affordable Housing and Homelessness A.3.
Economic Development (**Amend**) A.4.
Workforce Development and Human Resources..... A.5.
Needs of Seniors and Adults With Disabilities..... A.6.

A.

ECONOMIC DEVELOPMENT AND HUMAN RESOURCES

INTRODUCTION

The most important resources in our municipalities are people. The human resource development efforts of all levels of government must be directed toward the ultimate goal of improving the quality of life of people by increasing their social, economic and physical health, security and personal mobility, and by ensuring an equal opportunity in the selection of basic goods and services. Municipal human resource development efforts have been hampered in the past because cooperative efforts of federal and state governments in human resource development traditionally have bypassed or ignored local governments, despite the fact that more than two-thirds of the human services clientele reside within municipal boundaries. As a result, municipalities have had limited experience with human resource planning and management.

The federal government's emphasis on eliminating or severely reducing funding for human resource programs has made it necessary for cities to improve their capacity in human resource policy planning and program development. Cities have been frustrated in their efforts to develop comprehensive human resource programs because funds from all sources have been limited in amount and distributed on a short-term basis with inadequate provisions for municipalities to participate in planning for their use.

In light of increasing needs and rapidly decreasing federal support, more comprehensive approaches, better coordination and policymaking participation at all levels of government are required to meet our economic and human resource goals. Federal programs with overlapping objectives should be combined with uniform regulations developed for operation at the local level.

Because the ultimate responsibility for implementation of human resource and economic development policies and programs generally falls to local governments, their input to state and federal policy and program development must be considered crucial. The Missouri Municipal League (MML) believes it is essential that federal and state governments must cooperate with local efforts to assume this responsibility and to build a local capacity for economic development, human resource planning, policy, oversight and program development and management. MML strongly encourages an active dialogue between the Missouri Department of Economic Development and MML regarding human resource and economic development legislative priorities.

In developing a coordinated state/local human resource and economic development strategy, both levels of government should recognize the differences in planning for and delivery of services in rural and urban areas. Rural areas have fewer service providers who are more geographically dispersed as are their clientele. Proper attention should be paid to tailoring service programs to a particular area's needs and available resources.

A.1. CHILD CARE

Across Missouri there is an increasing need for facilities and flexibility in hours of operation to adequately care for the children of parents who work outside their homes. Quality child care is a necessity not a luxury. To realize this goal in Missouri, availability of quality child care facilities must be substantially increased through public and private sources.

The gap between supply and demand of quality, affordable and accessible child care continues to grow. Spiraling costs are making child care inaccessible and unaffordable. Many child care facilities are crowded and poorly furnished because of disregard for state child care licensing procedures.

League Policy

The MML urges the state to develop education programs and incentives to ensure development of public/private partnerships to enhance expanded quality child care facilities, including care for infants, children with special needs, weekend and non-daytime shift workers and the adequate training of child care providers. Public and private employers should be encouraged to provide quality child care centers through the use of tax credits or other incentives including but not limited to cafeteria plans (Section 125 of the Internal Revenue Code) and flexible work schedules. Technical assistance must be available to local providers in implementing coordinated programs that use multiple funding.

The MML strongly requests that the Department of Social Services and the Department of Health and Senior Services be required to assure that all child care providers receiving funds under the Child Care Development Block Grant are in compliance with health and safety standards as established by state law.

The MML would support legislation to require the Department of Social Services to develop a statewide quality rating system for child care programs.

The MML urges the Department of Social Services and the Department of Health and Senior Services to assure that funding for services and staff are provided on an adequate level to guarantee quality child care for Missouri children, particularly to ensure that funds be available for child care licensing staff to properly license and monitor family, group home and child care centers, as defined by state laws and regulations. The MML also supports the licensing of private and church affiliated child care centers and encourages the Department of Health and Senior Services to develop quality incentives that would promote voluntary accreditation or other similar quality standards for all child care providers.

The MML supports State funding and private assistance for programs such as child care and school age child care programs to ensure that those Missourians who wish to work and are responsible for minor children have the opportunity.

A.2. COMMUNITY EDUCATION

Increased limits have been placed on municipal resources *that have restricted the ability to meet* in relation to expanding community *education* needs. It is imperative that local resources and efforts be pooled to meet these needs, especially in regard to a more efficient use of capital resources. In response to this need, a cooperative relationship between local educational boards and municipal governing bodies is required. Alert officials have recognized that a variety of community concerns such as prevention of substance abuse, gambling addiction, juvenile delinquency, gang activity and child abuse, teenage pregnancy and the education of teenage parents (including prenatal and postnatal care), parenting skills, the high school dropout rate, reduction of unemployment/underemployment, and lack of adequate or available recreation facilities are common targets for city/school efforts.

The use of public school, library and community college buildings as neighborhood centers is an important concept that municipalities and schools can employ in addressing common problems. The development of a community school program is an important means of achieving the goal of community service.

League Policy

The MML supports the concept of using public buildings, facilities and equipment as an important means for municipalities and schools to maximize the use of their combined resources toward the resolution of community concerns. The MML strongly supports the use of state funds for community education programs that are proactive and rehabilitative. Examples of these include, but are not limited to:

- prevention of substance abuse;
- gambling addiction;
- juvenile delinquency;
- gang activity and child abuse;
- teenage pregnancy and the education of teenage parents (including prenatal and postnatal care);
- parenting skills;
- drop-out prevention programs;
- reduction of unemployment/underemployment;
- development of adequate or available recreation facilities.

A.3. AFFORDABLE HOUSING AND HOMELESSNESS

The problem of homelessness and low-income housing can be related to seven primary areas: 1) unemployment/underemployment, 2) lack of financial planning, 3) personal crisis, 4) lack of low-cost housing, 5) substance abuse, 6) deinstitutionalization of mental patients, and 7) problems related to the elderly. Most Missouri municipalities do not have adequate resources to address or support all these needs.

League Policy

Shelter is a basic necessity of life. Missourians have the right to adequate shelter and the retention of their dignity. Funding should be provided for state agencies to work in conjunction with Missouri municipalities as well as private and not-for-profit organizations to address the areas of homelessness, affordable housing, supported living services for seniors, the disabled and low- or moderate-income families, and rehabilitation of existing housing. Legislative oversight committees should be established to give these issues the attention they deserve.

A.4. ECONOMIC DEVELOPMENT

Municipal officials must play a key role in the partnership with state officials and the Missouri Department of Economic Development as well as the private sector in strengthening the economies of their communities. The MML recognizes economic development as more than attraction of new industry. Economic development encompasses all forms of retention, attraction and expansion of concerns bringing resources to the state and its communities. Economic development should include: 1) deliberate and coordinated efforts in business retention; 2) expansion of existing business; 3) marketing and positioning of Missouri products and services within state, national and world markets; 4) promotion of Missouri and its communities for new investment, including but not

limited to life sciences/biotechnology; 5) the attraction of tourists' dollars to Missouri; 6) promotion of Missouri locations for convention dollars; 7) funding for improvement and expansion of existing and future infrastructure. Missouri and its communities must be proactive rather than reactive to changes by sharpening its infrastructure base including human resources, training and development, capital, physical and technological resources in order to maintain and grow a healthy and vibrant economy, 8) funding support for applied research at Missouri's Universities that can be utilized to create jobs in Missouri; and 9) support of the Missouri Community Betterment Program.

League Policy

- I. Economic Incentive Programs should provide adequate, uniform economic development tools throughout the state.
 - A. MML strongly supports the state tax incentive program to help local municipal governments build infrastructure to stimulate downtown economic development.
 - B. The state, public and private sectors should support efforts to provide access to seed and venture capital for viable projects by Missouri entrepreneurs.
 - C. The state of Missouri, in conjunction with communities, must ensure that new and expanding businesses have access to competitively priced financing.
 - D. The MML, in cooperation with the state of Missouri, should continue to press for extension and expansion of the dollar limit of tax-exempt industrial revenue bonds to provide financing for business expansions.
 - E. The state should provide or allow for adequate funding tools for improvements and expansion of existing and future infrastructure that will assist communities and position them for competitive site location.
 - F. The state of Missouri should maintain basic economic incentive programs for new and expanding businesses, including but not limited to: 1) Community Development Block Grants, 2) composite taxable and tax-exempt financing programs, 3) economic development tax credits, 4) the Missouri Linked Deposit Program, 5) Environmental Improvement and Energy Resource Authority, 6) Missouri Industrial Development Loan Guarantees, 7) various tax credits for seed capital funds, 8) enterprise zones **and** 9) all other programs that might leverage or "jump start" economic development programs, **and 10) support the Missouri Community Betterment Program**. Ideally, all such programs should be maintained at existing or increased levels.
 - G. The Missouri Department of Economic Development should maintain and promote a database of specifically detailed economic incentive programs for ease of access to businesses and local governments.
 - H. The MML supports the preservation of Chapter 353, the urban redevelopment law, including the option of tax abatement without unwarranted restriction by other governmental units.
 - I. The MML supports full and adequate funding for the infrastructure and the retraining component of the Jobs Now Program.
 - J. The League urges the Legislature to increase the fiscal caps on the MODESA program as well as the super TIF program.
 - K. The MML opposes legislation to exempt any governmental entity from being subject to requirements to contribute to the TIF allocation fund. The MML opposes any attempt to change the purpose or

types of development permitted under current TIF statutes. The MML supports legislation that clearly requires all taxes to be subject to the TIF.

L. The MML supports state efforts to promote Missouri and its communities for new investment, including but not limited to life sciences/biotechnology.

M. The MML Supports funding for applied research at Missouri based educational facilities, technology transfer, and the commercialization of this knowledge to create jobs in Missouri.

N. The League supports continuance of the Downtown Revitalization and Economic Assistance for Missouri initiative.

O. MML supports full utilization of the Missouri Technology Corporation and support of their goals and objectives.

II. Physical Resources

A. MML recognizes the importance of infrastructure to Missouri economic development and supports continuing reviews of the structure of the Missouri Department of Transportation and of funding resources to address transportation needs:

1. Consideration of the economic importance of connectivity.
2. Provide for mass transit.
3. Maintain existing infrastructure.
4. Encourage more partnerships with local governments.

B. An increased emphasis should be placed on marketing the state of Missouri as a location for business expansions. Marketing efforts should be expanded to include additional emphasis on high tech companies, manufacturing, agriculture and service operations. A coordinated effort between all appropriate state agencies and between state and municipal groups promoting business, industry, agriculture and tourism should be fostered in promoting the resources already available in Missouri.

C. Advertising efforts should be expanded with local economic development agencies to allow increased piggybacking with state marketing efforts and the sharing of advertising expenses between state and local groups.

D. Tourism promotion campaigns, in cooperation with local tourism and convention groups, should be given greater priority and increased funding. Cost sharing between local and state promotional groups has proven to be a cost-effective way to increase exposure and should be expanded.

E. Expand efforts to promote the State of Missouri internationally as a visitor destination. Tourism materials should be prepared and distributed along with the current offerings promoting industrial locations.

F. Increased efforts to preserve the natural beauty of Missouri are necessary to promote Missouri as a tourist destination.

G. The State of Missouri must continue to assist businesses in reaching new markets for their products and services, including an increased awareness of international opportunities and new technologies.

H. The State of Missouri should consider the economic benefits of a statewide Sports Commission with the responsibility for assisting in the recruitment and support of regional sporting efforts.

I. The State of Missouri should promote wide spread development of broad band infrastructure and refrain from legislation that limits such infrastructure.

The above represents a framework under which specific policy initiatives can be coordinated. The MML recognizes that global economic competition affects the well being of every Missouri community. As economic competition increases, the State of Missouri and its communities must continue to be competitive by providing a professional environment whereby businesses can locate, grow and remain profitable.

III. Confidential Negotiations

In order to build productive partnerships and compete effectively for economic opportunities, it becomes increasingly necessary to maintain the confidentiality of the economic development client. Unless municipalities are given the opportunity to negotiate in closed session, they are kept from being able to compete with other communities and states.

The MML supports changes to RSMo Chapter 610 to allow economic development projects to be negotiated in closed session similar to the exemption that currently exists for real estate.

A.5. WORKFORCE DEVELOPMENT AND HUMAN RESOURCES

Municipal officials play an important role in directing job training efforts and work force readiness in the state of Missouri. They work closely with private industry to plan and implement programs. These programs assist in adult/youth training, worker reentry, the underemployed, seniors and work reentry for ex-offenders.

The benefits from these programs are two-fold. Providing citizens with marketable job skills not only provides the individual the opportunity for economic growth, but aids in Missouri's economic development as well.

League Policy

To encourage the continued implementation of training, the MML supports:

- 1) Continued emphasis on the education and training necessary to provide a competitive work force in Missouri.
- 2) Adequate state funding for primary, secondary and post secondary public education, including new educational initiatives to ensure the availability of a Missouri work force equipped with the technical skills to compete in future decades.
- 3) Strong coordination between agencies involved in the job training, retraining and placement systems and the business sector;
- 4) More resources for centers designed to assist high school drop-outs and potential drop-outs to earn high school diplomas or equivalency certification;
- 5) Continued and increased support for State Job Training Funds targeted for all businesses and not-for-profit organizations.
- 6) More training dollars as an economic incentive to encourage organizations to target further development of their existing workforce.

7) Working closely with private industry and not-for-profits to plan and implement programs that assist in adult/youth training, worker reentry, the underemployed, seniors and work reentry programs for ex-offenders.

A. 6 NEEDS OF SENIORS AND ADULTS WITH DISABILITIES

Missouri's senior and disabled population plays a vital role in every community. Recognizing that they wish to remain independent and do not wish to place severe economic burdens on families, nursing homes, hospitals or the state of Missouri, all levels of government should encourage policies and programs to facilitate meeting the needs and desires of this segment of our society.

League Policy

The MML calls on all levels of government to recognize the needs of seniors and adults with disabilities and to help them remain independent. Further, the MML urges:

- 1) The Legislature to provide adequate funding to the Missouri Department of Health and Senior Services (DHSS). The DHSS should in turn provide adequate funding to the state unit on aging for services such as: Medicaid meals, home delivered meals and congregate meals, transportation, ombudsman, kitchen equipment and administrative costs.
- 2) The DHSS to make readily available funding to the appropriate area Agency on Aging for information and referral services, Web sites and other local resources that provide senior information and services.
- 3) Local governments to encourage senior volunteerism in their communities..
- 4) The DHSS to fund and encourage development of intergenerational mentoring and outreach program that focuses on: education, quality of life and life experiences through statewide Area Agencies on Aging/community agencies.
- 5) The Legislature and DHSS to provide funding for community senior centers.

FINANCE AND TAXATION

Introduction B.

Exemptions from Local Option Sales Tax (**Amend**)..... B.1.

Public Deposits and Investment of Idle Funds (**Amend**) B.2.

Road and Bridge Taxes..... B.3.

Tax on Hotel/Motel Guests (**Amend**)..... B.4.

Local Earnings/Income Taxes B.5.

Federal Mandates (**Amend**) B.6.

Other Post Employment Benefits (OPEBS) B.7.

Business and Occupation Licenses B.8.

Property Tax Rate Cap B.9.

E-Commerce Taxation (**Amend**) B.10.

Transportation Needs (**Amend**)..... B.11.

Taxation of Cell Phones and Other Communication Systems (**Amend**) B.12.

Utility Taxes (Electric/Gas) (**Amend**)..... B.13.

Cable and Video Franchising (**Amend**)..... B.14.

Regulation of Municipal Broadband (**Amend**)..... B.15.

Property Tax Hearing B.16.

B.
FINANCE AND TAXATION

INTRODUCTION

In many of Missouri's municipalities, annual revenues are never adequate to meet the service needs and demands of citizens. The continuing reduction of federal funds and the reduction of service delivery responsibility to the local level may cause this situation to become acute for many municipalities. Cities are particularly frustrated by state constitutional and statutory provisions that restrict the sources of municipal revenue, while the state and federal governments continue to enact rules, regulations and guidelines affecting or dictating municipal services, such as the Fair Labor Standards Act, prevailing wage, workers' compensation and unemployment compensation. This combination – elimination of federal support, state restrictions on revenue sources and mandated state and federal regulations – may well lead to a reduction in essential municipal services in many municipalities.

The General Assembly is urged to give municipalities greater freedom to increase revenues without the restrictions of limiting legislation, such as earmarking revenue for special purposes, except when the revenue is generated by users of the service. This would allow the needed flexibility to meet changing conditions.

B.1. EXEMPTIONS FROM LOCAL OPTION SALES TAX

Missouri's local option sales tax base was originally adopted by reference to the state sales tax base. While the state legislature has determined the state treasury can sustain the loss of revenue from exempting food from a percentage of the state sales tax, local governments are not in a position to handle such an exemption. It is estimated that the sales tax on food generates \$120 million for needed municipal services. No other revenue source is available to replace that revenue.

League Policy

The League strongly opposes the exemption of any further items from the local option sales tax and encourages review of current exemptions to examine their validity. Also, the League continues to oppose state-mandated sales tax holidays that do not provide a local decision on participation or nonparticipation in the holiday. *In addition, if the legislature approves additional sales tax holidays, the League requests that all future sales tax holidays include an "opt in" provision while still allowing the municipality the decision to opt out in future years.*

B.2. PUBLIC DEPOSITS AND INVESTMENT OF IDLE FUNDS

In the past two decades, state and local governments have been forced to raise the revenues necessary to keep abreast of an intensifying demand for governmental services. Growing public **anger** *distrust* about the size and cost of **local** government requires that improvements be made in the financial management of many governmental units. Maximizing the rate of interest earned on idle cash balances is a useful and necessary beginning.

A method of maximizing the use of idle funds is to invest them, thereby producing additional revenue for local government. Investment of otherwise idle balances constitutes a significant potential non-tax revenue source.

State legislative restrictions on statutory cities that limit the investment of otherwise idle funds are inconsistent. All municipalities should have equal investment opportunities. Charter or home rule cities are not covered by these restrictions.

League Policy

The League supports passage of legislation that would repeal the archaic laws governing depositories for funds and clarify the investment authority of statutory cities.

Such legislation, at a minimum, should include authority for statutory municipalities to choose one or more depositories for public funds under conditions and terms determined by the municipality, including the choice of facilities outside the city. It should also clearly permit investment of municipal funds in obligations of the state; obligations issued by the United States; obligations fully insured or guaranteed by the United States or a United States government agency; repurchase agreements secured by United States Treasury securities; obligations of any corporation of the United States government; prime bankers' acceptances; and deposits, time deposits, certificates of deposit (negotiable or non-negotiable), shares, share accounts or other interest bearing accounts in depository institutions chartered by this state or by the United States. The League further supports a standardization of collateralization requirements for depository institutions. Collateral should not be required of any depository institution for that portion of the municipality's deposits covered by insurance of any federal agency.

B.3. ROAD AND BRIDGE TAXES

The Missouri statutes provide that from the additional levy of \$.35 per \$100 assessed valuation allowed for special road and bridge purposes, the board of directors of the road district or county commissions levying the tax may use the money within incorporated cities or remit a certain percentage to the city. This discretion, which is too often abused, can create a situation where residents of an incorporated city pay the additional levy but receive little or no benefit from the tax.

League Policy

The League supports legislation to require that the percentages stated in the various statutes on road and bridge taxes be spent for road and bridge projects in incorporated cities rather than such expenditures being discretionary on the part of county commissions and road districts.

B.4. TAX ON HOTEL/MOTEL GUESTS

Cities of the third class and fourth class should be entitled to *impose* a hotel guest tax in order to defray the cost of providing the additional municipal services required by such establishments.

League Policy

The Missouri Municipal League urges the General Assembly to adopt legislation authorizing all cities of the third class and fourth class to levy a tax on hotel guests with approval of said tax by the voters. The legislation should also require the Department of Revenue to collect the tax if requested to do so by a city enacting the tax.

B.5. LOCAL EARNINGS/INCOME TAXES

The almost total reliance of local governmental jurisdictions on property, sales and other regressive taxes places a continually increasing financial burden on property owners and those citizens least able to afford these burdens, including the unemployed and low- to moderate-income families; and yet fails to provide the revenue needed for local operations.

The federal government, the state of Missouri and the two largest cities in the state fund a significant portion of their operations from income/earnings tax structures that minimize the impact of other regressive taxes on their constituents. These progressive income sources allow these jurisdictions to take advantage of investments they make in the creation of new jobs, higher employment, and up-turns in the economy thereby providing the additional tax resources needed to spur and support their operations.

With the demise of significant federal and state monetary support, it is imperative that other local governments be given authority to implement these preferred revenue sources.

League Policy

The Missouri Municipal League urges the General Assembly to enact legislation allowing a local option earnings tax to be collected and administered by the jurisdiction and/or to enact a local option “add on” income tax to be administered and collected by the state Department of Revenue in conjunction with the Missouri Income Tax. Any such legislation should reasonably attempt to hold Kansas City and St. Louis harmless from losses in revenue from their earnings taxes.

B.6. FEDERAL MANDATES

The Missouri Municipal League acknowledges the important role of the federal government in addressing issues of broad concern. It is equally important, however, that legislation that imposes increased responsibilities and duties on cities also address the impact of such requirements at the local level. In recent years, the federal and state governments have largely overlooked the fact that mandates often require cities to use local revenues to cover the cost of compliance with such standards. Disparities in local fiscal capacity and the adverse effects of mandates on local government are indisputable evidence of the need for Congress to take seriously the need to be more mindful of the local impact of mandates. City officials are justifiably alarmed at the prospect of the increased costly responsibilities and regulations at a time of declining levels of *revenues and financial* aid to cities.

Traditionally, city officials have agreed to comply with federal requirements associated with the distribution of federal aid to local government, federal housing assistance, community development block grants, wastewater treatment construction grants, etc. In recent years, however, congressional policymaking in response to changing national priorities often has resulted in shifting new duties and responsibilities to the local level without a corresponding increase in federal revenue to cities or the expansion of local authority to raise revenues to pay for those new mandates.

League Policy

The MML urges members of Congress to work with local officials to determine how to limit the fiscal and other burdens of mandates on the operation of municipal government.

Further, the MML supports an assessment of current federal programs, regulations and policies to determine the extent of adverse cost, structural and intergovernmental impacts on cities.

B.7. OTHER POST EMPLOYMENT BENEFITS (OPEBS)

Article VI, Section 26(a) of the Missouri Constitution limits the indebtedness of a county, city, incorporated town or village, school district or other political corporation or subdivision to an amount not greater than the income and revenue provided for such year plus any unencumbered balances from previous years. In addition, annual budgets adopted pursuant to Article VI, Section 24 of the Missouri Constitution generally prohibit expenditures from exceeding revenues, with limited exceptions. See e.g., RSMo 67.010. While Article VI, Section 25 of the Missouri Constitution authorizes payment from any public funds into a fund or funds for paying benefits upon retirement, it is limited to persons employed in educational services. The provisions outlined above have limited a local government's ability to establish a fund for paying postemployment benefits other than pension benefits (called other postemployment benefits, or "OPEB").

League Policy

Recent accounting standards, GASB Statements 43 and 45, require all state and local governmental agencies to report costs and obligations for other post employment benefits in their financial statements. While GASB Statements 43 and 45 do not require that governmental entities actually fund OPEB, those that do not are in danger of lowered credit ratings, and may be subject to less favorable discount rates in calculating total unfunded OPEB liabilities. The Missouri Municipal League urges the Governor and State Legislature to provide municipalities the ability to fund OPEB to ensure that local governments are able to adequately meet future retiree health obligations.

B.8. BUSINESS AND OCCUPATION LICENSES

The Missouri statutes list the businesses and occupations that may be licensed by Missouri municipalities. Section 71.610 provides that municipalities may license only those businesses and occupations specifically named by statute or by the city's charter. Because these statutes are hopelessly outdated, new businesses and occupations are exempt from licensing and regulation, with the result that an unfair proportion of the tax burden rests upon businesses expressly named in existing statutes.

League Policy

The Missouri Municipal League supports legislation to authorize municipalities to license, tax and regulate the occupation of merchants, manufacturers and all businesses, avocations, pursuits and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method of measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities.

B.9. PROPERTY TAX RATE CAP

The current constitutional and statutory caps on municipal property taxes of one dollar have been in force for many years. Given the financial difficulties some cities are experiencing, elimination of or an increase in the cap could well be justified and necessary. The imposition of a higher tax rate by any municipality would require an affirmative vote of the people in that municipality. Adequate protection against exorbitant levies exists with the vote requirement in the Hancock Amendment.

League Policy

The League urges the General Assembly and the electorate to either eliminate or raise the caps imposed on municipal property tax rates by Article X, Section 11(b) and Chapter 94 RSMo.

B.10. E-COMMERCE TAXATION

In the first quarter of 2007, e-commerce sales added up to \$31.5 billion, up 3% from the last quarter of 2006, according to the U.S. Department of Commerce. Some estimates, such as a study by the University of Tennessee, suggest that state and local governments lost out on more than \$15 billion in 2003 and could lose out on more than \$20 billion in 2008.

League Policy

The Missouri Municipal League supports *the* National League of Cities initiatives in the area of internet commerce taxation and urges Congress to recommend that all sales and use tax on sales of tangible property be treated fairly and equitably whether the sales take place over the counter, by phone, by mail order, by internet or by any other electronic means. The MML urges Congress to enact legislation that redefines nexus to include economic nexus as well as physical nexus so that out-of-state mail order sales and internet sales are treated the same as sales within the same state.

B.11. TRANSPORTATION NEEDS

No one seriously doubts that for Missouri to continue to grow, prosper and compete in the 21st century, the state's transportation system, highways and roads as well as **mass public** transit will need large infusions of capital for the foreseeable future. New revenue sources are necessary to maintain the current infrastructure and develop the new roads, highways and mass transit facilities needed by Missourians.

However, in meeting these needs, the state of Missouri should recognize the requirements of local government, and particularly, the dependence of general purpose local governments on the sales tax. The sales tax is the main revenue source for cities of all sizes, and the state should not put sales taxes into the mix of revenue sources needed to meet transportation needs.

League Policy

While the Missouri Municipal League strongly supports appropriate funding for transportation purposes in Missouri, the League opposes the use of sales taxes by the state of Missouri to raise revenue for meeting the needs of the state's highways, roads and transit systems. The MML urges the General Assembly and MoDOT to study carefully all user fees and taxes (gasoline taxes, impact fees, toll roads, etc.) and devise a *comprehensive* plan to

increase the needed revenue for meeting Missouri's transportation needs. Such plan should dedicate sufficient funding to provide quality mass transit services throughout the state. This should include funds for systems that serve the elderly, handicapped and low-income residents. Sales taxes have long been the mainstay of general purpose local governments, and their use to fund highway needs would jeopardize the ability of cities to raise needed revenue for local purposes. Expansion of the sales tax rate will increase the pressure to exempt items from the base and the purchase of items through e-commerce. *In addition, the League is aware that a dedicated sales tax for transportation would increase the amount that cities receive for road projects. At the same time, a large increase in the state sales tax would negatively impact all future sales tax proposals initiated by municipalities.*

B.12. TAXATION OF CELL PHONES, VoIP AND OTHER COMMUNICATION SYSTEMS

As technological advances in the communications industry continue to move further and further from the traditional land line/right-of-way/franchise systems, it is necessary for local government to stay abreast of these developments and their effect on local revenue. The telecommunications industry has sought legislation to drastically change the traditional business license structure on telephone providers as a source of local revenue.

League Policy

The League supports legislation to impose or maintain local gross receipts taxes on cellular, land-line and *VoIP* telecommunications providers and other types of personal communications technology.

B.13. UTILITY TAXES

Most Missouri municipalities levy a utility tax, either on the basis of gross receipts, a flat fee arrangement, or by payment in lieu of taxes (PILOTs). Utility taxes represent approximately 17 percent of a municipality's revenue source. This revenue is vital in maintaining basic community services. Neither the Constitution nor state statutes limit the rate municipalities can levy upon corporations. The utility industry may seek legislation to limit the rate or reduce the gross receipts *tax* imposed by municipalities.

League Policy

The League strongly opposes any legislation capping the rate or reducing the amount of gross receipts imposed by municipalities.

B.14. CABLE AND VIDEO FRANCHISING

With the passage of the 1996 Telecommunications Act, Congress sought to establish a procompetitive, deregulatory national policy framework for the telecommunications industry. The act declared that a local government may manage the public rights-of-way, including a requirement for fair and reasonable compensation from telecommunications providers on a competitively neutral and nondiscriminatory basis. Recently, there has been federal legislation filed that will eliminate or nationalize the cable and video franchising process, depriving local governments of an important mechanism to manage and receive compensation for the *use of* public rights-of-way.

League Policy

The League vigorously opposes any federal legislation that would alter or completely eliminate the ability of local governments to enter into and enforce local cable franchise agreements unless such legislation requires the payment of local franchise fees, compliance with local rights-of-way regulations, payment in lieu of in-kind services and operational grants and consumer protection provisions.

B.15. REGULATION OF MUNICIPAL BROADBAND

As broadband becomes a necessary utility for commerce, education and healthcare, municipalities have taken up their traditional role of providing needed services to residents and local businesses. A municipal network, or even the threat of municipal entry, provides the competition necessary to keep rates low and quality of service high. **Municipal systems increase investment in local communities and local communities with municipal systems attract new jobs and keep old ones.** *Municipal systems increase investment in the local community, attract new jobs and keep old ones.* However, incumbent providers have sought to prevent the entry of competing municipal systems by lobbying for federal and state legislation to regulate, restrict or prohibit municipal deployments.

League Policy

The League opposes any state or federal legislation **introduced** that regulates, restricts, or prohibits municipalities from providing municipal broadband services.

B.16. PROPERTY TAX HEARING

Missouri municipalities are required to set their tax rates no later than September 1 of each year (RSMo 67.110). Yet, counties are given until September 20 of each year to set their levies (RSMo 137.055.1) These different deadline requirements along with the deadlines required under the statutes governing the assessment process result in many municipalities not receiving their final assessed value from their respective counties until the later part of August. This in turn makes it very difficult for many cities to comply with the September 1 deadline for the setting of the property tax levy.

League Policy

The League supports changing the deadline for setting the municipal property tax levy as required in RSMo 67.110 to the same deadline required for counties.

MUNICIPAL ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

Introduction	C.
Home Rule	C.1.
Modernization of Local Government Statutes	C.2.
Labor Relations	C.3.
Municipal Personnel Policies	C.4.
State Mandates	C.5.
Fines in Municipal Court	C.6.
Access to Federal Adoptive Forfeiture	C.7.
Prevailing Wage	C.8.
Regulation of Group Homes	C.9.
Regulation of Municipal Rights-of-Way	C.10.
Deregulation In The Name Of “Religious Freedom”	C.11.
Photographic Enforcement of Stop Light Violations	C.12.
Reverse 911 (Delete)	C.13.
Concealed Weapons in Municipal Facilities	C.14.
Condemnation For Economic Development (New)	C.15.
Immunity For 911 Operators (Delete)	C.16.
Intergovernmental Cooperation Commission (Amend)	C.17.
Taxpayer Bill of Rights	C.18.
Primary Safety Belt	C.19.
Police and Fire Overtime (Delete)	C.20.

C.

MUNICIPAL ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

INTRODUCTION

Missouri municipal officials are seriously handicapped in responding to citizen needs and demands for services by obsolete and restrictive statutory provisions relating to municipal government administration. There is a need to clarify the legal powers of general-purpose local governments. While Missouri's home rule provisions are progressive and flexible, considerable unshackling remains to be done to authorize cities to determine their own internal structure, lift the legal barriers to adequate local taxation and moderate state controls over local government.

Though new problems can be solved and responsibilities met by cities having their own charters, the vast majority of Missouri municipalities cannot respond until such time as the General Assembly provides specific authority for them to act.

While the state and federal governments have an obligation to encourage and assist sound municipal management, they should adhere to the principle of home rule and maximize opportunities for local self-determination to the fullest extent possible. The importance of retaining flexible and strong municipal government must be actively communicated and pursued. It is this governmental structure that allows residents the greatest opportunity to serve, either voluntarily or in an elective position, and to initiate and consent to its own legislation.

C.1. HOME RULE

Municipalities in this country have never had an inherent right to self-government and unless such a right is granted by a state constitution, it does not exist. Since the adoption of the home rule provisions for Missouri municipalities by constitutional amendment, 38 cities have voted to become constitutional charter cities. However, there are approximately 80 more cities in the state eligible to operate under their own charters. The home rule concept provides that charter cities shall have all the powers the General Assembly has the authority to confer, provided such powers are consistent with the Constitution and are not limited by state statutes or the home rule charter itself.

League Policy

The League continues its strong support for the home rule concept for all municipalities and the right contained therein of municipal self-determination. The League urges the General Assembly to refrain from enacting legislation in areas that can be better dealt with by local government.

C.2. MODERNIZATION OF LOCAL GOVERNMENT STATUTES

The statutes governing the operations of municipalities in the state of Missouri often are confusing and contradictory.

League Policy

The League urges the repeal or revision of contradictory and/or archaic provisions of the Statutes that create barriers to efficient administration.

C.3. LABOR RELATIONS

The Missouri Municipal League recognizes the right of municipal employees to join or form labor organizations and to present their grievances and requests through labor representatives. However, the employee's rights must be balanced by government's responsibility for assuring effective and orderly operations under responsible administration by duly elected representatives of the people or their appointees.

In the recent Missouri Supreme Court decision in Independence NEA v. Independence School District, the Court held that all public employees have a constitutional right to collective bargaining and agreements are binding on both parties. The decision leaves many unanswered questions that will need to be resolved by state legislation.

League Policy

The League supports legislation to resolve issues from the Independence NEA v. Independence School District decision. Such legislation must preserve traditional management rights, the fiscal integrity of the city, the delivery of services to the taxpayer and the role of the duly elected representatives of the people as the final decision-makers on contract provisions. Also, the MML Board is urged to appoint a committee to study potential, new MML services in support of local officials in the collective bargaining process.

C.4. MUNICIPAL PERSONNEL POLICIES

There is great variety in municipal personnel rules because of the diversity in local political cultures. To the greatest extent possible, these local personnel rules should be determined by the locally elected officials to reflect local desires. If the state becomes involved in these local personnel decisions, it may lead to state involvement in other personnel issues, such as a mandatory grievance policy, discipline policy and holidays.

League Policy

The Missouri Municipal League strongly opposes legislation that would interfere with municipal authority to determine personnel or merit system rules and regulations.

C.5. STATE MANDATES

The Tax Limitation Amendment to the Missouri Constitution (Article X, Section 21) prohibits the state from reducing the state financed portion of the costs of any existing service or activity or requiring an increase in the level of any activity of local governments without an appropriation to the political subdivision to pay the increased costs. This portion of the Amendment has prevented the state legislature from requiring local governments to implement new state programs without reimbursement of the costs.

League Policy

The Missouri Municipal League urges the Governor and State Legislature to provide for the reimbursement to cities for direct costs of compliance with state laws, policies, regulations and standards that impose additional costs and responsibilities on local governments, pursuant to the Missouri Constitution.

C.6. FINES IN MUNICIPAL COURT

Municipal courts in most third and fourth class cities and in Kansas City may levy a fine up to \$500 for violation of a municipal ordinance (Section 77.590, Section 79.470 and Section 82.300). These penalties have been in effect since 1971. Inflation has eroded the deterrent effect of these fines. In 1995, Section 546.902 was adopted to authorize any municipality in St. Louis County to impose a fine up to \$1,000.

League Policy

The MML supports legislation to standardize the maximum fine for violation of city ordinances at \$1,000 for statutory municipalities.

C.7. ACCESS TO FEDERAL ADOPTIVE FORFEITURE

Local jurisdictions play an integral and increasingly important role in the investigation of illegal drug activity and the apprehension of drug dealers. Such activities can result in the seizure of drug money, vehicles used in the transportation and sale of drugs, and other valuable property obtained through illegal drug activity. The seizure and forfeiture concept effectively uses the profits of criminal activity to fund the investigation, apprehension and prosecution of the offenders while simultaneously reducing the burden upon the taxpayer. Current state statutes severely restrict the ability of local jurisdictions to effectively utilize this extremely important tool in their efforts to eradicate this cancer on our society. Federal law permits federal agencies to assist local jurisdictions with the seizure and forfeiture of these illegally obtained assets. This assistance promotes an esprit de corps between the federal and local jurisdictions, which enhances law enforcement's ability to effectively deal with this problem.

League Policy

The League supports legislation that will enable local jurisdictions to have access to the federal adoptive forfeiture program as offered by federal agencies. Local jurisdictions should be authorized to receive proceeds from illegally obtained assets through the federal adoptive forfeiture program. These funds should be deposited in a fund controlled by the elected body of the local jurisdiction and used as provided by applicable law.

C.8. PREVAILING WAGE

The Missouri prevailing wage law imposes unnecessary administrative burdens and financial costs on local public works projects.

League Policy

The Missouri Municipal League supports amendments to the prevailing wage law that would exempt de-minimus amounts for work on public projects thus eliminating undue burden and expense on small public projects.

C.9. REGULATION OF GROUP HOMES

Group homes serve a legitimate need, but should be subject to local land use regulations. Many Missouri municipalities have adopted zoning ordinances that limit the number of unrelated persons who may reside in a dwelling unit.

League Policy

The Missouri Municipal League urges Congress to allow municipalities to regulate the location, code compliance and condition of group homes for the disabled including behavioral, drug and alcohol rehabilitation homes.

C.10. REGULATION OF MUNICIPAL RIGHTS-OF-WAY

The right-of-way is a valuable piece of property obtained by local government for the purpose of installing important facilities such as roads, sidewalks, sewers and utilities. As private demands for space within public rights-of-way increases due to expansion of broadband, Internet, cable TV and other telecommunications technology, protection of taxpayers' investment in public rights-of-way is essential.

League Policy

The MML supports the authorization of local governments to impose reasonable nondiscriminatory fees for the use of the public rights-of-way.

C.11. DEREGULATION IN THE NAME OF "RELIGIOUS FREEDOM"

The Missouri General Assembly has adopted legislation, which would invalidate any facially neutral law or regulation that substantially burdens a person's exercise of religion unless the government demonstrates that the law or regulation is the least restrictive means of furthering a compelling governmental interest. Such legislation may exempt "religious groups" (undefined in the proposal) from municipal zoning, building codes, sign regulations, child care regulations and all other local ordinances and regulations that apply to all other individuals and groups.

League Policy

While the MML supports free exercise of religion, the MML opposes legislation to further erode, under the guise of religious freedom, local authority to protect the health, safety and welfare of all people.

C.12. PHOTOGRAPHIC ENFORCEMENT OF STOP LIGHT VIOLATIONS

According to the Missouri Safety Council, 15 states and the District of Columbia already have authorized use of photographic enforcement of red light violations. Research data clearly demonstrates that photographic enforcement reduces traffic violations and injuries.

League Policy

The Missouri Municipal League supports amendments to state statutes that would allow cities to use automated cameras to enforce ordinances that prohibit running red lights. State statutes should require that:

- Photographs used to prosecute a citation clearly show the complete license plate of a vehicle and the date and time of day the photograph was made, and
- Citations issued through the use of automated cameras would not cause an assessment of points against an operator's license.

C.13. REVERSE 911

Reverse 911 is a system that allows the Emergency Communications Department to make automated calls to select geographic areas of a city to alert those areas to imminent problems, i.e., railway/highway hazardous material spills, floods, snow routes, etc. There are companies that provide this service or provide software a city or county can use. Under Missouri law, telephone companies cannot allow unlisted numbers to be included in this alert, which limits the use of this program and creates the problem of the alert reaching some people but not others.

League Policy

The League supports legislation that would permit limited access and use of unlisted numbers for emergency alerts, provided the unlisted number remains secure and is used only for the purpose of the Reverse 911.

C.14. CONCEALED WEAPONS IN MUNICIPAL FACILITIES

The state statute authorizing individuals to obtain a permit to carry a concealed weapon has a list of places that prohibit concealed weapons including school facilities and local government buildings. Apparently, this language does not permit local governments to prohibit concealed weapons from city parks and athletic fields.

League Policy

The MML supports language to clarify the concealed and carry law to permit local governments to adopt ordinances to prohibit the carrying of concealed weapons in all city facilities and parks.

C.15. CONDEMNATION FOR ECONOMIC DEVELOPMENT

The U.S. Supreme Court decision in *Kelo v. New London* has ignited a political firestorm and a great deal of misinformation. The political rhetoric portrays the decision as constitutional carte blanche for cities to take away private property, often owned by vulnerable populations, and give it to private developers in the name of economic development. In reality, the Court did not expand the use or powers of eminent domain, but simply reaffirmed that economic development qualifies for a “public use” under the Taking Clause. The decision did not change the many legal restraints on its use in Missouri, including the requirement for a showing of blight.

League Policy

Eminent domain is indispensable and is most often used as a last resort for revitalizing local economies, creating much-needed jobs and generating revenue that enables cities to provide essential services. Eminent domain is a powerful tool; its prudent use, when exercised in the sunshine of public scrutiny, help achieve a great public good that benefits the entire community. Economic policies and incentives supported by the Governor and adopted by the General Assembly will have little effect in encouraging business to expand or relocate in Missouri, to support the economic vitality of the state, if land cannot be assembled through the power of eminent domain, if necessary. The MML supports changes in the law to further ensure fair treatment and just compensation of property owners but any such changes should be carefully drafted to permit use of eminent domain for economic development purposes when necessary.

C.15. CONDEMNATION FOR ECONOMIC DEVELOPMENT

Petitions have been submitted to place on the November ballot two proposed constitutional amendments intended to prevent local governments from using eminent domain to redevelop blighted areas. If these proposals are certified by the Secretary of State and survive possible legal challenges, they will have serious detrimental impacts on the ability of local governments to redevelop blighted areas. Also, the provision that “the right to use or enjoy private property shall not be directly or indirectly taken or damaged unless for public use and after just compensation” would required payment of compensation for any diminution in property use or enjoyment resulting from zoning and land use regulation, environmental controls, subdivision regulations, health regulations etc. Also, the proposal requires a determination by the courts and then a reasonable time before any municipality can expend public funds to abate a nuisance and impose a lien on the property. This provision could seriously affect the health and safety of the public.

League Policy

The MML should vigorously oppose the ill-conceived and poorly drafted eminent domain constitutional amendments on the November ballot. The proposals would prohibit the use of eminent domain to rehabilitate blighted areas and negatively impact zoning, subdivision ordinances, and nuisance abatement programs. The MML should form a coalition with utilities, businesses, economic developers, and other groups to inform the public of the real impact of these proposals.

Eminent domain is indispensable and is most often used as a last resort for revitalizing local economies, creating much-needed jobs and generating revenue that enables cities to provide essential services. Eminent domain is a powerful tool; its prudent use, when exercised in the sunshine of public scrutiny, help achieve a great public good that benefits the entire community. Economic policies and incentives supported by the Governor and adopted by the General Assembly will have little effect in encouraging business to expand or relocate in Missouri, to support the economic vitality of the state, if land cannot be assembled through the power of eminent domain, if necessary. The MML supports changes in the law to further ensure fair treatment and just compensation of property owners but any such changes should be carefully drafted to permit use of eminent domain for economic development purposes when necessary.

C.16. IMMUNITY FOR 911 OPERATORS

In 1990, the Missouri legislature passed several amendments to the emergency telephone service statutes. As part of these amendments, the legislature enacted Sec. 190.307 RSMo., which provides that no public agency or its officers or employees “shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system” required by the emergency telephone service statute. The statute also provides that no person giving emergency instructions through a 911 system or following such instructions shall be liable for any civil damages unless giving or following the instructions constitutes willful and wanton misconduct or gross negligence.

In State ex. rel. Golden v. Crawford, 165 s.W.3d 147 (Mo. 2005), a wrongful death suit in which a 911 operator was a defendant, the Missouri Supreme Court held that Sec. 190.307 RSMo., replaced the absolute immunity the 911 operator would have had under Missouri common law (official immunity and public duty doctrine) with limited statutory immunity that made her liable for “gross negligence.”

League Policy

The League supports legislation that would repeal Sec. 190.307 RSMo., thereby restoring traditional immunity in connection with 911 telephone service.

C.17. INTERGOVERNMENTAL COOPERATION COMMISSION

In 1981, the Governor of Missouri, by executive order, created the Missouri Intergovernmental Cooperation Commission composed of representatives of municipal and county government, state legislators, state departments heads, and citizens. The Commission's members discussed common issues and problems and proposed legislative solutions. The Commission was a useful forum for the exchange of information and improving relations between state and local government.

League Policy

The League urges *the* Governor **Matt Blunt** to revive and reappoint the Missouri Intergovernmental Cooperation Commission.

C.18. TAXPAYERS BILL OF RIGHTS (TABOR)

Groups outside Missouri are advocating a Missouri Taxpayers Bill of Rights, through both legislation and initiative petitions, to further restrict state spending. Missouri already has the Hancock Amendment that severely limits state revenue and requires voter approval for tax increases. Further restrictions would severely restrict the state's ability to meet essential service needs in all areas, including education, health, and transportation. When the state is pressed for funds, there will be efforts to shift programs to the local level.

League Policy

The League opposes efforts by the group Missourians in Charge and any other like group to impose further restrictions on state revenues and spending through the so-called Taxpayers Bill of Rights.

C.19. PRIMARY SAFETY BELT

Federal and state safety experts, as well as some businesses, chambers of commerce, medical communities, police, and fire departments have identified primary enforcement of Missouri's safety belt laws as a legislative priority for the upcoming year. Studies have shown a primary seat belt law will save approximately 90 lives per year, bring approximately \$16 million in federal grant money, save \$230 million in medical costs each year and \$10 million in Medicaid costs each year.

League Policy

The League supports legislation to change Missouri's secondary seat belt law to a primary seat belt law by allowing law enforcement officers to stop drivers for failing to wear their seat belts.

C.20. POLICE AND FIRE OVERTIME

In December 2006, the Missouri Department of Labor issued an opinion that the new state minimum wage law requires police officers and firefighters to be compensated at time-and-a-half for all hours over 40 per week. The

attorneys representing the MML disagree with the opinion and, in fact, believe that political subdivisions are not covered by the state minimum wage law. The MML has filed a lawsuit to resolve the conflict, and we supported remedial legislation in the 2007 General Assembly.

League Policy

The League supports litigation to determine the effect of the state minimum wage law on political subdivisions. Also, the League supports legislation that establishes the FLSA standards for overtime of law enforcement and fire department personnel.

NATURAL RESOURCES AND URBAN DEVELOPMENT

Introduction	D.
Energy	D.1.
Air Pollution	D.2.
Water Pollution	D.3.
Water Supply (Delete)	D.4.
Solid Waste Management	D.5.
Hazardous Material Management	D.6.
Extraterritorial Planning and Zoning Powers	D.7.
Local Government Boundary Adjustment (Amend)	D.8.
Urban Growth Incentive	D.9.
Extension of Municipal Services into Annexed Areas	D.10.
Sustainable Development (Amend)	D.11.
Local Code Compliance	D.12.
Renewal Agencies and Housing Authorities (Delete)	D.13.
Regionalism	D.14.
Municipal Acquisition of Land	D.15.
Planned Industrial Expansion (Delete)	D.16.
Pre-emption of Municipal Land Use Authority	D.17.
Recreational Use Legislation	D.18.
Building Codes (Delete)	D.19.
State Fee Refunds (Delete)	D.20.
Historic Preservation Tax Credit Program (Delete)	D.21.
Collection of Special Tax Bills	D.22.
Moving Utilities in Public Rights-of-Way	D.23.
Collection of Delinquent Water and Sewer Bills	D.24.
Landmark Local Parks Program (LLPP) (Delete)	D.25.

D.

NATURAL RESOURCES AND URBAN DEVELOPMENT

INTRODUCTION

To develop a community is to protect and improve the physical, economic and social conditions and opportunities an urban area affords its inhabitants. The goal is the creation of an urban environment responsive to and supportive of individual expression and endeavor.

Local governments have broad responsibilities to develop more livable communities. The physical improvement and preservation of the environment is essential. This includes not only the provision of physical facilities and protection of natural resources for a city's population, it also includes primary consideration for the human requirements for living within the physical confines of the city, the effect of physical development on the total community life of the city, and the effects of urbanization upon the environment.

Uncontrolled development at the unincorporated fringes of cities is detrimental to health, safety and orderly urban development. Municipalities should be permitted to exercise the extraterritorial powers of planning, zoning, enforcement of building codes and regulation of subdivisions within adjacent unincorporated areas. Federal and state laws that create or favor single-purpose and other special districts should be revised so as to assign the performance of new public services or the extension of old ones to existing units of general purpose local government.

D.1. ENERGY

The League commends past and present municipal efforts in the area of energy conservation and encourages all municipal officials to sponsor programs and practices designed to foster responsible attitudes toward the efficient use of energy.

League Policy

The League supports research concerning new energy sources, including, but not limited to, solar energy, nuclear energy, synthetic fuels, methane gas and the continued examination of improvement in the conservation of energy. In order to prolong the supply of our natural resources, the League endorses the policy of energy efficiency in order to ensure conservation as the most effective means of dealing with the energy situation, such as the weatherization of existing buildings.

D.2. AIR POLLUTION

Air pollution has long been a critical environmental problem affecting all municipalities to some degree. It has been determined that air pollution has adverse effects on the health of humans, animals and vegetation and can decrease the enjoyment of life for the citizens of a community.

League Policy

The League encourages all governmental jurisdictions in Missouri to initiate and support programs designed to increase public awareness of the air pollution problem and how pollution can be abated. The League supports continued federal funding for those municipalities that have entered into a contract with the Air Conservation Commission to monitor air polluters within their jurisdictions. The League encourages all governmental jurisdictions to help foster a public clean air concern by using low-emission and low-fuel consumption vehicles in conducting their governmental activities. The League requests that the state of Missouri provide adequate financial assistance to municipalities in conforming to the state standards for clean air.

The state should continue to involve local officials in the implementation of any air pollution plan or policy that may be imposed to conform to EPA pollution standards.

D.3. WATER POLLUTION

Missouri's abundance of lakes and streams places great responsibilities on its citizens to ensure that these natural resources remain in or be returned to their beautiful and healthy state.

League Policy

The League encourages Missouri municipalities to attempt to meet and/or exceed the water quality standards as set by the Clean Water Commission and the Environmental Protection Agency. However, given the enormous costs of constructing wastewater treatment and collection facilities, the League recommends that the General Assembly appropriate sufficient funds to provide adequate technical assistance through the Department of Natural Resources to determine the most cost effective means of meeting state and federal standards. Further, the League urges the Clean Water Commission and the Environmental Protection Agency to develop realistic standards based on 1) documented studies that verify potential health risks and 2) site-specific pollution impacts.

The League strongly urges the Department of Natural Resources to implement the storm water discharge permit program in a manner that will not impose delays on municipal and private projects. The League opposes any state storm water discharge permit regulation that exceeds the scope of the national Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharge. The League strongly urges the Environmental Protection Agency and Missouri Department of Natural Resources to develop a more simplified and flexible approach to management of municipal storm water runoff than has been imposed on the state's larger municipalities. The League opposes any "end-of-pipe" testing requirement in storm water permits. Storm water regulations should be applied equally to all jurisdictions. The League strongly encourages the Department of Natural Resources to allow those municipalities with the administrative capacity to issue storm water discharge permits within their jurisdictions.

The League supports additional state funding for a comprehensive statewide program for flood control projects.

The League urges the Missouri Department of Natural Resources and U.S. Environmental Protection Agency to develop flexible standards for the treatment of combined sewer overflows that will allow all municipalities to implement solutions that will meet their geographic and environmental situation. The League opposes any state

regulations that exceed the scope of the National Pollutant Discharge Elimination System Permit Program regulations.

The Missouri Municipal League would support an increase of the National Pollutant Discharge Elimination System (NPDES) fee of no more than the consumer price index, provided that the Missouri Department of Natural Resources (DNR) be prohibited from collecting fees from permit holders until permits have been brought up to date by DNR.

D.4. WATER SUPPLY

Municipal officials are concerned that a safe and adequate supply of drinking water be provided to all people in the state, and that this water be provided at an affordable price. Presently, only very limited funding sources exist for municipalities to correct drinking water problems.

There are three entities in the state that have been formed for the purpose of providing a wholesale water supply to cities and water districts (Clarence Cannon Wholesale Water Commission, Jefferson County Water Authority, Tri-County Water Authority). These wholesale water entities are established in accordance with state law and are governed by a board made up of the officials from the municipalities and water districts who purchase water. State law allows municipalities to enter long-term water purchasing contracts with other municipalities without voter approval. However, the statutes are not clear as to whether a municipality must first gain voter approval before entering into a water purchase agreement with wholesale water authorities and commissions. Public water districts have clear authority to enter long-term water purchase agreements with these wholesale water entities without voter approval. This inconsistency in state law may cause legal and water supply problems for Missouri's municipalities.

League Policy

The League recommends that the state establish a water rights and usage policy for the conservation of both surface and ground water to ensure a safe and adequate supply of water for residential, commercial, industrial and agricultural purposes.

The League further encourages the development of new funding sources through cooperative efforts of federal, state and municipal governments to finance capital costs for complying with state and federal mandates.

The League opposes requirements for additional water testing unless the cost is borne by the state. The League also opposes any mandatory water testing requirement that is not supported by verified scientific studies.

The League supports legislation that would clearly authorize municipalities to enter long-term water supply contracts, without voter approval, with nonprofit corporations and commissions whose governing bodies consist solely of members appointed by political subdivisions.

D.5. SOLID WASTE MANAGEMENT

During the 1990 legislative session, the General Assembly passed S.B. 530, which encourages regional solutions to solid waste problems. The law levies fees on landfills with the proceeds to be used to provide grants to solid waste management districts and municipalities to encourage recycling and improve solid waste management. In addition, S.B. 530 bans yard wastes, tires, lead-acid batteries, major appliances and waste oil from landfills. The

League recognizes that solid waste disposal costs increase when greater curb-side sorting and collections are initiated. The League also recognizes that an imbalance does exist between the amount of material sorted for recycling purposes and the demand for that material.

League Policy

The League encourages municipalities to participate in a regional approach when addressing solid waste issues and urges municipalities to take an active role in the operation of solid waste management districts. Further, the League encourages municipalities to promote efforts to reduce land-filled waste; to address management of recoverable materials such as plastic beverage, aluminum, glass and steel containers, newspaper, other paper, used oil, appliances, whole tires, etc.; to assist in implementing collection of, or collection points for, recyclables and compostables; to establish public education on waste reduction and solid waste management; to support the implementation of programs to reduce or eliminate household hazardous waste from landfills; and promote community recycling of household hazardous products.

The League urges the state agencies and departments involved with implementation of the state's solid waste management law to coordinate their efforts with municipal solid waste activities and initiatives.

The League specifically encourages the state to aggressively deal with the stimulation of the demand and markets for recycled materials. The League strongly encourages the federal and state government to take an active role in developing uses for recyclable materials and the marketing of the products developed from recyclable materials.

The League supports legislation to require DNR to file annually with the General Assembly and with each solid waste region, a detailed account of receipts and expenditures of the tipping fees provided for in the solid waste management law. The account should specify the amount, location and earned interest from unspent revenues.

The League urges Congress to dispose of the Commerce Clause barrier by authorizing states and local governments to require Mixed Municipal Solid Waste (but not separated recyclables) be transported to Mixed Municipal Solid Waste management facilities.

The League urges the Missouri General Assembly to enact legislation giving municipalities greater flexibility in meeting the post closure responsibilities for municipally owned landfills.

D.6. HAZARDOUS MATERIAL MANAGEMENT

Control of hazardous material, including radioactive material, recently has developed into a critical environmental problem affecting all municipalities to some degree. Municipal officials are concerned that unsafe and inadequate control of the handling and disposal and particularly the incineration of hazardous material could have adverse effects on the health of humans, animals and vegetation, and could cause short-term and long-term health problems for the citizens of their communities.

League Policy

The League encourages federal and state programs of research to develop safe processing, incineration, recycling, transportation and storage of hazardous materials.

The League supports an active investigative effort to identify sources, violators and existing sites of hazardous material. Such investigative efforts should include advance notification of municipal officials.

The League further recommends clarification and limitations of the liabilities cities may have for unknown hazardous materials.

The state should involve local officials and/or emergency preparedness directors in the planning/implementation of any hazardous material plan or policy. At all times, local government officials should be advised of the transportation route and/or storage of hazardous materials. The Missouri Municipal League strongly urges the state of Missouri to take a leadership role in the removal of hazardous waste from populated areas, except for disposal or storage in properly permitted facilities with the express consent of the local governing body.

The League supports policies encouraging development of flexible, efficient regional solutions to hazardous material management.

The League strongly urges the General Assembly and Congress to appropriate adequate funds to implement the "Emergency Planning and Community Right-to-Know Act of 1986" (often referred to as Title III) at the local level. This Act imposes many mandates and liabilities on local governments and, without sufficient funding, it will be impossible to implement the requirements imposed by this law.

D.7. EXTRATERRITORIAL PLANNING AND ZONING POWERS

The development of the urban fringe outside city boundaries continues to plague municipalities all over the state. With the passage in 1980 of a more stringent annexation law, a municipality's ability to control the development of its urban fringe through annexation was severely restricted. These stringent annexation procedures prolong the annexation process. When growth through annexation does occur, a city may inherit the results of poor land development, bad subdivision designs and disorderly, disconnected, haphazard arrangement of land uses that are a detriment to the best interests of long-range community development.

Approximately one-fourth of the states have enabling legislation that permits some cities to zone extraterritorially and about three-fifths of the states authorize extraterritorial subdivision control. Additionally, almost all the states that border Missouri have enabled municipalities to exercise extraterritorial planning or zoning powers for many years.

Extraterritorial powers exercised by a municipality will provide residents within an area of the city's authority substantial benefits, such as substantially reduced contamination from improperly designed sewer or storm water systems, some feeling of security from incompatible adjoining land uses, sufficient water service mains to provide decent fire protection; stabilized land values; an identification of permitted land uses by property owners; the reduction of costly, unplanned developments; improved coordination of physical improvements between the city and its fringe area with resultant cost savings; and a lessened need for protective annexation by municipalities.

The 76th General Assembly did provide enabling legislation for two cities to extend planning and zoning by ordinance over an area up to two miles beyond their city boundaries. Missouri needs only to compare the progress

other states have made with the unfortunate developments surrounding many of our cities to see how important it is to improve our provisions for municipal planning and zoning.

League Policy

The League supports the amendment of Sections 89.144 and 89.145, RSMo 1994 to extend to all municipalities in the state extraterritorial planning, zoning, subdivision and code enforcement powers in the surrounding unincorporated areas. Additional provisions should include mandatory representation of residents in the areas affected on planning and zoning boards during consideration of issues related to their area and the retention of the primacy of the extraterritorial powers by municipalities regardless of whether or not the respective county has adopted planning and/or zoning procedures.

D.8. LOCAL GOVERNMENT BOUNDARY ADJUSTMENT

In 1980, the General Assembly passed legislation which radically changed the annexation procedures for municipalities. These changes were intended to mitigate the concerns of municipal fringe dwellers about the expansion of municipal boundaries without a concomitant expansion of municipal services.

The current law does not adequately protect the interest of the municipality in protecting itself from unchecked fringe development. Further, current law is poorly drafted and does not address a number of important considerations.

League Policy

The League urges the immediate adoption of legislation amending the annexation statutes to provide that:

- 1) The current annexation procedures be simplified and expedited to the greatest extent possible;
- 2) Publicly held land be exempt from the election requirements;
- 3) Special provisions be included for “unincorporated islands” – land surrounded by incorporated area;
- 4) Normal municipal services and their funding sources be clearly defined;
- 5) Municipalities be given the authority to enter into binding pre-annexation agreements with landowners with property not contiguous to the corporate limits of a municipality.
- 6) A second election, as provided for in Section 71.015 RSMo, is not needed when two-thirds of the combined voters of the city and the area proposed to be annexed approve the annexation proposal in the first election, even if a majority of the voters in the area to be annexed fail to approve the annexation.
- 7) Procedures should be established to encourage territorial agreements between the investor owned electric system that serves the municipality and the rural electric coop that serves the area to be annexed.
- 8) The right of a property owner to voluntarily annex shall be protected.
- 9) ***Municipalities be granted clear authority to annex areas along a road or highway up to two miles from its corporate limits, for use in development, creation of industry or services that supports growth, unless there exists opposition from one of the contiguous cities.***

D.9. URBAN GROWTH INCENTIVE

Current state law permits development of one-acre lots provided either central sewer or central water services are available. Additionally, current state law permits development of three-acre or five-acre lot subdivisions without any central sewer or water services.

These policies encourage spot development in isolated, unincorporated areas with inadequate county roads, bridges, storm drainage systems and insufficient police and fire protection.

Furthermore, these isolated population centers not only endanger watersheds with excessive pollution and storm water runoff problems, but in many cases actually are surrounding existing municipalities with buffers of unincorporated subdivisions. These buffers inhibit normal city growth, development, and extension of city water/sewer services; remove from possible open space/park usage many marginal flood plain areas; and disrupt the rural/farm areas adjoining them.

League Policy

The League recommends that existing statutes be revised to require that both central water service adequate for fire protection and state approved sewer service be provided prior to development of a subdivision and require adequate easements for utilities.

The League opposes any regulatory changes by the Department of Natural Resources that would encourage the development of subdivisions with separate sewer systems developed adjacent to a municipal system. Existing regulations should be actively enforced by the Department of Natural Resources.

D.10. EXTENSION OF MUNICIPAL SERVICES INTO ANNEXED AREAS

During recent sessions of the General Assembly, legislation has been adopted that severely limits the ability of municipalities to provide services to residents in newly annexed areas. By mandating these restrictions on municipalities, the legislature has made it prohibitive for newly annexed residents to receive the municipal services that other residents of the municipality receive. In addition, these restrictions place unreasonable constraints on the ability of Missouri municipalities to grow.

League Policy

The League strongly opposes any legislation that restricts the ability of a municipality to extend municipal services into newly annexed areas. Further, the League urges the repeal of current laws that restrict the extension of municipal services into annexed areas. Specifically, amend Section 247.165 RSMo. to remove the six month time period after an annexation for the municipality and water district to develop an agreement to provide water service to the annexed area.

In the creation or expansion of special use districts i.e. sewer, fire etc. that encroach or overlap a municipal jurisdiction, the municipality should have the legal grounds to file as an "Exceptor" and be notified via certified mail of the filing of the petition.

An exceptor is a party that can file exceptions to the legal petition requesting the formation of the district.

Current state law only allows municipalities to file exceptions when water districts are created or expanded. This authority should be granted to municipalities when all special districts are created or expanded. When creating

a special district the filing party should be required to notify the municipality of the petition to create the special district. The League opposes legislation that would require cities to provide municipal services beyond municipal boundaries.

Municipalities should be given the authority to set urban service standards that apply to all providers within municipal corporate limits.

D.11. SUSTAINABLE DEVELOPMENT

The League recognizes that continuous development on the fringes of existing urban areas or municipalities may not be sustainable unless there are more taxpayers or an increase in taxes to pay for the infrastructure costs associated with the development. Too often the growth is not real; it is simply a shift in population or commercial assets from one area to another. This frequently means that one area loses while another gains and that all taxpayers of the region (or the state) must underwrite the public costs associated with the reshuffling of assets. This makes it difficult to sustain both established areas and newly developing areas.

League Policy

The League supports policies and legislation that lend themselves to sustainable development. Such smart growth policies and legislation will help establish Missouri as a competitive area with cost effective public systems. It also promotes the psychology of re-use of neighborhoods with their existing infrastructure, thereby supporting the established schools, churches, firehouses and systems that promote stability. However, development outside established systems and areas should not be discouraged when existing systems are at capacity and can be expanded and sustained with new revenue from the new development without negatively impacting existing systems.

The League opposes legislation that would restrict municipalities from expanding services into unincorporated area.

D.12. LOCAL CODE COMPLIANCE

Major government installations such as state universities, government office centers, research complexes, national guard installations and public works projects can provide a major impetus for growth and development in communities.

Unfortunately, much of this development does not meet the standards set forth in local codes, resulting in inadequate protection of the citizens who use these public facilities. Also, these government facilities are not coordinated through local planning systems and, therefore, problems such as overloaded city utilities, traffic flow congestion, etc., result.

Attempts by municipal administrators to coordinate development by other governmental units are not always successful; and, as a result, some states have enacted laws that require the submission of development plans to local officials.

League Policy

The League urges the General Assembly to enact legislation requiring the mandatory referral of development plans by the state or its political subdivisions to the affected municipal government for compliance with local codes and coordination with municipal plans.

D.13. RENEWAL AGENCIES AND HOUSING AUTHORITIES

Presently, constitutional charter cities have development powers, but statutory provisions contained in Sections 99.300-99.660 RSMo require that cities under 75,000 population vote on the establishment of a Land Clearance Redevelopment Authority.

League Policy

The League endorses legislation that would change the definition of “community” under Sections 99.300-99.660 RSMo by lowering the population requirement to enable city councils to assume the powers by establishment of a Land Clearance for Redevelopment Authority to carry out community development programs.

The League urges the Missouri General Assembly to amend Section 99.050 RSMo to remove the limitations on the number of municipal officials who may be appointed commissioners of the municipal housing authority.

D.14. REGIONALISM

The Missouri Municipal League recognizes the potential of regional approaches to help local governments cope with area-wide problems. Voluntary councils of local elected officials, supported by professional staffs, can impact and guide the decisions affecting an area and its development. Regional councils can serve as a catalyst for interjurisdictional cooperation, a useful source for technical assistance, and a forum for reviewing state and federal plans and grant projects.

The activities of regional councils are best supported through funding from a mix of sources – local, state and federal.

League Policy

The League continues to support regional councils and opposes efforts to repeal or weaken the enabling legislation governing regional councils and their activities. The League further supports financial support of regional council activities by the state.

D.15. MUNICIPAL ACQUISITION OF LAND

During recent sessions of the General Assembly, legislation was considered that would have severely limited a municipality’s power of eminent domain by requiring the payment of damages to property owners whose property value was adversely affected by a municipality’s purchase of land for municipal use. This would have been exceedingly costly and would have intruded on a municipality’s ability to perform effectively.

League Policy

The League strongly opposes any attempt to limit a municipality’s power of eminent domain. The League further opposes any requirement to pay “damages” to nearby property owners when a municipality purchases or

condemns land for public purposes. The League further opposes legislation that would encourage property owners to challenge, risk free, condemnation settlements offered in good faith.

D.16. PLANNED INDUSTRIAL EXPANSION

Currently, only municipalities with populations of 400,000 or greater may use the provisions of the Missouri Planned Industrial Expansion Law (Sections 100.300-100.620 RSMo). This population requirement limits the use of this redevelopment law to the cities of Kansas City and St. Louis. Many municipalities under 400,000 population have blighted areas and could use the benefits of the Planned Industrial Expansion Law.

League Policy

The League supports legislation that eliminates the population requirement for municipalities wishing to use the Missouri Planned Industrial Expansion Law.

D.17. PRE-EMPTION OF MUNICIPAL LAND USE AUTHORITY

During recent sessions of the General Assembly, legislation has been adopted that pre-empts local zoning regulations. Legislative efforts by other special interest groups to further pre-empt municipal land use regulation also has been attempted.

League Policy

The League strongly opposes any further pre-emption of municipal land use regulations by the General Assembly.

D.18. RECREATIONAL USE LEGISLATION

When landowners donate land or provide easements to their land for public recreational purposes, there is concern on their part regarding potential civil liability. Forty-three states have adopted Recreational Use Statutes (a.k.a. "Sightseer Acts" or "Recreational Liability Laws," or "RUSs") to protect landowners from civil liability if the owner lets property be used by others for recreation purposes. Missouri has not enacted such recreational use legislation. At the present time, the only law touching the subject is Section 258.100 RSMo, dealing with the specific interests of landowners abutting a public trail system dedicated to the state of Missouri or a political subdivision of the state. Section 258.100 lacks flexibility to be useful for other recreational applications and more comprehensive legislation is needed.

League Policy

The Missouri Municipal League urges the state of Missouri to enact Recreational Use Legislation to protect landowners from civil liability if the owner lets property be used by others for recreation purposes without charging a fee for profit.

D.19. BUILDING CODES

During recent sessions of the General Assembly, legislation has been proposed that would have established a statewide standardized building code for municipalities. Although municipal officials recognize the importance of building codes, these recent attempts by the General Assembly were not well thought out.

Chapter 700 of the Missouri Revised Statutes regulates the construction of modular units and manufactured homes (mobile homes). However, Chapter 700 provides an inadequate definition of these housing products. The statutory definition blurs the distinction between modular units and manufactured homes, which gives rise to the consumer not being fully aware of which product is being purchased.

League Policy

The League encourages all municipalities that have the resources to adopt and administer building codes. Further, the League opposes any attempts by the General Assembly to preempt locally adopted building codes by requiring municipalities to adopt a standardized state code. However, the League strongly urges the state of Missouri to consider the adoption of a uniform building code that would be applicable to jurisdictions that do not have such a code with the state being responsible for funding adequate enforcement. The League supports legislation authorizing third class counties the authority to enact building codes.

The League supports legislation that would clearly define the differences between modular units and manufactured homes (mobile homes).

D.20. STATE FEE REFUNDS

Article X, Section 21, of the Missouri Constitution prohibits the state of Missouri from mandating any new activity or increasing the level of an existing activity on local governments without appropriating state funds to pay the costs. Although the Missouri Supreme Court has upheld this provision of the Constitution on several occasions, the Missouri Department of Natural Resources continuously mandates new activities and costs on local governments in total disregard of the Constitution. Local governments are put in the position of either paying what they know to be an illegal fee or risking fines and penalties.

League Policy

The League urges the Missouri General Assembly to pass legislation that would require state agencies to refund all fees, plus interest, levied on local governments in violation of Article X, Section 21, of the Missouri Constitution (Hancock Amendment). In addition, local governments should be given the authority to pay state fees under protest, with fees held in escrow until questions of legitimacy are resolved.

D.21. HISTORIC PRESERVATION TAX CREDIT PROGRAM

Many communities in Missouri have gone to great lengths to have their downtown areas listed on the National Register of Historic Places. One of the benefits of being listed on the register is that contributing properties are eligible for a 20% federal tax credit and a 25% state tax credit. These tax credits have been responsible for much of the reinvestment in downtown properties across the state in recent years.

According to a 2002 study conducted by Rutgers University for MDNR and the Missouri Downtown Association, the state historic tax credit program has not only helped preserve many important historic structures, it

has done so at little net cost so the tax payers. The study indicated that, from 1998 through 2001, the \$74 million in awarded tax credits generated \$295 million worth of historic property rehabilitation. This activity resulted in 6,871 jobs and \$60 million in state and local taxes.

League Policy

Historic preservation tax credits are not only a tool for historic preservation, but also a powerful economic development tool. During recent sessions of the Missouri General Assembly, legislation has been introduced to reduce historic preservation tax credits. While these efforts have so far failed, the threat of elimination of this important program still exists.

The Missouri Municipal League supports the continuation of the state Historic Preservation Tax Credit Program and opposes any caps or reductions in the program.

D.22. COLLECTION OF SPECIAL TAX BILLS

Often it is necessary for municipalities to repair or remove unsafe buildings at taxpayer's expense due to a property owner's unwillingness to maintain their property in a safe condition. In order to recover public funds expended to remove these public nuisances, a special tax bill is issued against the unsafe property. However, these special tax bills are often not paid until the property is sold, which could take many years.

League Policy

The League urges the Missouri General Assembly to pass legislation authorizing municipalities to collect special tax bills for property maintenance code violations in the same manner as for delinquent property taxes.

D. 23. MOVING UTILITIES IN PUBLIC RIGHTS-OF-WAY

There have been recent efforts in the Missouri General Assembly to take away a municipality's authority to require a utility company to pay for the relocation of its facilities located in the public rights-of-way when requested to do so for a public purpose. A municipality's right to make such a request has been upheld by the Missouri Supreme Court in *City of Bridgeton v. Missouri-American Water Co.*

League Policy

The League strongly opposes any legislation that would prohibit or restrict a municipality's authority to require a utility company to pay the cost of relocating their facilities located in the public rights-of-way when the request is for a public purpose.

D.24. COLLECTION OF DELINQUENT WATER AND SEWER BILLS

During recent sessions of the General Assembly attempts have been made to repeal the Statue, Section 250.140 RSMo authorizing municipalities to hold the property owner and tenant jointly responsible for delinquent water and sewer bills.

League Policy

The League opposes the repeal of the state law authorizing municipalities to hold the property owner and tenant jointly responsible for delinquent water and sewer bills. Approximately 50 percent of Missouri's

municipalities have adopted such a policy, because it is virtually impossible to sue renters who have left the municipality. Repeal of this law would cause increases in water and sewer user fees to compensate for the rise in uncollectible accounts. Abolishing this state law would require apartment owners to install separate meters in each apartment instead of installing one master meter to serve the entire apartment complex.

Utility billing policies should be left to local officials who are ultimately responsible for the proper management of municipality utilities.

D.25. LANDMARK LOCAL PARKS PROGRAM (LLPP)

Each year from fiscal year 1997 through fiscal year 2001, the Missouri General Assembly provided funding for the renovation and restoration of regional parks deemed to be “landmark parks” in Missouri and also to other local parks throughout the state of Missouri. During this period of time, approximately \$21 million was appropriated for these purposes through the Landmark Local Parks Program (LLPP). There were 108 LLPP grants funded during this period of time. The program has not been funded since FY’01 due to State budgetary crises.

League Policy

The League encourages the Missouri General Assembly to recognize the important contributions the LLPP made to the quality of life for Missouri residents during the five years the program was funded and to fully fund the program when the State returns to more prosperous times.