

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 22

AN ACT

To repeal sections 41.655, 50.327, 50.332, 50.565,
50.660, 50.1250, 52.290, 52.312, 52.315, 52.317,
58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.457,
67.463, 67.797, 67.1003, 67.1360, 67.1401, 67.1451,
67.1545, 67.1561, 67.2500, 67.2510, 67.2555, 70.220,
70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610,
79.050, 79.495, 87.006, 89.010, 89.400, 94.660, 94.875,
99.847, 100.050, 100.059, 105.452, 105.971, 108.170,
110.130, 110.140, 110.150, 137.055, 137.115, 139.055,
141.150, 141.640, 144.030, 144.062, 144.757, 144.759,
162.431, 163.011, 182.015, 190.052, 190.305, 206.090,
221.040, 226.527, 228.190, 235.210, 238.202, 238.207,
238.208, 238.220, 238.225, 238.230, 238.275, 246.005,
247.060, 260.830, 260.831, 302.010, 320.106, 320.146,
320.200, 320.271, 320.310, 321.130, 392.410, 393.705,
393.710, 393.715, 393.720, 393.740, 393.825, 393.847,
393.900, 393.933, 409.107, 432.070, 451.040, 473.743,
479.010, 479.011, 650.340, RSMo, section 67.1000, as
enacted by senate committee substitute for senate bill
no. 820, eighty-ninth general assembly, second regular
session, and section 67.1000, as enacted by house bill
no. 1587, eighty-ninth general assembly, second regular
session, and section 67.2505 as enacted by conference
committee substitute for senate substitute for senate
committee substitute for house committee substitute for
house bill nos. 795, 972, 1128 & 1161 merged with house
substitute for senate committee substitute for senate
bill no. 1155, ninety-second general assembly, second

regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and section 94.875 as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Substitute for House Bill No. 205, and to enact in lieu thereof one hundred sixty-six new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 41.655, 50.327, 50.332, 50.565, 50.660,
2 50.1250, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940,
3 66.010, 67.110, 67.320, 67.457, 67.463, 67.797, 67.1003, 67.1360,
4 67.1401, 67.1451, 67.1545, 67.1561, 67.2500, 67.2510, 67.2555,
5 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610,
6 79.050, 79.495, 87.006, 89.010, 89.400, 94.660, 94.875, 99.847,
7 100.050, 100.059, 105.452, 105.971, 108.170, 110.130, 110.140,
8 110.150, 137.055, 137.115, 139.055, 141.150, 141.640, 144.030,
9 144.062, 144.757, 144.759, 162.431, 163.011, 182.015, 190.052,
10 190.305, 206.090, 221.040, 226.527, 228.190, 235.210, 238.202,
11 238.207, 238.208, 238.220, 238.225, 238.230, 238.275, 246.005,
12 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200,
13 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 393.715,
14 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 409.107,
15 432.070, 451.040, 473.743, 479.010, 479.011, 650.340, RSMo,
16 section 67.1000, as enacted by senate committee substitute for
17 senate bill no. 820, eighty-ninth general assembly, second
18 regular session, and section 67.1000, as enacted by house bill
19 no. 1587, eighty-ninth general assembly, second regular session,

1 and section 67.2505 as enacted by conference committee substitute
2 for senate substitute for senate committee substitute for house
3 committee substitute for house bill nos. 795, 972, 1128 & 1161
4 merged with house substitute for senate committee substitute for
5 senate bill no. 1155, ninety-second general assembly, second
6 regular session, and section 67.2505, as enacted by senate
7 substitute for senate committee substitute for house committee
8 substitute for house bill no. 833 merged with house committee
9 substitute for senate substitute for senate bill no. 732, ninety-
10 second general assembly, second regular session, and section
11 94.875 as Truly Agreed To and Finally Passed by the first regular
12 session of the ninety-fourth general assembly in Senate
13 Substitute for House Bill No. 205, are repealed and one hundred
14 sixty-six new sections enacted in lieu thereof, to be known as
15 sections 41.655, 50.032, 50.327, 50.332, 50.565, 50.660, 50.1250,
16 52.290, 52.312, 52.315, 52.317, 58.500, 64.940, 66.010, 67.048,
17 67.110, 67.304, 67.320, 67.321, 67.457, 67.463, 67.797, 67.997,
18 67.1000, 67.1003, 67.1181, 67.1360, 67.1401, 67.1451, 67.1485,
19 67.1545, 67.1561, 67.2040, 67.2500, 67.2505, 67.2510, 67.2555,
20 70.220, 70.226, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020,
21 78.610, 79.050, 79.495, 87.006, 89.010, 89.400, 92.500, 94.660,
22 94.875, 94.950, 99.847, 100.050, 100.059, 105.452, 108.170,
23 110.130, 110.140, 110.150, 137.055, 137.115, 139.055, 141.150,
24 141.640, 144.030, 144.062, 144.757, 144.759, 162.431, 163.011,
25 163.016, 163.038, 182.015, 190.052, 190.053, 190.305, 204.600,
26 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614,
27 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628,
28 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650,

1 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664,
2 204.666, 204.668, 204.670, 204.672, 204.674, 205.563, 206.090,
3 221.040, 226.527, 228.190, 235.210, 238.202, 238.207, 238.208,
4 238.220, 238.225, 238.230, 238.275, 246.005, 247.060, 260.830,
5 260.831, 302.010, 320.097, 320.106, 320.146, 320.200, 320.271,
6 320.310, 321.130, 321.162, 321.688, 392.410, 393.705, 393.710,
7 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933,
8 409.107, 432.070, 451.040, 473.743, 479.010, 479.011, 644.597,
9 644.598, 644.599, 650.340, 1, 2, 3, 4, and 5, to read as follows:

10 41.655. 1. The governing body or county planning
11 commission, if any, of any county of the second classification
12 with more than forty-eight thousand two hundred but fewer than
13 forty-eight thousand three hundred inhabitants shall provide for
14 the planning, zoning, subdivision and building within all or any
15 portion of the unincorporated area extending three thousand feet
16 outward from the boundaries of any military base located in such
17 county and the area within the perimeter of accident potential
18 zones one and two [if the county has a zoning commission and a
19 board of adjustment established under sections 64.510 to 64.727,
20 RSMo]. As used in this section, the term "accident potential
21 zones one and two" means any land area [that was] identified in
22 the [April, 1976] current Air Installation Compatible Use Zone
23 Report at the north and south ends of the clear zone of a
24 military installation located in any county of the second
25 classification with more than forty-eight thousand two hundred
26 but fewer than forty-eight thousand three hundred inhabitants and
27 which is in significant danger of aircraft accidents by being
28 beneath that airspace where the potential for aircraft accidents

1 is most likely to occur.

2 2. The governing body of any county of the second
3 classification with more than forty-eight thousand two hundred
4 but fewer than forty-eight thousand three hundred inhabitants may
5 adopt, administer, and enforce airport hazard area zoning
6 regulations that are substantially similar to the airport hazard
7 area zoning regulations in sections 67.1200 to 67.1222, RSMo,
8 subject to any exceptions listed in this section. Such
9 exceptions are as follows:

10 (1) All definitions in section 67.1200, RSMo, shall apply,
11 except that any reference to a political subdivision in sections
12 67.1200 to 67.1222, RSMo, shall be construed to include any
13 county of the second classification with more than forty-eight
14 thousand two hundred but fewer than forty-eight thousand three
15 hundred inhabitants;

16 (2) Sections 67.1207 and 67.1212, RSMo, shall not apply;

17 (3) The county shall employ any existing airport planning
18 commission or airport zoning commission as created in section
19 67.1210, RSMo, or shall form such commission, with the following
20 exceptions:

21 (a) The commission shall consist of five members as
22 follows:

23 a. Three residents of the county, with at least two of such
24 county residents residing in the township containing the military
25 base;

26 b. The presiding county commissioner or such commissioner's
27 designee; and

28 c. The county road commissioner;

1 (b) The commission may appoint an ex officio military
2 liaison from the armed forces of the United States who is
3 stationed at the military base;

4 (c) The terms of office of each member under this section
5 shall be identical to the terms of office in section 67.1210,
6 RSMo, with the member chosen to serve as chair serving for an
7 initial term of two years. The commission shall elect its
8 chairman;

9 (4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo,
10 shall apply in their entirety, except that any reference to a
11 municipality in such sections shall be construed to include any
12 county of the second classification with more than forty-eight
13 thousand two hundred but fewer than forty-eight thousand three
14 hundred inhabitants;

15 (5) Section 67.1220 shall apply in its entirety, except
16 that the board of variance shall consist of three members as
17 follows:

18 (a) Three residents of the county, with at least two of
19 such county residents residing in the township containing the
20 military base;

21 (b) The board shall elect its chairman.

22 50.032. No county shall receive any state funds unless the
23 county has determined, by order or ordinance, to agree to engage
24 in mediation if a dispute concerning a financial expenditure
25 arises between such county and another county as to which county
26 is fully responsible or if both counties are partially
27 responsible for paying such expenses. Mediation under this
28 section shall be nonbinding and independently administered. The

1 counties shall mutually agree upon a qualified independent and
2 neutral county commissioner of a county not involved in the
3 dispute to serve as mediator, and shall share the costs of the
4 mediator. If the counties cannot mutually agree upon a county
5 commissioner to serve as mediator, the matter shall be resolved
6 by a three-person arbitration panel consisting of a county
7 commissioner selected by each county, and one person selected by
8 such selected county commissioners. In the event that a three-
9 person arbitration panel is necessary, each county shall jointly
10 and equally bear with the other county the expense of the
11 arbitration. The mediation or arbitration shall take place
12 within thirty days of the selection of the mediator or
13 arbitration panel. Any decision issued by an arbitration panel
14 may be appealed to the circuit court to determine the portion of
15 expenses each county shall be responsible for paying.

16 50.327. Notwithstanding any other provisions of law to the
17 contrary, the salary schedules contained in [section] sections
18 49.082, [RSMo, sections] 50.334 [and], 50.343, 51.281, [RSMo,]
19 51.282, [RSMo,] 52.269, [RSMo,] 53.082, [RSMo,] 53.083, [RSMo,]
20 54.261, [RSMo,] 54.320, [RSMo,] 55.091, [RSMo,] 56.265, [RSMo,]
21 57.317, [RSMo,] 58.095, [RSMo,] and 473.742, RSMo, shall be set
22 as a base schedule for those county officials[, unless the
23 current salary of such officials, as of August 28, 2005, is lower
24 than the compensation provided under the salary schedules.
25 Beginning August 28, 2005]. Except when it is necessary to
26 increase newly elected or reelected county officials' salaries in
27 accordance with section 13, article VII, Constitution of
28 Missouri, to comply with the requirements of this section, the

1 salary commission in all counties except charter counties in this
2 state shall be responsible for the computation of salaries of all
3 county officials; provided, however, that any percentage salary
4 adjustments in a county shall be equal for all such officials in
5 that county. If the salary commission votes to decrease the
6 compensation of a county official, a vote of two-thirds or more
7 of all the members of the salary commission shall be required
8 before the salary or other compensation of any county official
9 shall be decreased below the compensation being paid for the
10 particular official on the date the salary commission votes, and
11 all officials shall receive the same percentage decrease.

12 50.332. Each county officer in all counties except first
13 class counties having a charter form of government or any city
14 not within a county may, subject to the approval of the governing
15 body of the county, contract with the governing body of any
16 municipality located within such county, either in whole or in
17 part, to perform the same type of duties for such municipality as
18 such county officer is performing for the county. Any
19 compensation paid by a municipality for services rendered
20 pursuant to this section shall be paid directly to the county, or
21 county officer, or both, as provided in the provisions of the
22 contract, and any compensation allowed any county officer under
23 any such contract may be retained by such officer in addition to
24 all other compensation provided by law; provided however, that in
25 any county of the third classification with a township form of
26 government and with more than sixteen thousand six hundred but
27 fewer than sixteen thousand seven hundred inhabitants or in any
28 county of the third classification with a township form of

1 government and with more than twenty-one thousand nine hundred
2 fifty but fewer than twenty-two thousand nine hundred fifty
3 inhabitants no more than one percent of the contract price may be
4 allowed to the county collector under any such contract and may
5 be retained by the county collector in addition to all other
6 compensation provided by law, and the remainder of the contract
7 price shall be deposited in the county general revenue fund.

8 50.565. 1. A county commission may establish by ordinance
9 or order a fund whose proceeds may be expended only for the
10 purposes provided for in subsection 3 of this section. The fund
11 shall be designated as a county law enforcement restitution fund
12 and shall be under the supervision of a board of trustees
13 consisting of two citizens of the county appointed by the
14 presiding commissioner of the county, two citizens of the county
15 appointed by the sheriff of the county, and one citizen of the
16 county appointed by the county coroner or medical examiner. The
17 citizens so appointed shall not be current or former elected
18 officials, current or former employees of the sheriff's
19 department, the office of the prosecuting attorney for the
20 county, office of the county commissioners, or the county
21 treasurer's office. If a county does not have a coroner or
22 medical examiner, the county treasurer shall appoint one citizen
23 to the board of trustees.

24 2. Money from the county law enforcement restitution fund
25 shall only be expended upon the approval of a majority of the
26 members of the county law enforcement restitution fund's board of
27 trustees and only for the purposes provided for by subsection 3
28 of this section.

1 3. Money from the county law enforcement restitution fund
2 shall only be expended for the following purposes:

3 (1) Narcotics investigation, prevention, and intervention;

4 (2) Purchase of law enforcement-related equipment and
5 supplies for the sheriff's office;

6 (3) Matching funds for federal or state law enforcement
7 grants;

8 (4) Funding for the reporting of all state and federal
9 crime statistics or information; and

10 (5) Any county law enforcement-related expense, including
11 those of the prosecuting attorney, approved by the board of
12 trustees for the county law enforcement restitution fund that is
13 reasonably related to investigation, charging, preparation,
14 trial, and disposition of criminal cases before the courts of the
15 state of Missouri.

16 4. The county commission may not reduce any law enforcement
17 agency's budget as a result of funds the law enforcement agency
18 receives from the county law enforcement restitution fund. The
19 restitution fund is to be used only as a supplement to the law
20 enforcement agency's funding received from other county, state,
21 or federal funds.

22 5. County law enforcement restitution funds shall be
23 audited as are all other county funds.

24 6. No court may order the assessment and payment authorized
25 by this section if the plea of guilty or the finding of guilt is
26 to the charge of speeding, careless and imprudent driving, any
27 charge of violating a traffic control signal or sign, or any
28 charge which is a class C misdemeanor or an infraction. No

1 assessment and payment ordered pursuant to this section may
2 exceed three hundred dollars for any charged offense.

3 50.660. 1. All contracts shall be executed in the name of
4 the county, or in the name of a township in a county with a
5 township form of government, by the head of the department or
6 officer concerned, except contracts for the purchase of supplies,
7 materials, equipment or services other than personal made by the
8 officer in charge of purchasing in any county or township having
9 the officer. No contract or order imposing any financial
10 obligation on the county or township is binding on the county or
11 township unless it is in writing and unless there is a balance
12 otherwise unencumbered to the credit of the appropriation to
13 which it is to be charged and a cash balance otherwise
14 unencumbered in the treasury to the credit of the fund from which
15 payment is to be made, each sufficient to meet the obligation
16 incurred and unless the contract or order bears the certification
17 of the accounting officer so stating; except that in case of any
18 contract for public works or buildings to be paid for from bond
19 funds or from taxes levied for the purpose it is sufficient for
20 the accounting officer to certify that the bonds or taxes have
21 been authorized by vote of the people and that there is a
22 sufficient unencumbered amount of the bonds yet to be sold or of
23 the taxes levied and yet to be collected to meet the obligation
24 in case there is not a sufficient unencumbered cash balance in
25 the treasury. All contracts and purchases shall be let to the
26 lowest and best bidder after due opportunity for competition,
27 including advertising the proposed letting in a newspaper in the
28 county or township with a circulation of at least five hundred

1 copies per issue, if there is one, except that the advertising is
2 not required in case of contracts or purchases involving an
3 expenditure of less than [four thousand five hundred] six
4 thousand dollars. It is not necessary to obtain bids on any
5 purchase in the amount of four thousand five hundred dollars or
6 less made from any one person, firm or corporation during any
7 period of ninety days. All bids for any contract or purchase may
8 be rejected and new bids advertised for. Contracts which provide
9 that the person contracting with the county or township shall,
10 during the term of the contract, furnish to the county or
11 township at the price therein specified the supplies, materials,
12 equipment or services other than personal therein described, in
13 the quantities required, and from time to time as ordered by the
14 officer in charge of purchasing during the term of the contract,
15 need not bear the certification of the accounting officer, as
16 herein provided; but all orders for supplies, materials,
17 equipment or services other than personal shall bear the
18 certification. In case of such contract, no financial obligation
19 accrues against the county or township until the supplies,
20 materials, equipment or services other than personal are so
21 ordered and the certificate furnished.

22 2. Notwithstanding the provisions of subsection 1 of this
23 section to the contrary, advertising shall not be required in any
24 county in the case of contracts or purchases involving an
25 expenditure of less than six thousand dollars.

26 50.1250. 1. If a member has less than five years of
27 creditable service upon termination of employment, the member
28 shall forfeit the portion of his or her defined contribution

1 account attributable to board matching contributions or county
2 matching contributions pursuant to section 50.1230. The proceeds
3 of such forfeiture shall be applied towards matching
4 contributions made by the board for the calendar year in which
5 the forfeiture occurs. If the board does not approve a matching
6 contribution, then forfeitures shall revert to the county
7 employees' retirement fund. The proceeds of such forfeiture with
8 respect to county matching contributions shall be applied toward
9 matching contributions made by the respective county in
10 accordance with rules prescribed by the board.

11 2. A member shall be eligible to receive a distribution of
12 the member's defined contribution account in such form selected
13 by the member as permitted under and in accordance with the rules
14 and regulations formulated and adopted by the board from time to
15 time, and commencing as soon as administratively feasible
16 following separation from service, unless the member elects to
17 receive the account balance at a later time, but no later than
18 his or her required beginning date. Notwithstanding the
19 foregoing, if the value of a member's defined contribution
20 account balance is [five] one thousand dollars or less at the
21 time of the member's separation from service, without respect to
22 any board-matching contributions or employer-matching
23 contribution which might be allocated following the member's
24 separation from service, then his or her defined contribution
25 account shall be distributed to the member in a single sum as
26 soon as administratively feasible following his or her separation
27 from service. The amount of the distribution shall be the amount
28 determined as of the valuation date described in section 50.1240,

1 if the member has at least five years of creditable service. If
2 the member has less than five years of creditable service upon
3 his or her separation from service, then the amount of the
4 distribution shall equal the portion of the member's defined
5 contribution account attributable to the member's seed
6 contributions pursuant to section 50.1220, if any, determined as
7 of the valuation date.

8 3. If the member dies before receiving the member's account
9 balance, the member's designated beneficiary shall receive the
10 member's defined contribution account balance, as determined as
11 of the immediately preceding valuation date, in a single sum.
12 The member's beneficiary shall be his or her spouse, if married,
13 or his or her estate, if not married, unless the member
14 designates an alternative beneficiary in accordance with
15 procedures established by the board.

16 52.290. 1. In all counties except counties [of the first
17 classification] having a charter form of government and any city
18 not within a county, the collector shall collect on behalf of the
19 county a fee for the collection of delinquent and back taxes of
20 seven percent on all sums collected to be added to the face of
21 the tax bill and collected from the party paying the tax.
22 Two-sevenths of the fees collected pursuant to the provisions of
23 this section shall be paid into the county general fund,
24 two-sevenths of the fees collected pursuant to the provisions of
25 this section shall be paid into the tax maintenance fund of the
26 county as required by section 52.312 and three-sevenths of the
27 fees collected pursuant to the provisions of this section shall
28 be paid into the county employees' retirement fund created by

1 sections 50.1000 to 50.1200, RSMo.

2 2. In all counties [of the first classification] having a
3 charter form of government and any city not within a county, the
4 collector shall collect on behalf of the county and pay into the
5 county general fund a fee for the collection of delinquent and
6 back taxes of two percent on all sums collected to be added to
7 the face of the tax bill and collected from the party paying the
8 tax except that in a county with a charter form of government and
9 with more than two hundred fifty thousand but less than [three]
10 seven hundred [fifty] thousand inhabitants, the collector shall
11 collect on behalf of the county a fee for the collection of
12 delinquent and back taxes of three percent on all sums collected
13 to be added to the face of the tax bill and collected from the
14 party paying the tax. [Two-thirds of the fees collected pursuant
15 to the provisions of this section shall be paid into the county
16 general fund and one-third of the fees collected pursuant to this
17 section shall be paid into the tax maintenance fund of the county
18 as required by section 52.312, RSMo.] If a county is required by
19 section 52.312 to establish a tax maintenance fund, one-third of
20 the fees collected under this subsection shall be paid into that
21 fund; otherwise, all fees collected under the provisions of this
22 subsection shall be paid into the county general fund.

23 3. Such county collector may accept credit cards as proper
24 form of payment of outstanding delinquent and back taxes due. No
25 county collector may charge a surcharge for payment by credit
26 card.

27 52.312. Notwithstanding any provisions of law to the
28 contrary, in addition to fees provided for in this chapter, or

1 any other provisions of law in conflict with the provisions of
2 this section, all counties, including [a] any county with a
3 charter form of government and with more than two hundred fifty
4 thousand but less than [three] seven hundred [fifty] thousand
5 inhabitants, other than counties [of the first classification]
6 having a charter form of government and any city not within a
7 county, subject to the provisions of this section, shall
8 establish a fund to be known as the "Tax Maintenance Fund" to be
9 used solely as a depository for funds received or collected for
10 the purpose of funding additional costs and expenses incurred in
11 the office of collector.

12 52.315. 1. The two-sevenths collected to fund the tax
13 maintenance fund pursuant to section 52.290 and all moneys
14 collected to fund the tax maintenance fund under subsection 2 of
15 section 52.290 shall be transmitted monthly for deposit into the
16 tax maintenance fund and used for additional administration and
17 operation costs for the office of collector. Any costs shall
18 include, but shall not be limited to, those costs that require
19 any additional out-of-pocket expense by the office of collector
20 and it may include reimbursement to county general revenue for
21 the salaries of employees of the office of collector for hours
22 worked and any other expenses necessary to conduct and execute
23 the duties and responsibilities of such office.

24 2. The tax maintenance fund may also be used by the
25 collector for training, purchasing new or upgrading information
26 technology, equipment or other essential administrative expenses
27 necessary to carry out the duties and responsibilities of the
28 office of collector, including anything necessarily pertaining

1 thereto.

2 3. The collector has the sole responsibility for all
3 expenditures made from the tax maintenance fund and shall approve
4 all expenditures from such fund. All such expenditures from the
5 tax maintenance fund shall not be used to substitute for or
6 subsidize any allocation of county general revenue for the
7 operation of the office of collector.

8 4. The tax maintenance fund may be audited by the
9 appropriate auditing agency. Any unexpended balance shall be
10 left in the tax maintenance fund, to accumulate from year to year
11 with interest.

12 52.317. 1. Any county subject to the provisions of section
13 52.312 shall provide moneys for budget purposes in an amount not
14 less than the approved budget in the previous year and shall
15 include the same percentage adjustments in compensation as
16 provided for other county employees as effective January first
17 each year. Any moneys accumulated and remaining in the tax
18 maintenance fund as of December thirty-first each year in all
19 counties of the first classification [without a charter form of
20 government] and any county with a charter form of government and
21 with more than two hundred fifty thousand but less than [three]
22 seven hundred [fifty] thousand inhabitants shall be limited to an
23 amount equal to one-half of the previous year's approved budget
24 for the office of collector, and any moneys accumulated and
25 remaining in the tax maintenance fund as of December thirty-first
26 each year in all counties other than counties of the first
27 classification and any city not within a county, which collect
28 more than four million dollars of all current taxes charged to be

1 collected, shall be limited to an amount equal to the previous
2 year's approved budget for the office of collector. Any moneys
3 remaining in the tax maintenance fund as of December thirty-first
4 each year that exceed the above-established limits shall be
5 transferred to county general revenue by the following January
6 fifteenth of each year.

7 2. For one-time expenditures directly attributable to any
8 department, office, institution, commission, or county court, the
9 county commission may budget such expenses in a common fund or
10 account so that any such expenditures separately budgeted do not
11 appear in any specific department, county office, institution,
12 commission, or court budget.

13 58.500. Upon delivery of any money to the [treasurer]
14 public administrator, he or she shall [place it to the credit of
15 the city or county; if it be other property he shall, within
16 thirty days, sell it at public auction, upon ten days' public
17 notice, by publication in some newspaper printed in the city or
18 county, if there be any, and if there be none, then by posting
19 not less than six written or printed bills, giving notice of time
20 and place of sale of such other property; and shall, in like
21 manner, place the proceeds to the credit of the city or county]
22 follow the procedures as set out in section 473.743, RSMo.

23 64.940. 1. The authority shall have the following powers:

24 (1) To acquire by gift, bequest, purchase or lease from
25 public or private sources and to plan, construct, operate and
26 maintain, or to lease to others for construction, operation and
27 maintenance a sports stadium, field house, indoor and outdoor
28 recreational facilities, centers, playing fields, parking

1 facilities and other suitable concessions, and all things
2 incidental or necessary to a complex suitable for all types of
3 sports and recreation, either professional or amateur, commercial
4 or private, either upon, above or below the ground;

5 (2) To charge and collect fees and rents for use of the
6 facilities owned or operated by it or leased from or to others;

7 (3) To adopt a common seal, to contract and to be
8 contracted with, including, but without limitation, the authority
9 to enter into contracts with counties and other political
10 subdivisions under sections 70.210 to 70.320, RSMo, and to sue
11 and to be sued;

12 (4) To receive for its lawful activities any contributions
13 or moneys appropriated by municipalities, counties, state or
14 other political subdivisions or agencies or by the federal
15 government or any agency or officer thereof or from any other
16 source;

17 (5) To disburse funds for its lawful activities and fix
18 salaries and wages of its officers and employees;

19 (6) To borrow money for the acquisition, planning,
20 construction, equipping, operation, maintenance, repair,
21 extension and improvement of any facility, or any part or parts
22 thereof, which it has the power to own or to operate, and to
23 issue negotiable notes, bonds, or other instruments in writing as
24 evidence of sums borrowed, as hereinafter provided in this
25 section:

26 (a) Bonds or notes issued hereunder shall be issued
27 pursuant to a resolution adopted by the commissioners of the
28 authority which shall set out the estimated cost to the authority

1 of the proposed facility or facilities, and shall further set out
2 the amount of bonds or notes to be issued, their purpose or
3 purposes, their date or dates, denomination or denominations,
4 rate or rates of interest, time or times of payment, both of
5 principal and of interest, place or places of payment and all
6 other details in connection therewith. Any such bonds or notes
7 may be subject to such provision for redemption prior to
8 maturity, with or without premium, and at such times and upon
9 such conditions as may be provided by the resolution.

10 (b) Such bonds or notes shall bear interest at a rate not
11 exceeding eight percent per annum and shall mature within a
12 period not exceeding fifty years and may be sold at public or
13 private sale for not less than ninety-five percent of the
14 principal amount thereof. Bonds or notes issued by an authority
15 shall possess all of the qualities of negotiable instruments
16 under the laws of this state.

17 (c) Such bonds or notes may be payable to bearer, may be
18 registered or coupon bonds or notes and if payable to bearer, may
19 contain such registration provisions as to either principal and
20 interest, or principal only, as may be provided in the resolution
21 authorizing the same which resolution may also provide for the
22 exchange of registered and coupon bonds or notes. Such bonds or
23 notes and any coupons attached thereto shall be signed in such
24 manner and by such officers of the authority as may be provided
25 for by the resolution authorizing the same. The authority may
26 provide for the replacement of any bond or note which shall
27 become mutilated, destroyed or lost.

28 (d) Bonds or notes issued by an authority shall be payable

1 as to principal, interest and redemption premium, if any, out of
2 the general funds of the authority, including rents, revenues,
3 receipts and income derived and to be derived for the use of any
4 facility or combination of facilities, or any part or parts
5 thereof, acquired, constructed, improved or extended in whole or
6 in part from the proceeds of such bonds or notes, including but
7 not limited to stadium rentals, concessions, parking facilities
8 and from funds derived from any other facilities or part or parts
9 thereof, owned or operated by the authority, all or any part of
10 which rents, revenues, receipts and income the authority is
11 authorized to pledge for the payment of said principal, interest,
12 and redemption premium, if any. Bonds or notes issued pursuant
13 to this section shall not constitute an indebtedness of the
14 authority within the meaning of any constitutional or statutory
15 restriction, limitation or provision, and such bonds or notes
16 shall not be payable out of any funds raised or to be raised by
17 taxation. Bonds or notes issued pursuant to this section may be
18 further secured by a mortgage or deed of trust upon the rents,
19 revenues, receipts and income herein referred to or any part
20 thereof or upon any leasehold interest or other property owned by
21 the authority, or any part thereof, whether then owned or
22 thereafter acquired. The proceeds of such bonds or notes shall
23 be disbursed in such manner and under such restrictions as the
24 authority may provide in the resolution authorizing the issuance
25 of such bonds or notes or in any such mortgage or deed of trust.

26 (e) It shall be the duty of the authority to fix and
27 maintain rates and make and collect charges for the use and
28 services of its interest in the facility or facilities or any

1 part thereof operated by the authority which shall be sufficient
2 to pay the cost of operation and maintenance thereof, to pay the
3 principal of and interest on any such bonds or notes and to
4 provide funds sufficient to meet all requirements of the
5 resolution by which such bonds or notes have been issued.

6 (f) The resolution authorizing the issuance of any such
7 bonds or notes may provide for the allocation of rents, revenues,
8 receipts and income derived and to be derived by the authority
9 from the use of any facility or part thereof into such separate
10 accounts as shall be deemed to be advisable to assure the proper
11 operation and maintenance of any facility or part thereof and the
12 prompt payment of any bonds or notes issued to finance all or any
13 part of the costs thereof. Such accounts may include reserve
14 accounts necessary for the proper operation and maintenance of
15 any such facility or any part thereof, and for the payment of any
16 such bonds or notes. Such resolution may include such other
17 covenants and agreements by the authority as in its judgment are
18 advisable or necessary properly to secure the payment of such
19 bonds or notes.

20 (g) The authority may issue negotiable refunding bonds or
21 notes for the purpose of refunding, extending or unifying the
22 whole or any part of such bonds or notes then outstanding, which
23 bonds or notes shall not exceed the principal of the outstanding
24 bonds or notes to be refunded and the accrued interest thereon to
25 the date of such refunding, including any redemption premium.
26 The authority may provide for the payment of interest on such
27 refunding bonds or notes at a rate in excess of the bonds or
28 notes to be refunded but such interest rate shall not exceed the

1 maximum rate of interest hereinbefore provided.

2 (7) To condemn any and all rights or property, of any kind
3 or character, necessary for the purposes of the authority,
4 subject, however, to the provisions of sections 64.920 to 64.950
5 and in the manner provided in chapter 523, RSMo; provided,
6 however, that no property now or hereafter vested in or held by
7 the state or by any county, city, village, township or other
8 political subdivisions shall be taken by the authority without
9 the authority or consent of such political subdivisions;

10 (8) To perform all other necessary and incidental
11 functions; and to exercise such additional powers as shall be
12 conferred by the general assembly or by act of Congress.

13 2. The authority is authorized and directed to proceed to
14 carry out its duties, functions and powers in accordance with
15 sections 64.920 to 64.950 as rapidly as may be economically
16 practicable and is vested with all necessary and appropriate
17 powers not inconsistent with the constitution or the laws of the
18 United States to effectuate the same, except the power to levy
19 taxes or assessments.

20 3. Any expenditure made by the authority located in a
21 county with a charter form of government and with more than six
22 hundred thousand but fewer than seven hundred thousand
23 inhabitants, that is over [five] twenty-five thousand dollars,
24 including professional service contracts, must be competitively
25 bid.

26 66.010. 1. Any [first class] county framing and adopting a
27 charter for its own government under the provisions of section
28 18, article VI of the constitution of this state, may prosecute

1 and punish violations of its county ordinances in the circuit
2 court of such counties in the manner and to the extent herein
3 provided or in a county municipal court [if creation of a county
4 municipal court is authorized by such charter]. In addition, the
5 county may prosecute and punish municipal ordinance violations in
6 the county municipal court pursuant to a contract with any
7 municipality within the county. Any county municipal court
8 established pursuant to the provisions of this section shall have
9 jurisdiction over violations of that county's ordinances and the
10 ordinances of municipalities with which the county has a contract
11 to prosecute and punish violations of municipal ordinances of the
12 city. Costs and procedures in any such county municipal court
13 shall be governed by the provisions of law relating to municipal
14 ordinance violations in municipal divisions of circuit courts.

15 2. In any county which has elected to establish a county
16 municipal court pursuant to this section, the judges for such
17 court shall be appointed by the county executive of such county,
18 subject to confirmation by the legislative body of such county in
19 the same manner as confirmation for other county appointed
20 officers. The number of judges appointed, and qualifications for
21 their appointment, shall be established by ordinance of the
22 county.

23 3. The number of divisions of such county municipal court
24 and its term shall be established by ordinance of the county.

25 4. Except in any county with a charter form of government
26 and with more than six hundred thousand but fewer than seven
27 hundred thousand inhabitants, the ordinance of the county shall
28 provide for regular sessions of court in the evening hours after

1 6:00 p.m. and at locations outside the county seat. In any
2 county with a charter form of government and with more than six
3 hundred thousand but fewer than seven hundred thousand
4 inhabitants, the ordinance of the county may provide for regular
5 sessions of court in the evening hours after 6:00 p.m. and at
6 locations outside the county seat.

7 5. Judges of the county municipal court shall be licensed
8 to practice law in this state and shall be residents of the
9 county in which they serve. Municipal court judges shall not
10 accept or handle cases in their practice of law which are
11 inconsistent with their duties as a municipal court judge and
12 shall not be a judge or prosecutor for any other court.

13 6. In establishing the county municipal court, provisions
14 shall be made for appropriate circumstances whereby defendants
15 may enter not guilty pleas and obtain trial dates by telephone or
16 written communication without personal appearance, or to plead
17 guilty and deliver by mail or electronic transfer or other
18 approved method the specified amount of the fine and costs as
19 otherwise provided by law, within a specified period of time.

20 7. In a county municipal court established pursuant to this
21 section, the county may provide by ordinance for court costs not
22 to exceed the sum which may be provided by municipalities for
23 municipal violations before municipal courts. The county
24 municipal judge may assess costs against a defendant who pleads
25 guilty or is found guilty except in those cases where the
26 defendant is found by the judge to be indigent and unable to pay
27 the costs. The costs authorized in this subsection are in
28 addition to service costs, witness fees and jail costs that may

1 otherwise be authorized to be assessed, but are in lieu of other
2 court or judge costs or fees. Such costs shall be collected by
3 the authorized clerk and deposited into the county treasury.

4 8. Provisions shall be made for recording of proceedings,
5 except that if such proceedings are not recorded, then, in that
6 event, a person aggrieved by a judgment of a traffic judge or
7 commissioner shall have the right of a trial de novo. The
8 procedures for perfecting the right of a trial de novo shall be
9 the same as that provided under sections 512.180 to 512.320,
10 RSMo, except that the provisions of subsection 2 of section
11 512.180, RSMo, shall not apply to such cases. In the event that
12 such proceedings are recorded, all final decisions of the county
13 municipal court shall be appealable on such record to the
14 appellate court with appropriate jurisdiction.

15 9. Any person charged with the violation of a county
16 ordinance in a county which has established a county municipal
17 court under the provisions of this section shall, upon request,
18 be entitled to a trial by jury before a county municipal court
19 judge. Any jury trial shall be heard with a record being made.

20 10. In the event that a court is established pursuant to
21 this section, the circuit judges of the judicial circuit with
22 jurisdiction within that county may authorize the judges of the
23 county municipal court to act as commissioners to hear in the
24 first instance nonfelony violations of state law involving motor
25 vehicles as provided by local rule.

26 67.048. Any county board that receives funding from the
27 county treasury and whose members are appointed by the county
28 commission shall submit an annual report to the county commission

1 at the end of each fiscal year itemizing its expenditures.

2 67.110. 1. Each political subdivision in the state, except
3 counties, shall fix its ad valorem property tax rates as provided
4 in this section not later than September first for entry in the
5 tax books. Before the governing body of each political
6 subdivision of the state, except counties, as defined in section
7 70.120, RSMo, fixes its rate of taxation, its budget officer
8 shall present to its governing body the following information for
9 each tax rate to be levied: The assessed valuation by category
10 of real, personal and other tangible property in the political
11 subdivision as entered in the tax book for the fiscal year for
12 which the tax is to be levied, as provided by subsection 3 of
13 section 137.245, RSMo, the assessed valuation by category of
14 real, personal and other tangible property in the political
15 subdivisions for the preceding taxable year, the amount of
16 revenue required to be provided from the property tax as set
17 forth in the annual budget adopted as provided by this chapter,
18 and the tax rate proposed to be set. Should any political
19 subdivision whose taxes are collected by the county collector of
20 revenue fail to fix its ad valorem property tax rate by September
21 first, then no tax rate other than the rate, if any, necessary to
22 pay the interest and principal on any outstanding bonds shall be
23 certified for that year.

24 2. The governing body shall hold at least one public
25 hearing on the proposed rates of taxes at which citizens may be
26 heard prior to their approval. The governing body shall
27 determine the time and place for such hearing. A notice stating
28 the hour, date and place of the hearing shall be published in at

1 least one newspaper qualified under the laws of the state of
2 Missouri of general circulation in the county within which all or
3 the largest portion of the political subdivision is situated, or
4 such notice shall be posted in at least three public places
5 within the political subdivision; except that, in any county of
6 the first class having a charter form of government, such notice
7 may be published in a newspaper of general circulation within the
8 political subdivision even though such newspaper is not qualified
9 under the laws of Missouri for other legal notices. Such notice
10 shall be published or posted at least seven days prior to the
11 date of the hearing. The notice shall include the assessed
12 valuation by category of real, personal and other tangible
13 property in the political subdivision for the fiscal year for
14 which the tax is to be levied as provided by subsection 3 of
15 section 137.245, RSMo, the assessed valuation by category of
16 real, personal and other tangible property in the political
17 subdivision for the preceding taxable year, for each rate to be
18 levied the amount of revenue required to be provided from the
19 property tax as set forth in the annual budget adopted as
20 provided by this chapter, and the tax rates proposed to be set
21 for the various purposes of taxation. The tax rates shall be
22 calculated to produce substantially the same revenues as required
23 in the annual budget adopted as provided in this chapter.
24 Following the hearing the governing body of each political
25 subdivision shall fix the rates of taxes, the same to be entered
26 in the tax book. Failure of any taxpayer to appear at such
27 hearing shall not prevent the taxpayer from pursuit of any other
28 legal remedy otherwise available to the taxpayer. Nothing in

1 this section absolves political subdivisions of responsibilities
2 under section 137.073, RSMo, nor to adjust tax rates in event
3 changes in assessed valuation occur that would alter the tax rate
4 calculations.

5 3. Each political subdivision of the state shall fix its
6 property tax rates in the manner provided in this section for
7 each fiscal year which begins after December 31, 1976. New or
8 increased tax rates for political subdivisions whose taxes are
9 collected by the county collector approved by voters after
10 September first of any year shall not be included in that year's
11 tax levy except for any new tax rate ceiling approved pursuant to
12 section 71.800, RSMo.

13 4. In addition to the information required under
14 subsections 1 and 2 of this section, each political subdivision
15 shall also include the increase in tax revenue due to an increase
16 in assessed value as a result of new construction and improvement
17 and the increase, both in dollar value and percentage, in tax
18 revenue as a result of reassessment if the proposed tax rate is
19 adopted.

20 67.304. 1. The governing body of any municipality or
21 county may authorize any organization to stand in a road in such
22 municipality or county to solicit a charitable contribution. Any
23 organization seeking authorization under this section shall file
24 a written application with the governing body no later than the
25 eleventh day before the solicitation is to begin. The
26 application shall include:

27 (1) The date and time the solicitation is to occur;

28 (2) The location of the solicitation; and

1 (3) The number of solicitors to be involved at each
2 location of the solicitation.

3 2. The governing body may require the applicant to obtain a
4 permit or to pay a reasonable fee to receive the authorization.

5 3. The governing body may require proof of liability
6 insurance in the amount determined by the municipality or county
7 to cover damages that may arise from the solicitation. The
8 insurance shall provide coverage against claims against the
9 applicant and claims against the governing body.

10 4. Collections shall only be conducted at intersections
11 controlled by electronic signal lights or by four-way stop signs.

12 5. The governing body may set a minimum age requirement for
13 all individuals participating in charitable solicitation
14 activities under this section.

15 67.320. 1. Any county of the first classification with
16 more than one hundred ninety-eight thousand but less than one
17 hundred ninety-nine thousand two hundred inhabitants may
18 prosecute and punish violations of its county orders in the
19 circuit court of such counties in the manner and to the extent
20 herein provided or in a county municipal court if creation of a
21 county municipal court is approved by order of the county
22 commission. The county may adopt orders with penal provisions
23 consistent with state law [but only in the areas of traffic
24 violations, solid waste management and animal control], but only
25 in the areas of traffic violations, solid waste management,
26 county building codes, on-site sewer treatment, zoning orders,
27 and animal control. Any county municipal court established
28 pursuant to the provisions of this section shall have

1 jurisdiction over violations of that county's orders and the
2 ordinances of municipalities with which the county has a contract
3 to prosecute and punish violations of municipal ordinances of the
4 municipality.

5 2. In any county which has elected to establish a county
6 municipal court pursuant to this section, the judges for such
7 court shall be appointed by the county commission of such county,
8 subject to confirmation by the legislative body of such county in
9 the same manner as confirmation for other county appointed
10 officers. The number of judges appointed, and qualifications for
11 their appointment, shall be established by order of the
12 commission.

13 3. The practice and procedure of each prosecution shall be
14 conducted in compliance with all of the terms and provisions of
15 sections 66.010 to 66.140, RSMo, except as provided for in this
16 section.

17 4. Any use of the term ordinance in sections 66.010 to
18 66.140, RSMo, shall be synonymous with the term order for
19 purposes of this section.

20 67.321. 1. Notwithstanding any other provision of law to
21 the contrary, the governing body of any county or municipality
22 shall have the authority to establish an ordinance to allow
23 patrons' pets, as defined in subdivision (20) of section 266.160,
24 RSMo, except for specialty pets as defined in subdivision (25) of
25 section 266.160, RSMo, within certain designated outdoor portions
26 of public food service establishments.

27 2. The governing body shall require from the public food
28 service establishment the following information:

1 (1) A diagram and description of the outdoor area to be
2 designated as available to patrons' pets, including dimensions of
3 the designated area;

4 (2) A depiction of the number and placement of tables,
5 chairs, and restaurant equipment;

6 (3) Entryways and exits to the designated outdoor area;

7 (4) The boundaries of the designated area and of other
8 areas of outdoor dining not available to patrons' pets;

9 (5) Any fences or other barriers;

10 (6) Surrounding property lines and public rights-of-way
11 including sidewalks and common pathways; and

12 (7) Any other information deemed necessary by the governing
13 body.

14 67.457. 1. To establish a neighborhood improvement
15 district, the governing body of any city or county shall comply
16 with either of the procedures described in subsection 2 or 3 of
17 this section.

18 2. The governing body of any city or county proposing to
19 create a neighborhood improvement district may by resolution
20 submit the question of creating such district to all qualified
21 voters residing within such district at a general or special
22 election called for that purpose. Such resolution shall set
23 forth the project name for the proposed improvement, the general
24 nature of the proposed improvement, the estimated cost of such
25 improvement, the boundaries of the proposed neighborhood
26 improvement district to be assessed, and the proposed method or
27 methods of assessment of real property within the district,
28 including any provision for the annual assessment of maintenance

1 costs of the improvement in each year during the term of the
2 bonds issued for the original improvement and after such bonds
3 are paid in full. The governing body of the city or county may
4 create a neighborhood improvement district when the question of
5 creating such district has been approved by the vote of the
6 percentage of electors within such district voting thereon that
7 is equal to the percentage of voter approval required for the
8 issuance of general obligation bonds of such city or county under
9 article VI, section 26 of the constitution of this state. The
10 notice of election containing the question of creating a
11 neighborhood improvement district shall contain the project name
12 for the proposed improvement, the general nature of the proposed
13 improvement, the estimated cost of such improvement, the
14 boundaries of the proposed neighborhood improvement district to
15 be assessed, the proposed method or methods of assessment of real
16 property within the district, including any provision for the
17 annual assessment of maintenance costs of the improvement in each
18 year after the bonds issued for the original improvement are paid
19 in full, and a statement that the final cost of such improvement
20 assessed against real property within the district and the amount
21 of general obligation bonds issued therefor shall not exceed the
22 estimated cost of such improvement, as stated in such notice, by
23 more than twenty-five percent, and that the annual assessment for
24 maintenance costs of the improvements shall not exceed the
25 estimated annual maintenance cost, as stated in such notice, by
26 more than twenty-five percent. The ballot upon which the
27 question of creating a neighborhood improvement district is
28 submitted to the qualified voters residing within the proposed

1 district shall contain a question in substantially the following
2 form:

3 Shall (name of city or county) be authorized to
4 create a neighborhood improvement district proposed for the
5 (project name for the proposed improvement) and
6 incur indebtedness and issue general obligation bonds to pay for
7 all or part of the cost of public improvements within such
8 district, the cost of all indebtedness so incurred to be assessed
9 by the governing body of the (city or county) on
10 the real property benefited by such improvements for a period of
11 years, and, if included in the resolution, an assessment
12 in each year thereafter with the proceeds thereof used solely for
13 maintenance of the improvement?

14 3. As an alternative to the procedure described in
15 subsection 2 of this section, the governing body of a city or
16 county may create a neighborhood improvement district when a
17 proper petition has been signed by the owners of record of at
18 least two-thirds by area of all real property located within such
19 proposed district. Each owner of record of real property located
20 in the proposed district is allowed one signature. Any person,
21 corporation, or limited liability partnership owning more than
22 one parcel of land located in such proposed district shall be
23 allowed only one signature on such petition. The petition, in
24 order to become effective, shall be filed with the city clerk or
25 county clerk. A proper petition for the creation of a
26 neighborhood improvement district shall set forth the project
27 name for the proposed improvement, the general nature of the
28 proposed improvement, the estimated cost of such improvement, the

1 boundaries of the proposed neighborhood improvement district to
2 be assessed, the proposed method or methods of assessment of real
3 property within the district, including any provision for the
4 annual assessment of maintenance costs of the improvement in each
5 year during the term of the bonds issued for the original
6 improvement and after such bonds are paid in full, a notice that
7 the names of the signers may not be withdrawn later than seven
8 days after the petition is filed with the city clerk or county
9 clerk, and a notice that the final cost of such improvement
10 assessed against real property within the district and the amount
11 of general obligation bonds issued therefor shall not exceed the
12 estimated cost of such improvement, as stated in such petition,
13 by more than twenty-five percent, and that the annual assessment
14 for maintenance costs of the improvements shall not exceed the
15 estimated annual maintenance cost, as stated in such petition, by
16 more than twenty-five percent.

17 4. Upon receiving the requisite voter approval at an
18 election or upon the filing of a proper petition with the city
19 clerk or county clerk, the governing body may by resolution or
20 ordinance determine the advisability of the improvement and may
21 order that the district be established and that preliminary plans
22 and specifications for the improvement be made. Such resolution
23 or ordinance shall state and make findings as to the project name
24 for the proposed improvement, the nature of the improvement, the
25 estimated cost of such improvement, the boundaries of the
26 neighborhood improvement district to be assessed, the proposed
27 method or methods of assessment of real property within the
28 district, including any provision for the annual assessment of

1 maintenance costs of the improvement in each year after the bonds
2 issued for the original improvement are paid in full, and shall
3 also state that the final cost of such improvement assessed
4 against the real property within the neighborhood improvement
5 district and the amount of general obligation bonds issued
6 therefor shall not, without a new election or petition, exceed
7 the estimated cost of such improvement by more than twenty-five
8 percent.

9 5. The boundaries of the proposed district shall be
10 described by metes and bounds, streets or other sufficiently
11 specific description. The area of the neighborhood improvement
12 district finally determined by the governing body of the city or
13 county to be assessed may be less than, but shall not exceed, the
14 total area comprising such district.

15 6. In any neighborhood improvement district organized prior
16 to August 28, 1994, an assessment may be levied and collected
17 after the original period approved for assessment of property
18 within the district has expired, with the proceeds thereof used
19 solely for maintenance of the improvement, if the residents of
20 the neighborhood improvement district either vote to assess real
21 property within the district for the maintenance costs in the
22 manner prescribed in subsection 2 of this section or if the
23 owners of two-thirds of the area of all real property located
24 within the district sign a petition for such purpose in the same
25 manner as prescribed in subsection 3 of this section.

26 67.463. 1. At the hearing to consider the proposed
27 improvements and assessments, the governing body shall hear and
28 pass upon all objections to the proposed improvements and

1 proposed assessments, if any, and may amend the proposed
2 improvements, and the plans and specifications therefor, or
3 assessments as to any property, and thereupon by ordinance or
4 resolution the governing body of the city or county shall order
5 that the improvement be made and direct that financing for the
6 cost thereof be obtained as provided in sections 67.453 to
7 67.475.

8 2. After construction of the improvement has been completed
9 in accordance with the plans and specifications therefor, the
10 governing body shall compute the final costs of the improvement
11 and apportion the costs among the property benefited by such
12 improvement in such equitable manner as the governing body shall
13 determine, charging each parcel of property with its
14 proportionate share of the costs, and by resolution or ordinance,
15 assess the final cost of the improvement or the amount of general
16 obligation bonds issued or to be issued therefor as special
17 assessments against the property described in the assessment
18 roll.

19 3. After the passage or adoption of the ordinance or
20 resolution assessing the special assessments, the city clerk or
21 county clerk shall mail a notice to each property owner within
22 the district which sets forth a description of each parcel of
23 real property to be assessed which is owned by such owner, the
24 special assessment assigned to such property, and a statement
25 that the property owner may pay such assessment in full, together
26 with interest accrued thereon from the effective date of such
27 ordinance or resolution, on or before a specified date determined
28 by the effective date of the ordinance or resolution, or may pay

1 such assessment in annual installments as provided in subsection
2 4 of this section.

3 4. The special assessments shall be assessed upon the
4 property included therein concurrent with general property taxes,
5 and shall be payable in substantially equal annual installments
6 for a duration stated in the ballot measure prescribed in
7 subsection 2 of section 67.457 or in the petition prescribed in
8 subsection 3 of section 67.457, and, if authorized, an assessment
9 in each year thereafter levied and collected in the same manner
10 with the proceeds thereof used solely for maintenance of the
11 improvement, taking into account such assessments and interest
12 thereon, as the governing body determines. The first installment
13 shall be payable after the first collection of general property
14 taxes following the adoption of the assessment ordinance or
15 resolution unless such ordinance or resolution was adopted and
16 certified too late to permit its collection at such time. All
17 assessments shall bear interest at such rate as the governing
18 body determines, not to exceed the rate permitted for bonds by
19 section 108.170, RSMo. Interest on the assessment between the
20 effective date of the ordinance or resolution assessing the
21 assessment and the date the first installment is payable shall be
22 added to the first installment. The interest for one year on all
23 unpaid installments shall be added to each subsequent installment
24 until paid. In the case of a special assessment by a city, all
25 of the installments, together with the interest accrued or to
26 accrue thereon, may be certified by the city clerk to the county
27 clerk in one instrument at the same time. Such certification
28 shall be good for all of the installments, and the interest

1 thereon payable as special assessments.

2 5. Special assessments shall be collected and paid over to
3 the city treasurer or county treasurer in the same manner as
4 taxes of the city or county are collected and paid. In any
5 county of the first classification with more than one hundred
6 thirty-five thousand four hundred but fewer than one hundred
7 thirty-five thousand five hundred inhabitants, the county
8 collector may collect a fee as prescribed by section 52.260,
9 RSMo, for collection of assessments under this section.

10 67.797. 1. When a regional recreational district is
11 organized in only one county, the executive, as that term is
12 defined in subdivision (4) of section 67.750, with the advice and
13 consent of the governing body of the county shall appoint a board
14 of directors for the district consisting of seven persons, chosen
15 from the residents of the district. Where the district is in
16 more than one county, the executives, as defined in subdivision
17 (4) of section 67.750, of the counties in the district [shall],
18 with the advice and consent of the governing bodies of each
19 county shall, as nearly as practicable, evenly appoint such
20 members and allocate staggered terms pursuant to subsection 2 of
21 this section, with the county having the largest area within the
22 district appointing a greater number of directors if the
23 directors cannot be appointed evenly. No member of the governing
24 body of the county or official of any municipal government
25 located within the district shall be a member of the board and no
26 director shall receive compensation for performance of duties as
27 a director. Members of the board of directors shall be citizens
28 of the United States and they shall reside within the district.

1 No board member shall be interested directly or indirectly in any
2 contract entered into pursuant to sections 67.792 to 67.799.

3 2. The directors appointed to the regional recreation
4 district shall hold office for three-year terms, except that of
5 the members first appointed, two shall hold office for one year,
6 two shall hold office for two years and three shall hold office
7 for three years. The executives of the counties within the
8 regional recreational district shall meet to determine and
9 implement a fair allocation of the staggered terms among the
10 counties, provided that counties eligible to appoint more than
11 one board member may not appoint board members with identical
12 initial terms until each of a one-year, two-year and three-year
13 initial term has been applied to such county. On the expiration
14 of such initial terms of appointment and on the expiration of any
15 subsequent term, the resulting vacancies shall be filled by the
16 executives of the respective counties, with the advice and
17 consent of the respective governing bodies. All vacancies on the
18 board shall be filled in the same manner for the duration of the
19 term being filled. Board members shall serve until their
20 successors are named and such successors have commenced their
21 terms as board members. Board members shall be eligible for
22 reappointment. Upon the petition of the county executive of the
23 county from which the board member received his or her
24 appointment, the governing body of the county may remove any
25 board member for misconduct or neglect of duties.

26 3. Notwithstanding any other provision of sections 67.750
27 to 67.799, to the contrary, after August 28, 2004, in any
28 district located in whole or in part in any county of the first

1 classification with more than one hundred eighty-four thousand
2 but less than one hundred eighty-eight thousand inhabitants, upon
3 the expiration of such initial terms of appointment and on the
4 expiration of any subsequent term, the resulting vacancies shall
5 be filled by election at the next regularly scheduled election
6 date throughout the district. In the event that a vacancy exists
7 before the expiration of a term, the governing body of the county
8 shall appoint a member for the remainder of the unexpired term.
9 Board members shall be elected for terms of three years. Such
10 elections shall be held according to this section and the
11 applicable laws of this state. If no person files as a candidate
12 for election to the vacant office within the applicable deadline
13 for filing as a candidate, then the governing body of any such
14 county shall appoint a person to be a member of the board for a
15 term of three years. Any appointed board members shall be
16 eligible to run for office.

17 4. Directors shall immediately after their appointment meet
18 and organize by the election of one of their number president,
19 and by the election of such other officers as they may deem
20 necessary. The directors shall make and adopt such bylaws, rules
21 and regulations for their guidance and for the government of the
22 parks, neighborhood trails and recreational grounds and
23 facilities as may be expedient, not inconsistent with sections
24 67.792 to 67.799. They shall have the exclusive control of the
25 expenditures of all money collected to the credit of the regional
26 recreational fund and of the supervision, improvement, care and
27 custody of public parks, neighborhood trails, recreational
28 facilities and grounds owned, maintained or managed by the

1 district. All moneys received for such purposes shall be
2 deposited in the treasury of the county containing the largest
3 portion of the district to the credit of the regional
4 recreational fund and shall be kept separate and apart from the
5 other moneys of such county. Such board shall have power to
6 purchase or otherwise secure ground to be used for such parks,
7 neighborhood trails, recreational grounds and facilities, shall
8 have power to appoint suitable persons to maintain such parks,
9 neighborhood trails and recreational facilities and administer
10 recreational programs and fix their compensation, and shall have
11 power to remove such appointees.

12 5. The board of directors may issue debt for the district
13 pursuant to section 67.798.

14 6. If a county, or a portion of a county, not previously
15 part of any district, shall enter a district, the executives of
16 the new member county and any previous member counties shall
17 promptly meet to apportion the board seats among the counties
18 participating in the enlarged district. All purchases in excess
19 of ten thousand dollars used in the construction or maintenance
20 of any public park, neighborhood trail or recreational facility
21 in the regional recreation district shall be made pursuant to the
22 lowest and best bid standard as provided in section 34.040, RSMo,
23 or pursuant to the lowest and best proposal standard as provided
24 in section 34.042, RSMo. The board of the district shall have
25 the same discretion, powers and duties as the commissioner of
26 administration has in sections 34.040 and 34.042, RSMo.

27 7. Notwithstanding any other provisions in this section to
28 the contrary, when a regional recreational district is organized

1 in only one county on land owned solely by the county, the
2 governing body of the county shall have exclusive control of the
3 expenditures of all moneys collected to the credit of the
4 regional recreational fund, and of the supervision, improvement,
5 care, and custody of public parks, neighborhood trails,
6 recreational facilities, and grounds owned, maintained, or
7 managed by the county within the district.

8 67.997. 1. The governing body of any county of the third
9 classification without a township form of government and with
10 more than eighteen thousand one hundred but fewer than eighteen
11 thousand two hundred inhabitants may impose, by order or
12 ordinance, a sales tax on all retail sales made within the county
13 which are subject to sales tax under chapter 144, RSMo. The tax
14 authorized in this section shall not exceed one-fourth of one
15 percent, and shall be imposed solely for the purpose of funding
16 senior services and youth programs provided by the county. One-
17 half of all revenue collected under this section, less one-half
18 the cost of collection shall be used solely to fund any service
19 or activity deemed necessary by the senior service tax commission
20 established in this section, and one-half of all revenue
21 collected under this section, less one-half the cost of
22 collection shall be used solely to fund all youth programs
23 administered by an existing county community task force. The tax
24 authorized in this section shall be in addition to all other
25 sales taxes imposed by law, and shall be stated separately from
26 all other charges and taxes. The order or ordinance shall not
27 become effective unless the governing body of the county submits
28 to the voters residing within the county at a state general,

1 primary, or special election a proposal to authorize the
2 governing body of the county to impose a tax under this section.

3 2. The ballot of submission for the tax authorized in this
4 section shall be in substantially the following form:

5 Shall (insert the name of the county) impose a
6 sales tax at a rate of (insert rate of percent) percent,
7 with half of the revenue from the tax, less one-half the cost of
8 collection, to be used solely to fund senior services provided by
9 the county and half of the revenue from the tax, less one-half
10 the cost of collection, to be used solely to fund youth programs
11 provided by the county?

12 YES NO

13
14 If you are in favor of the question, place an "X" in the box
15 opposite "YES". If you are opposed to the question, place an "X"
16 in the box opposite "NO".

17
18 If a majority of the votes cast on the question by the qualified
19 voters voting thereon are in favor of the question, then the tax
20 shall become effective on the first day of the second calendar
21 quarter immediately following the approval of the tax or
22 notification to the department of revenue. If a majority of the
23 votes cast on the question by the qualified voters voting thereon
24 are opposed to the question, then the tax shall not become
25 effective unless and until the question is resubmitted under this
26 section to the qualified voters and such question is approved by
27 a majority of the qualified voters voting on the question.

28 3. On or after the effective date of any tax authorized

1 under this section, the county which imposed the tax shall enter
2 into an agreement with the director of the department of revenue
3 for the purpose of collecting the tax authorized in this section.
4 On or after the effective date of the tax the director of revenue
5 shall be responsible for the administration, collection,
6 enforcement, and operation of the tax, and sections 32.085 and
7 32.087, RSMo, shall apply. All revenue collected under this
8 section by the director of the department of revenue on behalf of
9 any county, except for one percent for the cost of collection
10 which shall be deposited in the state's general revenue fund,
11 shall be deposited in a special trust fund, which is hereby
12 created and shall be known as the "Senior Services and Youth
13 Programs Sales Tax Trust Fund", and shall be used solely for the
14 designated purposes. Moneys in the fund shall not be deemed to
15 be state funds, and shall not be commingled with any funds of the
16 state. The director may make refunds from the amounts in the
17 trust fund and credited to the county for erroneous payments and
18 overpayments made, and may redeem dishonored checks and drafts
19 deposited to the credit of such county. Any funds in the special
20 trust fund which are not needed for current expenditures shall be
21 invested in the same manner as other funds are invested. Any
22 interest and moneys earned on such investments shall be credited
23 to the fund.

24 4. In order to permit sellers required to collect and
25 report the sales tax to collect the amount required to be
26 reported and remitted, but not to change the requirements of
27 reporting or remitting the tax, or to serve as a levy of the tax,
28 and in order to avoid fractions of pennies, the governing body of

1 the county may authorize the use of a bracket system similar to
2 that authorized in section 144.285, RSMo, and notwithstanding the
3 provisions of that section, this new bracket system shall be used
4 where this tax is imposed and shall apply to all taxable
5 transactions. Beginning with the effective date of the tax,
6 every retailer in the county shall add the sales tax to the sale
7 price, and this tax shall be a debt of the purchaser to the
8 retailer until paid, and shall be recoverable at law in the same
9 manner as the purchase price. For purposes of this section, all
10 retail sales shall be deemed to be consummated at the place of
11 business of the retailer.

12 5. All applicable provisions in sections 144.010 to
13 144.525, RSMo, governing the state sales tax, and section 32.057,
14 RSMo, the uniform confidentiality provision, shall apply to the
15 collection of the tax, and all exemptions granted to agencies of
16 government, organizations, and persons under sections 144.010 to
17 144.525, RSMo, are hereby made applicable to the imposition and
18 collection of the tax. The same sales tax permit, exemption
19 certificate, and retail certificate required by sections 144.010
20 to 144.525, RSMo, for the administration and collection of the
21 state sales tax shall satisfy the requirements of this section,
22 and no additional permit or exemption certificate or retail
23 certificate shall be required; except that, the director of
24 revenue may prescribe a form of exemption certificate for an
25 exemption from the tax. All discounts allowed the retailer under
26 the state sales tax for the collection of and for payment of
27 taxes are hereby allowed and made applicable to the tax. The
28 penalties for violations provided in section 32.057, RSMo, and

1 sections 144.010 to 144.525, RSMo, are hereby made applicable to
2 violations of this section. If any person is delinquent in the
3 payment of the amount required to be paid under this section, or
4 in the event a determination has been made against the person for
5 taxes and penalty under this section, the limitation for bringing
6 suit for the collection of the delinquent tax and penalty shall
7 be the same as that provided in sections 144.010 to 144.525,
8 RSMo.

9 6. The governing body of any county that has adopted the
10 sales tax authorized in this section may submit the question of
11 repeal of the tax to the voters on any date available for
12 elections for the county. The ballot of submission shall be in
13 substantially the following form:

14 Shall (insert the name of the county) repeal the
15 sales tax imposed at a rate of (insert rate of percent)
16 percent for the purpose of funding senior services and youth
17 programs provided by the county?

18 YES NO

19
20 If you are in favor of the question, place an "X" in the box
21 opposite "YES". If you are opposed to the question, place an "X"
22 in the box opposite "NO".

23
24 If a majority of the votes cast on the question by the qualified
25 voters voting thereon are in favor of repeal, that repeal shall
26 become effective on December thirty-first of the calendar year in
27 which such repeal was approved. If a majority of the votes cast
28 on the question by the qualified voters voting thereon are

1 opposed to the repeal, then the sales tax authorized in this
2 section shall remain effective until the question is resubmitted
3 under this section to the qualified voters and the repeal is
4 approved by a majority of the qualified voters voting on the
5 question.

6 7. Whenever the governing body of any county that has
7 adopted the sales tax authorized in this section receives a
8 petition, signed by ten percent of the registered voters of the
9 county voting in the last gubernatorial election, calling for an
10 election to repeal the sales tax imposed under this section, the
11 governing body shall submit to the voters of the county a
12 proposal to repeal the tax. If a majority of the votes cast on
13 the question by the qualified voters voting thereon are in favor
14 of the repeal, the repeal shall become effective on December
15 thirty-first of the calendar year in which such repeal was
16 approved. If a majority of the votes cast on the question by the
17 qualified voters voting thereon are opposed to the repeal, then
18 the sales tax authorized in this section shall remain effective
19 until the question is resubmitted under this section to the
20 qualified voters and the repeal is approved by a majority of the
21 qualified voters voting on the question.

22 8. If the tax is repealed or terminated by any means, all
23 funds remaining in the special trust fund shall continue to be
24 used solely for the designated purposes, and the county shall
25 notify the director of the department of revenue of the action at
26 least thirty days before the effective date of the repeal and the
27 director may order retention in the trust fund, for a period of
28 one year, of two percent of the amount collected after receipt of

1 such notice to cover possible refunds or overpayment of the tax
2 and to redeem dishonored checks and drafts deposited to the
3 credit of such accounts. After one year has elapsed after the
4 effective date of abolition of the tax in such county, the
5 director shall remit the balance in the account to the county and
6 close the account of that county. The director shall notify each
7 county of each instance of any amount refunded or any check
8 redeemed from receipts due the county.

9 9. Each county imposing the tax authorized in this section
10 shall establish a senior services tax commission to administer
11 the portion of the sales tax revenue dedicated to providing
12 senior services. Such commission shall consist of seven members
13 appointed by the county commission. The county commission shall
14 determine the qualifications, terms of office, compensation,
15 powers, duties, restrictions, procedures, and all other necessary
16 functions of the commission.

17 67.1000. 1. The governing body of any county or of any
18 city which is the county seat of any county or which now or
19 hereafter has a population of more than three thousand five
20 hundred inhabitants and which has heretofore been authorized by
21 the general assembly, or of any other city which has a population
22 of more than eighteen thousand and less than forty-five thousand
23 inhabitants located in a county of the first classification with
24 a population over two hundred thousand adjacent to a county of
25 the first classification with a population over nine hundred
26 thousand, may impose a tax on the charges for all sleeping rooms
27 paid by the transient guests of hotels or motels situated in the
28 city or county, which shall be not more than five percent per

1 occupied room per night, except that such tax shall not become
2 effective unless the governing body of the city or county submits
3 to the voters of the city or county at an election permitted
4 under section 115.123, RSMo, a proposal to authorize the
5 governing body of the city or county to impose a tax under the
6 provisions of this section and section 67.1002. The tax
7 authorized by this section and section 67.1002 shall be in
8 addition to the charge for the sleeping room and shall be in
9 addition to any and all taxes imposed by law and the proceeds of
10 such tax shall be used by the city or county solely for funding a
11 convention and visitors bureau which shall be a general
12 not-for-profit organization with whom the city or county has
13 contracted, and which is established for the purpose of promoting
14 the city or county as a convention, visitor and tourist center.
15 Such tax shall be stated separately from all other charges and
16 taxes.

17 2. In any county of the third classification without a
18 township form of government and with more than forty-one thousand
19 one hundred but fewer than forty-one thousand two hundred
20 inhabitants, "transient guests", as used in this section and
21 section 67.1002, means a person or persons who occupy a room or
22 rooms in a hotel or motel for ninety days or less during any
23 calendar quarter.

24 [67.1000. The governing body of any county or of
25 any city which is the county seat of any county or
26 which now or hereafter has a population of more than
27 three thousand five hundred inhabitants and which has
28 heretofore been authorized by the general assembly, or
29 of any city which has a population of at least
30 seventeen thousand but not more than forty-five
31 thousand inhabitants located in a county of the first
32 classification with a charter form of government with a

1 population of at least two hundred thousand inhabitants
2 but not more than three hundred thousand inhabitants
3 may impose a tax on the charges for all sleeping rooms
4 paid by the transient guests of hotels or motels
5 situated in the city or county, which shall be not more
6 than five percent per occupied room per night, except
7 that such tax shall not become effective unless the
8 governing body of the city or county submits to the
9 voters of the city or county at an election permitted
10 pursuant to section 115.123, RSMo, a proposal to
11 authorize the governing body of the city or county to
12 impose a tax pursuant to the provisions of this section
13 and section 67.1002. The tax authorized by this
14 section and section 67.1002 shall be in addition to the
15 charge for the sleeping room and shall be in addition
16 to any and all taxes imposed by law and the proceeds of
17 such tax shall be used by the city or county solely for
18 funding a convention and visitors bureau which shall be
19 a general not-for-profit organization with whom the
20 city or county has contracted, and which is established
21 for the purpose of promoting the city or county as a
22 convention, visitor and tourist center. Such tax shall
23 be stated separately from all other charges and taxes.]
24

25 67.1003. 1. The governing body of any city or county,
26 other than a city or county already imposing a tax on the charges
27 for all sleeping rooms paid by the transient guests of hotels and
28 motels situated in such city or county or a portion thereof
29 pursuant to any other law of this state, having more than three
30 hundred fifty hotel and motel rooms inside such city or county or
31 (1) a county of the third classification with a population of
32 more than seven thousand but less than seven thousand four
33 hundred inhabitants; (2) or a third class city with a population
34 of greater than ten thousand but less than eleven thousand
35 located in a county of the third classification with a township
36 form of government with a population of more than thirty
37 thousand; (3) or a county of the third classification with a
38 township form of government with a population of more than twenty
39 thousand but less than twenty-one thousand; (4) or any third

1 class city with a population of more than eleven thousand but
2 less than thirteen thousand which is located in a county of the
3 third classification with a population of more than twenty-three
4 thousand but less than twenty-six thousand; (5) or any city of
5 the third classification with more than ten thousand five hundred
6 but fewer than ten thousand six hundred inhabitants; (6) or any
7 city of the third classification with more than twenty-six
8 thousand three hundred but fewer than twenty-six thousand seven
9 hundred inhabitants may impose a tax on the charges for all
10 sleeping rooms paid by the transient guests of hotels or motels
11 situated in the city or county or a portion thereof, which shall
12 be not more than five percent per occupied room per night, except
13 that such tax shall not become effective unless the governing
14 body of the city or county submits to the voters of the city or
15 county at a state general or primary election a proposal to
16 authorize the governing body of the city or county to impose a
17 tax pursuant to this section. The tax authorized by this section
18 shall be in addition to the charge for the sleeping room and
19 shall be in addition to any and all taxes imposed by law and the
20 proceeds of such tax shall be used by the city or county solely
21 for the promotion of tourism. Such tax shall be stated
22 separately from all other charges and taxes.

23 2. Notwithstanding any other provision of law to the
24 contrary, the tax authorized in this section shall not be imposed
25 in any city or county already imposing such tax pursuant to any
26 other law of this state, except that cities of the third class
27 having more than two thousand five hundred hotel and motel rooms,
28 and located in a county of the first classification in which and

1 where another tax on the charges for all sleeping rooms paid by
2 the transient guests of hotels and motels situated in such county
3 is imposed, may impose the tax authorized by this section of not
4 more than one-half of one percent per occupied room per night.

5 3. The ballot of submission for the tax authorized in this
6 section shall be in substantially the following form:

7 Shall (insert the name of the city or county) impose a tax
8 on the charges for all sleeping rooms paid by the transient
9 guests of hotels and motels situated in (name of city or county)
10 at a rate of (insert rate of percent) percent for the sole
11 purpose of promoting tourism?

12 YES NO

13 4. As used in this section, "transient guests" means a
14 person or persons who occupy a room or rooms in a hotel or motel
15 for thirty-one days or less during any calendar quarter.

16 67.1181. Any political subdivision authorized by this
17 chapter to collect and expend tax revenues imposed by such
18 political subdivision for the advertising and promotion of
19 tourism shall perform, or cause to be performed, an audit of its
20 finances at least once every five calendar years if no other
21 statutory auditing requirement exists for such political
22 subdivision. The political subdivision shall pay the actual cost
23 of the audit from the revenues for operating costs. The first
24 such audit required by this section shall be completed no later
25 than January 1, 2009.

26 67.1360. The governing body of:

27 (1) A city with a population of more than seven thousand
28 and less than seven thousand five hundred;

1 (2) A county with a population of over nine thousand six
2 hundred and less than twelve thousand which has a total assessed
3 valuation of at least sixty-three million dollars, if the county
4 submits the issue to the voters of such county prior to January
5 1, 2003;

6 (3) A third class city which is the county seat of a county
7 of the third classification without a township form of government
8 with a population of at least twenty-five thousand but not more
9 than thirty thousand inhabitants;

10 (4) Any fourth class city having, according to the last
11 federal decennial census, a population of more than one thousand
12 eight hundred fifty inhabitants but less than one thousand nine
13 hundred fifty inhabitants in a county of the first classification
14 with a charter form of government and having a population of
15 greater than six hundred thousand but less than nine hundred
16 thousand inhabitants;

17 (5) Any city having a population of more than three
18 thousand but less than eight thousand inhabitants in a county of
19 the fourth classification having a population of greater than
20 forty-eight thousand inhabitants;

21 (6) Any city having a population of less than two hundred
22 fifty inhabitants in a county of the fourth classification having
23 a population of greater than forty-eight thousand inhabitants;

24 (7) Any fourth class city having a population of more than
25 two thousand five hundred but less than three thousand
26 inhabitants in a county of the third classification having a
27 population of more than twenty-five thousand but less than
28 twenty-seven thousand inhabitants;

1 (8) Any third class city with a population of more than
2 three thousand two hundred but less than three thousand three
3 hundred located in a county of the third classification having a
4 population of more than thirty-five thousand but less than
5 thirty-six thousand;

6 (9) Any county of the second classification without a
7 township form of government and a population of less than thirty
8 thousand;

9 (10) Any city of the fourth class in a county of the second
10 classification without a township form of government and a
11 population of less than thirty thousand;

12 (11) Any county of the third classification with a township
13 form of government and a population of at least twenty-eight
14 thousand but not more than thirty thousand;

15 (12) Any city of the fourth class with a population of more
16 than one thousand eight hundred but less than two thousand in a
17 county of the third classification with a township form of
18 government and a population of at least twenty-eight thousand but
19 not more than thirty thousand;

20 (13) Any city of the third class with a population of more
21 than seven thousand two hundred but less than seven thousand five
22 hundred within a county of the third classification with a
23 population of more than twenty-one thousand but less than
24 twenty-three thousand;

25 (14) Any fourth class city having a population of more than
26 two thousand eight hundred but less than three thousand one
27 hundred inhabitants in a county of the third classification with
28 a township form of government having a population of more than

1 eight thousand four hundred but less than nine thousand
2 inhabitants;

3 (15) Any fourth class city with a population of more than
4 four hundred seventy but less than five hundred twenty
5 inhabitants located in a county of the third classification with
6 a population of more than fifteen thousand nine hundred but less
7 than sixteen thousand inhabitants;

8 (16) Any third class city with a population of more than
9 three thousand eight hundred but less than four thousand
10 inhabitants located in a county of the third classification with
11 a population of more than fifteen thousand nine hundred but less
12 than sixteen thousand inhabitants;

13 (17) Any fourth class city with a population of more than
14 four thousand three hundred but less than four thousand five
15 hundred inhabitants located in a county of the third
16 classification without a township form of government with a
17 population greater than sixteen thousand but less than sixteen
18 thousand two hundred inhabitants;

19 (18) Any fourth class city with a population of more than
20 two thousand four hundred but less than two thousand six hundred
21 inhabitants located in a county of the first classification
22 without a charter form of government with a population of more
23 than fifty-five thousand but less than sixty thousand
24 inhabitants;

25 (19) Any fourth class city with a population of more than
26 two thousand five hundred but less than two thousand six hundred
27 inhabitants located in a county of the third classification with
28 a population of more than nineteen thousand one hundred but less

1 than nineteen thousand two hundred inhabitants;

2 (20) Any county of the third classification without a
3 township form of government with a population greater than
4 sixteen thousand but less than sixteen thousand two hundred
5 inhabitants;

6 (21) Any county of the second classification with a
7 population of more than forty-four thousand but less than fifty
8 thousand inhabitants;

9 (22) Any third class city with a population of more than
10 nine thousand five hundred but less than nine thousand seven
11 hundred inhabitants located in a county of the first
12 classification without a charter form of government and with a
13 population of more than one hundred ninety-eight thousand but
14 less than one hundred ninety-eight thousand two hundred
15 inhabitants;

16 (23) Any city of the fourth classification with more than
17 five thousand two hundred but less than five thousand three
18 hundred inhabitants located in a county of the third
19 classification without a township form of government and with
20 more than twenty-four thousand five hundred but less than
21 twenty-four thousand six hundred inhabitants;

22 (24) Any third class city with a population of more than
23 nineteen thousand nine hundred but less than twenty thousand in a
24 county of the first classification without a charter form of
25 government and with a population of more than one hundred
26 ninety-eight thousand but less than one hundred ninety-eight
27 thousand two hundred inhabitants;

28 (25) Any city of the fourth classification with more than

1 two thousand six hundred but less than two thousand seven hundred
2 inhabitants located in any county of the third classification
3 without a township form of government and with more than fifteen
4 thousand three hundred but less than fifteen thousand four
5 hundred inhabitants;

6 (26) Any county of the third classification without a
7 township form of government and with more than fourteen thousand
8 nine hundred but less than fifteen thousand inhabitants;

9 (27) Any city of the fourth classification with more than
10 five thousand four hundred but fewer than five thousand five
11 hundred inhabitants and located in more than one county;

12 (28) Any city of the fourth classification with more than
13 six thousand three hundred but fewer than six thousand five
14 hundred inhabitants and located in more than one county through
15 the creation of a tourism district which may include, in addition
16 to the geographic area of such city, the area encompassed by the
17 portion of the school district, located within a county of the
18 first classification with more than ninety-three thousand eight
19 hundred but fewer than ninety-three thousand nine hundred
20 inhabitants, having an average daily attendance for school year
21 2005-2006 between one thousand eight hundred and one thousand
22 nine hundred inhabitants;

23 (29) Any city of the fourth classification with more than
24 seven thousand seven hundred but less than seven thousand eight
25 hundred inhabitants located in a county of the first
26 classification with more than ninety-three thousand eight hundred
27 but less than ninety-three thousand nine hundred inhabitants;

28 (30) Any city of the fourth classification with more than

1 two thousand nine hundred but less than three thousand
2 inhabitants located in a county of the first classification with
3 more than seventy-three thousand seven hundred but less than
4 seventy-three thousand eight hundred inhabitants; [or]

5 (31) Any city of the third classification with more than
6 nine thousand three hundred but less than nine thousand four
7 hundred inhabitants; or

8 (32) Any city of the fourth classification with more than
9 three thousand eight hundred but fewer than three thousand nine
10 hundred inhabitants and located in any county of the first
11 classification with more than thirty-nine thousand seven hundred
12 but fewer than thirty-nine thousand eight hundred inhabitants;

13 may impose a tax on the charges for all sleeping rooms paid by
14 the transient guests of hotels, motels, bed and breakfast inns
15 and campgrounds and any docking facility which rents slips to
16 recreational boats which are used by transients for sleeping,
17 which shall be at least two percent, but not more than five
18 percent per occupied room per night, except that such tax shall
19 not become effective unless the governing body of the city or
20 county submits to the voters of the city or county at a state
21 general, primary or special election, a proposal to authorize the
22 governing body of the city or county to impose a tax pursuant to
23 the provisions of this section and section 67.1362. The tax
24 authorized by this section and section 67.1362 shall be in
25 addition to any charge paid to the owner or operator and shall be
26 in addition to any and all taxes imposed by law and the proceeds
27 of such tax shall be used by the city or county solely for
28 funding the promotion of tourism. Such tax shall be stated

1 separately from all other charges and taxes.

2 67.1401. 1. Sections 67.1401 to 67.1571 shall be known and
3 may be cited as the "Community Improvement District Act".

4 2. For the purposes of sections 67.1401 to 67.1571, the
5 following words and terms mean:

6 (1) "Approval" or "approve", for purposes of elections
7 pursuant to sections 67.1401 to 67.1571, a simple majority of
8 those qualified voters voting in the election;

9 (2) "Assessed value", the assessed value of real property
10 as reflected on the tax records of the county clerk of the county
11 in which the property is located, or the collector of revenue if
12 the property is located in a city not within a county, as of the
13 last completed assessment;

14 (3) "Blighted area", an area which:

15 (a) By reason of the predominance of defective or
16 inadequate street layout, insanitary or unsafe conditions,
17 deterioration of site improvements, improper subdivision or
18 obsolete platting, or the existence of conditions which endanger
19 life or property by fire and other causes, or any combination of
20 such factors, retards the provision of housing accommodations or
21 constitutes an economic or social liability or a menace to the
22 public health, safety, morals or welfare in its present condition
23 and use; or

24 (b) Has been declared blighted or found to be a blighted
25 area pursuant to Missouri law including, but not limited to,
26 chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
27 99.300 to 99.715, RSMo;

28 (4) "Board", if the district is a political subdivision,

1 the board of directors of the district, or if the district is a
2 not-for-profit corporation, the board of directors of such
3 corporation;

4 (5) "Director of revenue", the director of the department
5 of revenue of the state of Missouri;

6 (6) "District", a community improvement district,
7 established pursuant to sections 67.1401 to 67.1571;

8 (7) "Election authority", the election authority having
9 jurisdiction over the area in which the boundaries of the
10 district are located pursuant to chapter 115, RSMo;

11 (8) "Municipal clerk", the clerk of the municipality;

12 (9) "Municipality", any city, village, incorporated town,
13 or county of this state, or in any unincorporated area that is
14 located in any county with a charter form of government and with
15 more than one million inhabitants;

16 (10) "Obligations", bonds, loans, debentures, notes,
17 special certificates, or other evidences of indebtedness issued
18 by a district to carry out any of its powers, duties or purposes
19 or to refund outstanding obligations;

20 (11) "Owner", for real property, the individual or
21 individuals or entity or entities who own a fee interest in real
22 property that is located within the district or their legally
23 authorized representative; for business organizations and other
24 entities, the owner shall be deemed to be the individual which is
25 legally authorized to represent the entity in regard to the
26 district;

27 (12) "Per capita", one head count applied to each
28 individual, entity or group of individuals or entities having fee

1 ownership of real property within the district whether such
2 individual, entity or group owns one or more parcels of real
3 property in the district as joint tenants, tenants in common,
4 tenants by the entirety [or], tenants in partnership, except that
5 with respect to a condominium created under sections 448.1-101 to
6 448.4-120, RSMo, "per capita" means one head count applied to the
7 applicable unit owners' association and not to each unit owner;

8 (13) "Petition", a petition to establish a district as it
9 may be amended in accordance with the requirements of section
10 67.1421;

11 (14) "Qualified voters",

12 (a) For purposes of elections for approval of real property
13 taxes:

14 a. Registered voters; or

15 b. If no registered voters reside in the district, the
16 owners of one or more parcels of real property which is to be
17 subject to such real property taxes and is located within the
18 district per the tax records for real property of the county
19 clerk, or the collector of revenue if the district is located in
20 a city not within a county, as of the thirtieth day prior to the
21 date of the applicable election;

22 (b) For purposes of elections for approval of business
23 license taxes or sales taxes:

24 a. Registered voters; or

25 b. If no registered voters reside in the district, the
26 owners of one or more parcels of real property located within the
27 district per the tax records for real property of the county
28 clerk as of the thirtieth day before the date of the applicable

1 election; and

2 (c) For purposes of the election of directors of the board,
3 registered voters and owners of real property which is not exempt
4 from assessment or levy of taxes by the district and which is
5 located within the district per the tax records for real property
6 of the county clerk, or the collector of revenue if the district
7 is located in a city not within a county, of the thirtieth day
8 prior to the date of the applicable election; and

9 (15) "Registered voters", persons who reside within the
10 district and who are qualified and registered to vote pursuant to
11 chapter 115, RSMo, pursuant to the records of the election
12 authority as of the thirtieth day prior to the date of the
13 applicable election.

14 67.1451. 1. If a district is a political subdivision, the
15 election and qualifications of members to the district's board of
16 directors shall be in accordance with this section. If a
17 district is a not-for-profit corporation, the election and
18 qualification of members to its board of directors shall be in
19 accordance with chapter 355, RSMo.

20 2. The district shall be governed by a board consisting of
21 at least five but not more than thirty directors. Each director
22 shall, during his or her entire term, be:

23 (1) At least eighteen years of age; and

24 (2) Be either:

25 (a) An owner, as defined in section 67.1401, of real
26 property or of a business operating within the district; or

27 (b) [If in a home rule city with more than one hundred
28 fifty-one thousand five hundred but fewer than one hundred

1 fifty-one thousand six hundred inhabitants, a legally authorized
2 representative of an owner of real property located within the
3 district. If there are less than five owners of real property
4 located within a district, the board may be comprised of up to
5 five legally authorized representatives of any of the owners of
6 real property located within the district; or

7 (c)] A registered voter residing within the district; and

8 (3) Any other qualifications set forth in the petition
9 establishing the district.

10
11 If there are fewer than five owners of real property located
12 within a district, the board may be comprised of up to five
13 legally authorized representatives of any of the owners of real
14 property located within the district.

15 3. If the district is a political subdivision, the board
16 shall be elected or appointed, as provided in the petition.

17 4. If the board is to be elected, the procedure for
18 election shall be as follows:

19 (1) The municipal clerk shall specify a date on which the
20 election shall occur which date shall be a Tuesday and shall not
21 be earlier than the tenth Tuesday, and shall not be later than
22 the fifteenth Tuesday, after the effective date of the ordinance
23 adopted to establish the district;

24 (2) The election shall be conducted in the same manner as
25 provided for in section 67.1551, provided that the published
26 notice of the election shall contain the information required by
27 section 67.1551 for published notices, except that it shall state
28 that the purpose of the election is for the election of

1 directors, in lieu of the information related to taxes;

2 (3) Candidates shall pay the sum of five dollars as a
3 filing fee and shall file not later than the second Tuesday after
4 the effective date of the ordinance establishing the district
5 with the municipal clerk a statement under oath that he or she
6 possesses all of the qualifications set out in this section for a
7 director. Thereafter, such candidate shall have his or her name
8 placed on the ballot as a candidate for director;

9 (4) The director or directors to be elected shall be
10 elected at large. The person receiving the most votes shall be
11 elected to the position having the longest term; the person
12 receiving the second highest votes shall be elected to the
13 position having the next longest term and so forth. For any
14 district formed prior to August 28, 2003, of the initial
15 directors, one-half shall serve for a two-year term, one-half
16 shall serve for a four-year term and if an odd number of
17 directors are elected, the director receiving the least number of
18 votes shall serve for a two-year term, until such director's
19 successor is elected. For any district formed on or after August
20 28, 2003, for the initial directors, one-half shall serve for a
21 two-year term, and one-half shall serve for the term specified by
22 the district pursuant to subdivision (5) of this subsection, and
23 if an odd number of directors are elected, the director receiving
24 the least number of votes shall serve for a two-year term, until
25 such director's successor is elected;

26 (5) Successor directors shall be elected in the same manner
27 as the initial directors. The date of the election of successor
28 directors shall be specified by the municipal clerk which date

1 shall be a Tuesday and shall not be later than the date of the
2 expiration of the stated term of the expiring director. Each
3 successor director shall serve a term for the length specified
4 prior to the election by the district, which term shall be at
5 least three years and not more than four years, and shall
6 continue until such director's successor is elected. In the
7 event of a vacancy on the board of directors, the remaining
8 directors shall elect an interim director to fill the vacancy for
9 the unexpired term.

10 5. If the petition provides that the board is to be
11 appointed by the municipality, such appointments shall be made by
12 the chief elected officer of the municipality with the consent of
13 the governing body of the municipality. For any district formed
14 prior to August 28, 2003, of the initial appointed directors,
15 one-half of the directors shall be appointed to serve for a
16 two-year term and the remaining one-half shall be appointed to
17 serve for a four-year term until such director's successor is
18 appointed; provided that, if there is an odd number of directors,
19 the last person appointed shall serve a two-year term. For any
20 district formed on or after August 28, 2003, of the initial
21 appointed directors, one-half shall be appointed to serve for a
22 two-year term, and one-half shall be appointed to serve for the
23 term specified by the district for successor directors pursuant
24 to this subsection, and if an odd number of directors are
25 appointed, the last person appointed shall serve for a two-year
26 term; provided that each director shall serve until such
27 director's successor is appointed. Successor directors shall be
28 appointed in the same manner as the initial directors and shall

1 serve for a term of years specified by the district prior to the
2 appointment, which term shall be at least three years and not
3 more than four years.

4 6. If the petition states the names of the initial
5 directors, those directors shall serve for the terms specified in
6 the petition and successor directors shall be determined either
7 by the above-listed election process or appointment process as
8 provided in the petition.

9 7. Any director may be removed for cause by a two-thirds
10 affirmative vote of the directors of the board. Written notice
11 of the proposed removal shall be given to all directors prior to
12 action thereon.

13 8. The board is authorized to act on behalf of the
14 district, subject to approval of qualified voters as required in
15 this section; except that, all official acts of the board shall
16 be by written resolution approved by the board.

17 67.1485. 1. Any district organized as a nonprofit
18 corporation may merge with another district organized as a
19 nonprofit organization. Such merger shall be conducted under the
20 procedures for merger provided in chapter 355, RSMo, and shall
21 not become effective unless:

22 (1) The boundaries of the merging districts are contiguous;

23 (2) The articles of merger required under section 355.361,
24 RSMo, contain a legal description of the surviving district
25 corporation;

26 (3) The term of existence of the surviving district
27 corporation stated in the articles of merger shall be equal to
28 the shortest length of time remaining for existence of either

1 merging district corporation as determined by the applicable
2 ordinances establishing the merging district corporations;

3 (4) A copy of the articles of merger is sent to the
4 department of economic development.

5 2. If two district corporations merge under this section,
6 the board of directors of the surviving district corporation may
7 continue to levy special assessments against such tracts, lots,
8 or parcels listed, and in an amount as provided in, a previously
9 authorized petition under section 67.1521, provided that the
10 level of service stated in such petition is not decreased by the
11 surviving district corporation. A new special assessment
12 petition may be submitted to the surviving district corporation
13 and, if stated in the petition, may supersede or replace the
14 previously authorized special assessment petitions.

15 3. No merger under this section shall be construed to be a
16 petition for termination under section 67.1481 or to invoke a
17 plan of dissolution as provided in section 67.1481.

18 67.1545. 1. Any district formed as a political subdivision
19 may impose by resolution a district sales and use tax on all
20 retail sales made in such district which are subject to taxation
21 pursuant to sections 144.010 to 144.525, RSMo, except sales of
22 motor vehicles, trailers, boats or outboard motors and sales to
23 public utilities. Any sales and use tax imposed pursuant to this
24 section may be imposed in increments of one-eighth of one
25 percent, up to a maximum of one percent. Such district sales and
26 use tax may be imposed for any district purpose designated by the
27 district in its ballot of submission to its qualified voters;
28 except that, no resolution adopted pursuant to this section shall

1 become effective unless the board of directors of the district
2 submits to the qualified voters of the district, by mail-in
3 ballot, a proposal to authorize a sales and use tax pursuant to
4 this section. If a majority of the votes cast by the qualified
5 voters on the proposed sales tax are in favor of the sales tax,
6 then the resolution is adopted. If a majority of the votes cast
7 by the qualified voters are opposed to the sales tax, then the
8 resolution is void.

9 2. The ballot shall be substantially in the following form:

10 Shall the (insert name of
11 district) Community Improvement District impose a community
12 improvement districtwide sales and use tax at the maximum rate of
13 (insert amount) for a period of
14 (insert number) years from the date on which
15 such tax is first imposed for the purpose of providing revenue
16 for
17 (insert general description of the purpose)?

18 YES NO

19
20 If you are in favor of the question, place an "X" in the box
21 opposite "YES". If you are opposed to the question, place an "X"
22 in the box opposite "NO".

23 3. Within ten days after the qualified voters have approved
24 the imposition of the sales and use tax, the district shall, in
25 accordance with section [32.097] 32.087, RSMo, notify the
26 director of the department of revenue. The sales and use tax
27 authorized by this section shall become effective on the first
28 day of the second calendar quarter after the director of the

1 department of revenue receives notice of the adoption of such
2 tax.

3 4. The director of the department of revenue shall collect
4 any tax adopted pursuant to this section pursuant to section
5 32.087, RSMo.

6 5. In each district in which a sales and use tax is imposed
7 pursuant to this section, every retailer shall add such
8 additional tax imposed by the district to such retailer's sale
9 price, and when so added such tax shall constitute a part of the
10 purchase price, shall be a debt of the purchaser to the retailer
11 until paid and shall be recoverable at law in the same manner as
12 the purchase price.

13 6. In order to allow retailers to collect and report the
14 sales and use tax authorized by this section as well as all other
15 sales and use taxes required by law in the simplest and most
16 efficient manner possible, a district may establish appropriate
17 brackets to be used in the district imposing a tax pursuant to
18 this section in lieu of the brackets provided in section 144.285,
19 RSMo.

20 7. The penalties provided in sections 144.010 to 144.525,
21 RSMo, shall apply to violations of this section.

22 8. All revenue received by the district from a sales and
23 use tax imposed pursuant to this section which is designated for
24 a specific purpose shall be deposited into a special trust fund
25 and expended solely for such purpose. Upon the expiration of any
26 sales and use tax adopted pursuant to this section, all funds
27 remaining in the special trust fund shall continue to be used
28 solely for the specific purpose designated in the resolution

1 adopted by the qualified voters. Any funds in such special trust
2 fund which are not needed for current expenditures may be
3 invested by the board of directors pursuant to applicable laws
4 relating to the investment of other district funds.

5 9. A district may repeal by resolution any sales and use
6 tax imposed pursuant to this section before the expiration date
7 of such sales and use tax unless the repeal of such sales and use
8 tax will impair the district's ability to repay any liabilities
9 the district has incurred, moneys the district has borrowed or
10 obligation the district has issued to finance any improvements or
11 services rendered for the district.

12 10. Notwithstanding the provisions of chapter 115, RSMo, an
13 election for a district sales and use tax under this section
14 shall be conducted in accordance with the provisions of this
15 section.

16 67.1561. No lawsuit to set aside a district established, or
17 a special assessment or a tax levied under sections 67.1401 to
18 67.1571 or to otherwise question the validity of the proceedings
19 related thereto shall be brought after the expiration of ninety
20 days from the effective date of the ordinance establishing such
21 district in question or the effective date of the resolution
22 levying such special assessment or tax in question or the
23 effective date of a merger of two districts under section
24 67.1485.

25 67.2040. 1. The governing body of any county of the third
26 classification without a township form of government and with
27 more than forty-one thousand one hundred but fewer than forty-one
28 thousand two hundred inhabitants may impose, by order or

1 ordinance, a sales tax on all retail sales made within the county
2 which are subject to sales tax under chapter 144, RSMo. The tax
3 authorized in this section shall be equal to one-eighth of one
4 percent, and shall be imposed solely for the purpose of funding
5 construction for a shelter for women and children, as defined in
6 section 455.200, RSMo. The tax authorized in this section shall
7 be in addition to all other sales taxes imposed by law, and shall
8 be stated separately from all other charges and taxes. The order
9 or ordinance shall not become effective unless the governing body
10 of the county submits to the voters residing within the county at
11 a state general, primary, or special election, a proposal to
12 authorize the governing body of the county to impose a tax under
13 this section.

14 2. The ballot of submission for the tax authorized in this
15 section shall be in substantially the following form:

16 Shall (insert the name of the political
17 subdivision) impose a sales tax at a rate of (insert
18 rate of percent) percent, solely for the purpose of funding
19 construction for a shelter for women and children?

20 YES NO

21
22 If you are in favor of the question, place an "X" in the box
23 opposite "YES". If you are opposed to the question, place an "X"
24 in the box opposite "NO".

25
26 If a majority of the votes cast on the question by the qualified
27 voters voting thereon are in favor of the question, then the tax
28 shall become effective on the first day of the second calendar

1 quarter immediately following notification to the department of
2 revenue. If a majority of the votes cast on the question by the
3 qualified voters voting thereon are opposed to the question, then
4 the tax shall not become effective unless and until the question
5 is resubmitted under this section to the qualified voters and
6 such question is approved by a majority of the qualified voters
7 voting on the question.

8 3. All revenue collected under this section by the director
9 of the department of revenue on behalf of any county, except for
10 one percent for the cost of collection which shall be deposited
11 in the state's general revenue fund, shall be deposited in a
12 special trust fund, which is hereby created and shall be known as
13 the "Women's and Children's Shelter Sales Tax Fund", and shall be
14 used solely for the designated purposes. Moneys in the fund
15 shall not be deemed to be state funds, and shall not be
16 commingled with any funds of the state. The director may make
17 refunds from the amounts in the trust fund and credited to the
18 county for erroneous payments and overpayments made, and may
19 redeem dishonored checks and drafts deposited to the credit of
20 such county. Any funds in the special trust fund which are not
21 needed for current expenditures shall be invested in the same
22 manner as other funds are invested. Any interest and moneys
23 earned on such investments shall be credited to the fund.

24 4. On or after the effective date of the tax, the director
25 of revenue shall be responsible for the administration,
26 collection, enforcement, and operation of the tax, and sections
27 32.085 and 32.087, RSMo, shall apply. In order to permit sellers
28 required to collect and report the sales tax to collect the

1 amount required to be reported and remitted, but not to change
2 the requirements of reporting or remitting the tax, or to serve
3 as a levy of the tax, and in order to avoid fractions of pennies,
4 the governing body of the county may authorize the use of a
5 bracket system similar to that authorized in section 144.285,
6 RSMo, and notwithstanding the provisions of that section, this
7 new bracket system shall be used where this tax is imposed and
8 shall apply to all taxable transactions. Beginning with the
9 effective date of the tax, every retailer in the county shall add
10 the sales tax to the sale price, and this tax shall be a debt of
11 the purchaser to the retailer until paid, and shall be
12 recoverable at law in the same manner as the purchase price. For
13 purposes of this section, all retail sales shall be deemed to be
14 consummated at the place of business of the retailer.

15 5. All applicable provisions in sections 144.010 to
16 144.525, RSMo, governing the state sales tax, and section 32.057,
17 RSMo, the uniform confidentiality provision, shall apply to the
18 collection of the tax, and all exemptions granted to agencies of
19 government, organizations, and persons under sections 144.010 to
20 144.525, RSMo, are hereby made applicable to the imposition and
21 collection of the tax. The same sales tax permit, exemption
22 certificate, and retail certificate required by sections 144.010
23 to 144.525, RSMo, for the administration and collection of the
24 state sales tax shall satisfy the requirements of this section,
25 and no additional permit or exemption certificate or retail
26 certificate shall be required; except that, the director of
27 revenue may prescribe a form of exemption certificate for an
28 exemption from the tax. All discounts allowed the retailer under

1 the state sales tax for the collection of and for payment of
2 taxes are hereby allowed and made applicable to the tax. The
3 penalties for violations provided in section 32.057, RSMo, and
4 sections 144.010 to 144.525, RSMo, are hereby made applicable to
5 violations of this section. If any person is delinquent in the
6 payment of the amount required to be paid under this section, or
7 in the event a determination has been made against the person for
8 taxes and penalty under this section, the limitation for bringing
9 suit for the collection of the delinquent tax and penalty shall
10 be the same as that provided in sections 144.010 to 144.525,
11 RSMo.

12 6. Any sales tax imposed under this section shall expire
13 three years after the date such tax becomes effective, unless
14 such tax is repealed under this section before the expiration
15 date provided for in this subsection.

16 7. The governing body of any county that has adopted the
17 sales tax authorized in this section may submit the question of
18 repeal of the tax to the voters on any date available for
19 elections for the county. The ballot of submission shall be in
20 substantially the following form:

21 Shall (insert the name of the political
22 subdivision) repeal the sales tax imposed at a rate of
23 (insert rate of percent) percent for the purpose of funding
24 construction for a shelter for women and children?

25 YES NO

26
27 If you are in favor of the question, place an "X" in the box
28 opposite "YES". If you are opposed to the question, place an "X"

1 in the box opposite "NO".

2
3 If a majority of the votes cast on the question by the qualified
4 voters voting thereon are in favor of repeal, that repeal shall
5 become effective on December thirty-first of the calendar year in
6 which such repeal was approved. If a majority of the votes cast
7 on the question by the qualified voters voting thereon are
8 opposed to the repeal, then the sales tax authorized in this
9 section shall remain effective until the question is resubmitted
10 under this section to the qualified voters and the repeal is
11 approved by a majority of the qualified voters voting on the
12 question.

13 8. Whenever the governing body of any county that has
14 adopted the sales tax authorized in this section receives a
15 petition, signed by ten percent of the registered voters of the
16 county voting in the last gubernatorial election, calling for an
17 election to repeal the sales tax imposed under this section, the
18 governing body shall submit to the voters of the county a
19 proposal to repeal the tax. If a majority of the votes cast on
20 the question by the qualified voters voting thereon are in favor
21 of the repeal, the repeal shall become effective on December
22 thirty-first of the calendar year in which such repeal was
23 approved. If a majority of the votes cast on the question by the
24 qualified voters voting thereon are opposed to the repeal, then
25 the sales tax authorized in this section shall remain effective
26 until the question is resubmitted under this section to the
27 qualified voters and the repeal is approved by a majority of the
28 qualified voters voting on the question.

1 9. If the tax is repealed or terminated by any means, all
2 funds remaining in the special trust fund shall continue to be
3 used solely for the designated purposes, and the county shall
4 notify the director of the department of revenue of the action at
5 least thirty days before the effective date of the repeal and the
6 director may order retention in the trust fund, for a period of
7 one year, of two percent of the amount collected after receipt of
8 such notice to cover possible refunds or overpayment of the tax
9 and to redeem dishonored checks and drafts deposited to the
10 credit of such accounts. After one year has elapsed after the
11 effective date of abolition of the tax in such county, the
12 director shall remit the balance in the account to the county and
13 close the account of that county. The director shall notify each
14 county of each instance of any amount refunded or any check
15 redeemed from receipts due the county.

16 67.2500. 1. A theater, cultural arts, and entertainment
17 district may be established in the manner provided in section
18 67.2505 by the governing body of any county, city, town, or
19 village that has adopted transect-based zoning under chapter 89,
20 RSMo, any county described in this subsection, or any city, town,
21 or village that is within [a first class county with a charter
22 form of government with a population over two hundred fifty
23 thousand that adjoins a first class county with a charter form of
24 government with a population over nine hundred thousand, or that
25 is within] such counties:

26 (1) Any county with a charter form of government and with
27 more than two hundred fifty thousand but less than three hundred
28 fifty thousand inhabitants[, may establish a theater, cultural

1 arts, and entertainment district in the manner provided in
2 section 67.2505];

3 (2) Any county of the first classification with more than
4 ninety-three thousand eight hundred but fewer than ninety-three
5 thousand nine hundred inhabitants;

6 (3) Any county of the first classification with more than
7 one hundred eighty-four thousand but fewer than one hundred
8 eighty-eight thousand inhabitants;

9 (4) Any county with a charter form of government and with
10 more than six hundred thousand but fewer than seven hundred
11 thousand inhabitants;

12 (5) Any county of the first classification with more than
13 one hundred thirty-five thousand four hundred but fewer than one
14 hundred thirty-five thousand five hundred inhabitants;

15 (6) Any county of the first classification with more than
16 one hundred four thousand six hundred but fewer than one hundred
17 four thousand seven hundred inhabitants.

18 2. Sections 67.2500 to 67.2530 shall be known as the
19 "Theater, Cultural Arts, and Entertainment District Act".

20 3. As used in sections 67.2500 to 67.2530, the following
21 terms mean:

22 (1) "District", a theater, cultural arts, and entertainment
23 district organized under this section;

24 (2) "Qualified electors", "qualified voters", or "voters",
25 registered voters residing within the district or subdistrict, or
26 proposed district or subdistrict, who have registered to vote
27 pursuant to chapter 115, RSMo, or, if there are no persons
28 eligible to be registered voters residing in the district or

1 subdistrict, proposed district or subdistrict, property owners,
2 including corporations and other entities, that are owners of
3 real property;

4 (3) "Registered voters", persons qualified and registered
5 to vote pursuant to chapter 115, RSMo; and

6 (4) "Subdistrict", a subdivision of a district, but not a
7 separate political subdivision, created for the purposes
8 specified in subsection 5 of section 67.2505.

9 67.2505. 1. A district may be created to fund, promote,
10 and provide educational, civic, musical, theatrical, cultural,
11 concerts, lecture series, and related or similar entertainment
12 events or activities, and to fund, promote, plan, design,
13 construct, improve, maintain, and operate public improvements,
14 infrastructure, transportation projects, and related facilities
15 in the district.

16 2. A district is a political subdivision of the state.

17 3. The name of a district shall consist of a name chosen by
18 the original petitioners, preceding the words "theater, cultural
19 arts, and entertainment district".

20 4. The district shall include a minimum of ~~[fifty]~~ twenty-
21 five contiguous acres.

22 5. Subdistricts shall be formed for the purpose of voting
23 upon proposals for the creation of the district or subsequent
24 proposed subdistrict, voting upon the question of imposing a
25 proposed sales tax, and for representation on the board of
26 directors, and for no other purpose.

27 6. Whenever the creation of a district is desired, one or
28 more registered voters from each subdistrict of the proposed

1 district, or one or more property owners who collectively own one
2 or more parcels of real estate comprising at least a majority of
3 the land situated in the proposed subdistricts within the
4 proposed district, may file a petition requesting the creation of
5 a district with the governing body of the city, town, or village
6 within which the proposed district is to be established. The
7 petition shall contain the following information:

8 (1) The name, address, and phone number of each petitioner
9 and the location of the real property owned by the petitioner;

10 (2) The name of the proposed district;

11 (3) A legal description of the proposed district, including
12 a map illustrating the district boundaries, which shall be
13 contiguous, and the division of the district into at least five,
14 but not more than fifteen, subdistricts that shall contain, or
15 are projected to contain upon full development of the
16 subdistricts, approximately equal populations;

17 (4) A statement indicating the number of directors to serve
18 on the board, which shall be not less than five or more than
19 fifteen;

20 (5) A request that the district be established;

21 (6) A general description of the activities that are
22 planned for the district;

23 (7) A proposal for a sales tax to fund the district
24 initially, pursuant to the authority granted in sections 67.2500
25 to 67.2530, together with a request that the imposition of the
26 sales tax be submitted to the qualified voters within the
27 district;

28 (8) A statement that the proposed district shall not be an

1 undue burden on any owner of property within the district and is
2 not unjust or unreasonable;

3 (9) A request that the question of the establishment of the
4 district be submitted to the qualified voters of the district;

5 (10) A signed statement that the petitioners are authorized
6 to submit the petition to the governing body; and

7 (11) Any other items the petitioners deem appropriate.

8 7. Upon the filing and approval of a petition pursuant to
9 this section, the governing body of any city, town, or village
10 described in this section [may] shall pass a resolution
11 containing the following information:

12 (1) A description of the boundaries of the proposed
13 district and each subdistrict;

14 (2) The time and place of a hearing to be held to consider
15 establishment of the proposed district;

16 (3) The time frame and manner for the filing of protests;

17 (4) The proposed sales tax rate to be voted upon within the
18 subdistricts of the proposed district;

19 (5) The proposed uses for the revenue to be generated by
20 the new sales tax; and

21 (6) Such other matters as the governing body may deem
22 appropriate.

23 8. Prior to the governing body certifying the question of
24 the district's creation and imposing a sales tax for approval by
25 the qualified electors, a hearing shall be held as provided by
26 this subsection. The governing body of the municipality
27 approving a resolution as set forth in subsection 7 of this
28 section shall:

1 (1) Publish notice of the hearing, which shall include the
2 information contained in the resolution cited in subsection 7 of
3 this section, on two separate occasions in at least one newspaper
4 of general circulation in the county where the proposed district
5 is located, with the first publication to occur not more than
6 thirty days before the hearing, and the second publication to
7 occur not more than fifteen days or less than ten days before the
8 hearing;

9 (2) Hear all protests and receive evidence for or against
10 the establishment of the proposed district; and

11 (3) Consider all protests, which determinations shall be
12 final.

13 The costs of printing and publication of the notice shall be paid
14 by the petitioners. If the district is organized pursuant to
15 sections 67.2500 to 67.2530, the petitioners may be reimbursed
16 for such costs out of the revenues received by the district.

17 9. Following the hearing, the governing body of any city,
18 town, or village within which the proposed district will be
19 located may order an election on the questions of the district
20 creation and sales tax funding for voter approval and certify the
21 questions to the municipal clerk. The election order shall
22 include the date on which the ballots will be mailed to qualified
23 electors, which shall be not sooner than the eighth Tuesday from
24 the issuance of the order. The election regarding the
25 incorporation of the district and the imposing of the sales tax
26 shall follow the procedure set forth in section 67.2520, and
27 shall be held pursuant to the order and certification by the
28 governing body. Only those subdistricts approving the question

1 of creating the district and imposing the sales tax shall become
2 part of the district.

3 10. If the results of the election conducted in accordance
4 with section 67.2520 show that a majority of the votes cast were
5 in favor of organizing the district and imposing the sales tax,
6 the governing body may establish the proposed district in those
7 subdistricts approving the question of creating the district and
8 imposing the sales tax by adopting an ordinance to that effect.
9 The ordinance establishing the district shall contain the
10 following:

11 (1) The description of the boundaries of the district and
12 each subdistrict;

13 (2) A statement that a theater, cultural arts, and
14 entertainment district has been established;

15 (3) A declaration that the district is a political
16 subdivision of the state;

17 (4) The name of the district;

18 (5) The date on which the sales tax election in the
19 subdistricts was held, and the result of the election;

20 (6) The uses for any revenue generated by a sales tax
21 imposed pursuant to this section;

22 (7) A certification to the newly created district of the
23 election results, including the election concerning the sales
24 tax; and

25 (8) Such other matters as the governing body deems
26 appropriate.

27 11. Any subdistrict that does not approve the creation of
28 the district and imposing the sales tax shall not be a part of

1 the district and the sales tax shall not be imposed until after
2 the district board of directors has submitted another proposal
3 for the inclusion of the area into the district and such proposal
4 and the sales tax proposal are approved by a majority of the
5 qualified voters in the subdistrict voting thereon. Such
6 subsequent elections shall be conducted in accordance with
7 section 67.2520; provided, however, that the district board of
8 directors may place the question of the inclusion of a
9 subdistrict within a district and the question of imposing a
10 sales tax before the voters of a proposed subdistrict, and the
11 municipal clerk, or circuit clerk if the district is formed by
12 the circuit court, shall conduct the election. In subsequent
13 elections, the election judges shall certify the election results
14 to the district board of directors.

15 [67.2505. 1. A district may be created to fund,
16 promote, and provide educational, civic, musical,
17 theatrical, cultural, concerts, lecture series, and
18 related or similar entertainment events or activities,
19 and to fund, promote, plan, design, construct, improve,
20 maintain, and operate public improvements,
21 transportation projects, and related facilities in the
22 district.

23 2. A district is a political subdivision of the
24 state.

25 3. The name of a district shall consist of a name
26 chosen by the original petitioners, preceding the words
27 "theater, cultural arts, and entertainment district".

28 4. The district shall include a minimum of fifty

1 contiguous acres.

2 5. Subdistricts shall be formed for the purpose
3 of voting upon proposals for the creation of the
4 district or subsequent proposed subdistrict, voting
5 upon the question of imposing a proposed sales tax, and
6 for representation on the board of directors, and for
7 no other purpose.

8 6. Whenever the creation of a district is
9 desired, one or more registered voters from each
10 subdistrict of the proposed district, or one or more
11 property owners who collectively own one or more
12 parcels of real estate comprising at least a majority
13 of the land situated in the proposed subdistricts
14 within the proposed district, may file a petition
15 requesting the creation of a district with the
16 governing body of the city, town, or village within
17 which the proposed district is to be established. The
18 petition shall contain the following information:

19 (1) The name, address, and phone number of each
20 petitioner and the location of the real property owned
21 by the petitioner;

22 (2) The name of the proposed district;

23 (3) A legal description of the proposed district,
24 including a map illustrating the district boundaries,
25 which shall be contiguous, and the division of the
26 district into at least five, but not more than fifteen,
27 subdistricts that shall contain, or are projected to
28 contain upon full development of the subdistricts,

1 approximately equal populations;

2 (4) A statement indicating the number of
3 directors to serve on the board, which shall be not
4 less than five or more than fifteen;

5 (5) A request that the district be established;

6 (6) A general description of the activities that
7 are planned for the district;

8 (7) A proposal for a sales tax to fund the
9 district initially, pursuant to the authority granted
10 in sections 67.2500 to 67.2530, together with a request
11 that the imposition of the sales tax be submitted to
12 the qualified voters within the district;

13 (8) A statement that the proposed district shall
14 not be an undue burden on any owner of property within
15 the district and is not unjust or unreasonable;

16 (9) A request that the question of the
17 establishment of the district be submitted to the
18 qualified voters of the district;

19 (10) A signed statement that the petitioners are
20 authorized to submit the petition to the governing
21 body; and

22 (11) Any other items the petitioners deem
23 appropriate.

24 7. Upon the filing of a petition pursuant to this
25 section, the governing body of any city, town, or
26 village described in this section may pass a resolution
27 containing the following information:

28 (1) A description of the boundaries of the

1 proposed district and each subdistrict;

2 (2) The time and place of a hearing to be held to
3 consider establishment of the proposed district;

4 (3) The time frame and manner for the filing of
5 protests;

6 (4) The proposed sales tax rate to be voted upon
7 within the subdistricts of the proposed district;

8 (5) The proposed uses for the revenue to be
9 generated by the new sales tax; and

10 (6) Such other matters as the governing body may
11 deem appropriate.

12 8. Prior to the governing body certifying the
13 question of the district's creation and imposing a
14 sales tax for approval by the qualified electors, a
15 hearing shall be held as provided by this subsection.
16 The governing body of the municipality approving a
17 resolution as set forth in section 67.2520 shall:

18 (1) Publish notice of the hearing, which shall
19 include the information contained in the resolution
20 cited in section 67.2520, on two separate occasions in
21 at least one newspaper of general circulation in the
22 county where the proposed district is located, with the
23 first publication to occur not more than thirty days
24 before the hearing, and the second publication to occur
25 not more than fifteen days or less than ten days before
26 the hearing;

27 (2) Hear all protests and receive evidence for or
28 against the establishment of the proposed district; and

1 (3) Consider all protests, which determinations
2 shall be final.

3 The costs of printing and publication of the notice
4 shall be paid by the petitioners. If the district is
5 organized pursuant to sections 67.2500 to 67.2530, the
6 petitioners may be reimbursed for such costs out of the
7 revenues received by the district.

8 9. Following the hearing, the governing body of
9 any city, town, or village within which the proposed
10 district will be located may order an election on the
11 questions of the district creation and sales tax
12 funding for voter approval and certify the questions to
13 the municipal clerk. The election order shall include
14 the date on which the ballots will be mailed to
15 qualified electors, which shall be not sooner than the
16 eighth Tuesday from the issuance of the order. The
17 election regarding the incorporation of the district
18 and the imposing of the sales tax shall follow the
19 procedure set forth in section 67.2520, and shall be
20 held pursuant to the order and certification by the
21 governing body. Only those subdistricts approving the
22 question of creating the district and imposing the
23 sales tax shall become part of the district.

24 10. If the results of the election conducted in
25 accordance with section 67.2520 show that a majority of
26 the votes cast were in favor of organizing the district
27 and imposing the sales tax, the governing body may
28 establish the proposed district in those subdistricts

1 approving the question of creating the district and
2 imposing the sales tax by adopting an ordinance to that
3 effect. The ordinance establishing the district shall
4 contain the following:

5 (1) The description of the boundaries of the
6 district and each subdistrict;

7 (2) A statement that a theater, cultural arts,
8 and entertainment district has been established;

9 (3) A declaration that the district is a
10 political subdivision of the state;

11 (4) The name of the district;

12 (5) The date on which the sales tax election in
13 the subdistricts was held, and the result of the
14 election;

15 (6) The uses for any revenue generated by a sales
16 tax imposed pursuant to this section;

17 (7) A certification to the newly created district
18 of the election results, including the election
19 concerning the sales tax; and

20 (8) Such other matters as the governing body
21 deems appropriate.

22 11. Any subdistrict that does not approve the
23 creation of the district and imposing the sales tax
24 shall not be a part of the district and the sales tax
25 shall not be imposed until after the district board of
26 directors has submitted another proposal for the
27 inclusion of the area into the district and such
28 proposal and the sales tax proposal are approved by a

1 majority of the qualified voters in the subdistrict
2 voting thereon. Such subsequent elections shall be
3 conducted in accordance with section 67.2520; provided,
4 however, that the district board of directors may place
5 the question of the inclusion of a subdistrict within a
6 district and the question of imposing a sales tax
7 before the voters of a proposed subdistrict, and the
8 municipal clerk, or circuit clerk if the district is
9 formed by the circuit court, shall conduct the
10 election. In subsequent elections, the election judges
11 shall certify the election results to the district
12 board of directors.]

13
14 67.2510. As a complete alternative to the procedure
15 establishing a district set forth in section 67.2505, a theater,
16 cultural arts, and entertainment district may be established in
17 the manner provided in section 67.2515 by a circuit court with
18 jurisdiction over any county, city, town, or village that has
19 adopted transect-based zoning under chapter 89, RSMo, any county
20 described in this section, or any city, town, or village that is
21 within [a first class county with a charter form of government
22 with a population over two hundred fifty thousand that adjoins a
23 first class county with a charter form of government with a
24 population over nine hundred thousand, or that is within] such
25 counties:

26 _____(1) Any county with a charter form of government and with
27 more than two hundred fifty thousand but less than three hundred
28 fifty thousand inhabitants[, may establish a theater, cultural

1 arts, and entertainment district in the manner provided in
2 section 67.2515];

3 (2) Any county of the first classification with more than
4 ninety-three thousand eight hundred but fewer than ninety-three
5 thousand nine hundred inhabitants;

6 (3) Any county of the first classification with more than
7 one hundred eighty-four thousand but fewer than one hundred
8 eighty-eight thousand inhabitants;

9 (4) Any county with a charter form of government and with
10 more than six hundred thousand but fewer than seven hundred
11 thousand inhabitants;

12 (5) Any county of the first classification with more than
13 one hundred thirty-five thousand four hundred but fewer than one
14 hundred thirty-five thousand five hundred inhabitants;

15 (6) Any county of the first classification with more than
16 one hundred four thousand six hundred but fewer than one hundred
17 four thousand seven hundred inhabitants.

18 67.2555. Any expenditure of more than [five] twenty-five
19 thousand dollars made by the county executive of a county with a
20 charter form of government and with more than six hundred
21 thousand but fewer than seven hundred thousand inhabitants must
22 be competitively bid.

23 70.220. 1. Any municipality or political subdivision of
24 this state, as herein defined, may contract and cooperate with
25 any other municipality or political subdivision, or with an
26 elective or appointive official thereof, or with a duly
27 authorized agency of the United States, or of this state, or with
28 other states or their municipalities or political subdivisions,

1 or with any private person, firm, association or corporation, for
2 the planning, development, construction, acquisition or operation
3 of any public improvement or facility, or for a common service;
4 provided, that the subject and purposes of any such contract or
5 cooperative action made and entered into by such municipality or
6 political subdivision shall be within the scope of the powers of
7 such municipality or political subdivision.

8 2. Any municipality or political subdivision of this state
9 may contract with one or more adjacent municipalities or
10 political subdivisions to share the tax revenues of such
11 cooperating entities that are generated from real property and
12 the improvements constructed thereon, if such real property is
13 located within the boundaries of either or both municipalities or
14 subdivisions and within three thousand feet of a common border of
15 the contracting municipalities or political subdivisions. The
16 purpose of such contract shall be within the scope of powers of
17 each municipality or political subdivision. Municipalities or
18 political subdivisions separated only by a public street,
19 easement, or right-of-way shall be considered to share a common
20 border for purposes of this subsection.

21 3. If [such] any contract or cooperative action [shall be]
22 entered into under this section is between a municipality or
23 political subdivision and an elective or appointive official of
24 another municipality or political subdivision, [said] such
25 contract or cooperative action [must] shall be approved by the
26 governing body of the unit of government in which such elective
27 or appointive official resides.

28 [2.] 4. In the event an agreement for the distribution of

1 tax revenues is entered into between a county of the first
2 classification without a charter form of government and a
3 constitutional charter city with a population of more than one
4 hundred forty thousand that is located in said county prior to a
5 vote to authorize the imposition of such tax, then all revenue
6 received from such tax shall be distributed in accordance with
7 said agreement for so long as the tax remains in effect or until
8 the agreement is modified by mutual agreement of the parties.

9 70.226. 1. Notwithstanding the provisions of sections
10 70.600 to 70.755 to the contrary, a local public health agency
11 created by a joint municipal agreement under the provisions of
12 sections 70.210 to 70.320 existing within any county of the third
13 classification may be considered a political subdivision for the
14 purposes of sections 70.600 to 70.755, and employees of the local
15 public health agency shall be eligible for membership in the
16 Missouri local government employees' retirement system upon the
17 local public health agency becoming an employer, as defined in
18 subdivision (11) of section 70.600.

19 2. A local public health agency granted membership under
20 subsection 1 of this section shall be permitted to dissolve or
21 otherwise terminate its existence only upon a finding by the
22 local public health agency's board of directors that all of the
23 local public health agency's outstanding indebtedness has been
24 paid, including moneys owed to the Missouri local government
25 employees' retirement system for the unfunded accrued liability
26 of its past and current employees.

27 3. Any political subdivision withdrawing from membership in
28 a local public health agency that participates in the Missouri

1 local government employees' retirement system shall be required
2 to pay to the local public health agency its pro rata share of
3 contributions for any unfunded liabilities for the local public
4 health agency's past and current employees as of the effective
5 date of the political subdivision's withdrawal from membership in
6 the local public health agency. Any political subdivision
7 becoming a new member of a local public health agency shall be
8 subject to the same terms and conditions then existing, including
9 the liabilities in proportion to all participating political
10 subdivisions as set forth in the compact or other such agreement.

11 70.515. Subject to the applicable provisions of section
12 70.545, the Regional Investment District Compact is hereby
13 enacted into law and entered into by the state of Missouri with
14 the state of Kansas legally joining therein, in the form
15 substantially as follows:

16 [KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

17 I. AGREEMENT AND PLEDGE

18 The [states of Kansas and Missouri] participants in this
19 Compact agree to and pledge, each to the other, faithful
20 cooperation in the support of regional programs and initiatives
21 to benefit and serve the Kansas City metropolitan area, holding
22 in high trust for the benefit of the people and of the nation,
23 the special blessings and natural advantages thereof.

24 II. POLICY AND PURPOSE

25 The [states of Kansas and Missouri desire, by common
26 action,] purpose of this Compact is to provide support for
27 regional programs and initiatives that will produce significant
28 benefit to the Kansas City metropolitan area, with the goal of

1 making more efficient use of resources through
2 inter-jurisdictional cooperation on strategic regional programs
3 and initiatives involving public transit.

4 III. DEFINITIONS

5 A. "Commission" means the governing body of the [Kansas and
6 Missouri] Regional Investment District.

7 B. "District" means the [Kansas and Missouri] Regional
8 Investment District.

9 C. "[Kansas and Missouri] Regional Investment District" or
10 "District" means a political subdivision of the states [of Kansas
11 and Missouri, which] that have adopted this Compact, is created
12 by this Compact and which is composed of Buchanan County and of
13 those Kansas and Missouri counties, cities and other political
14 subdivisions that are now or hereafter shall become parties to
15 the Articles of Agreement executed on January 1, 1972, and
16 thereafter amended, which geographic area covered by those
17 political subdivisions is therein designated as the Mid-America
18 Regional Planning Area.

19 D. "Mid-America Regional Council or MARC" means the body
20 corporate and politic created by the Articles of Agreement,
21 originally executed on January 1, 1972, and as thereafter
22 amended, which therein assumed all the rights, duties and
23 obligations of the Mid-America Council of Governments and the
24 Metropolitan Planning Commission - Kansas City Region.

25 E. "Oversight Committee or Committee" means a body or
26 bodies appointed by the Commission for a Regional Program that
27 shall be constituted as set forth in Article IX of this Compact
28 and that shall have the powers set forth in Article X of this

1 Compact.

2 F. "Program Plan" means a plan developed for a proposed
3 ballot question by the Commission, as required by Article VI,
4 Section C of this Compact, that describes a Regional Program and
5 provides for the appropriation and use of moneys derived from the
6 sales tax authorized by this Compact in support of that Regional
7 Program.

8 G. "Public Transit System" or "Transit System" means,
9 without limitation, a regional system of public transit,
10 consisting of property, structures, improvements, vehicles,
11 potentially including, but not limited to, vans, buses, bus rapid
12 transit, commuter rail, and other fixed guideways, equipment,
13 software, telecommunications networks, plants, parking or other
14 facilities, transit centers, stops, park-n-ride lots, transit
15 related surface transportation improvements and rights-of-way
16 used or useful for the purposes of public transit, which provides
17 significant regional benefit, and the acquisition, construction,
18 reconstruction, repair, maintenance, administration and
19 operations thereof and similar activities related thereto,
20 whether operated by one or multiple entities.

21 H. "Regional Program" means a program involving a Public
22 Transit System.

23 IV. DISTRICT

24 A. Upon this Compact being entered into law by the
25 [Legislatures] Legislature of the [respective states] State of
26 Missouri, the Regional Investment District is created and shall
27 include Buchanan County, Missouri, and all the geographic area
28 within the jurisdictional limits of those [Kansas and] Missouri

1 counties that are parties to the Articles of Agreement executed
2 on January 1, 1972, and thereafter amended, which area is
3 designated as the Mid-America Regional Planning Area, and
4 currently includes the following counties:

- 5 Clay County, Missouri [Wyandotte County, Kansas]
- 6 Platte County, Missouri [Johnson County, Kansas]
- 7 Jackson County, Missouri [Leavenworth County, Kansas]
- 8 Cass County, Missouri
- 9 Ray County, Missouri

10 B. In the event that the Legislature of the State of Kansas
11 enacts legislation adopting this Compact, the Regional Investment
12 District shall also include all the geographic area within the
13 jurisdictional limits of those Kansas counties that are parties
14 to the Articles of Agreement executed on January 1, 1972, and
15 thereafter amended, which area is designated as the Mid-America
16 Regional Planning Area, and currently includes the following
17 counties:

- 18 Wyandotte County, Kansas
- 19 Johnson County, Kansas
- 20 Leavenworth County, Kansas

21 C. The District automatically shall be expanded to include
22 Kansas and Missouri cities, counties and other political
23 subdivisions that hereafter shall become parties to the Articles
24 of Agreement executed on January 1, 1972, and thereafter amended,
25 upon the execution of the Articles of Agreement by the governing
26 body of such political subdivisions.

27 V. THE COMMISSION

28 A. The District shall be governed by the Commission, which

1 shall be a body corporate and politic and shall be composed of
2 voting members of MARC, as that Council is constituted from time
3 to time and which is also known as the Board of Directors and may
4 include an elected chief official from Buchanan County appointed
5 by its chief official. All of the members of the Commission
6 shall be elected officials from the jurisdiction that appointed
7 them as voting members of MARC's Board of Directors; provided
8 that all members of the Commission shall be from a jurisdiction
9 in a state that has adopted the Compact.

10 B. The terms of the members of the Commission shall expire
11 concurrently with the member's tenure as an elected official of a
12 jurisdiction that is a party to MARC's Articles of Agreement. If
13 a jurisdiction that is a party to MARC's Articles of Agreement
14 appoints a different member of its governing body to MARC, that
15 newly appointed individual shall assume the position of the
16 member replaced. Each member shall serve until that member's
17 replacement has been sworn in as an elected official.

18 C. The Commission shall begin functioning immediately upon
19 creation of the District, as provided for in Article IV, Section
20 A hereof.

21 D. The Commission shall select annually, from its
22 membership, a chairperson, a vice chairperson, and a treasurer.
23 The treasurer shall be bonded in the amounts the Commission may
24 require.

25 E. The Commission may appoint the officers, agents, and
26 employees, as it may require for the performance of the
27 Commission's duties, and shall determine the qualifications and
28 duties and fix the compensation of those officers, agents and

1 employees.

2 F. The Commission shall fix the time and place at which its
3 meetings shall be held. Meetings shall be held within the
4 District and shall be open to the public. Public notice shall be
5 given of all meetings of the Commission.

6 G. A majority of the Commissioners from each state that has
7 enacted the Compact shall constitute, in the aggregate, a quorum
8 for the transaction of business. No action of the Commission
9 shall be binding unless taken at a meeting at which at least a
10 quorum is present, and unless a majority of the Commissioners
11 from each state, present at the meeting, shall vote in favor
12 thereof. No action of the Commission taken at a meeting thereof
13 shall be binding unless the subject of the action is included in
14 a written agenda for the meeting, the agenda and notice of
15 meeting having been provided to each Commissioner at least seven
16 calendar days prior to the meeting.

17 H. The Commissioners from each state shall each be subject
18 to the provisions of the laws of either the State of Kansas or
19 the State of Missouri (depending upon the Commissioner's state of
20 residence) relating to conflicts of interest of public officers
21 and employees. If any Commissioner has a direct or indirect
22 financial interest in any facility, service provider,
23 organization or activity supported by the District or Commission
24 or in any other business transaction of the District or
25 Commission, the Commissioner shall disclose that interest in
26 writing to the other Commissioners and shall abstain from voting
27 on any matter in relation to that facility, organization or
28 activity or to that business transaction.

1 I. If any action at law or equity, or other legal
2 proceeding, shall be brought against any Commissioner for any act
3 or omission arising out of the performance of their duties as a
4 Commissioner, the Commissioner shall be indemnified in whole and
5 held harmless by the Commission for any judgment or decree
6 entered against the Commissioner and, further, shall be defended
7 at the cost and expense of the Commission in any resulting
8 proceeding.

9 J. Each member of the Commission shall serve as a member of
10 the Commission without compensation for that service, except for
11 payment of their actual and reasonably necessary expenses, as
12 provided by Article VIII, Section A, 1.

13 VI. POWERS AND DUTIES OF THE COMMISSION

14 A. The Commission, formally the governing body of the
15 District, shall primarily function as the planning and
16 administrative arm for the District. The Commission shall:
17 undertake community planning to identify regional programs and
18 initiatives that will produce significant benefit to the Kansas
19 City metropolitan area; fully develop the specifics regarding
20 existing regional programs and initiatives and those newly
21 identified regional programs and initiatives; prepare a Program
22 Plan for regional programs and initiatives in consultation with
23 local officials and the public; prepare ballot questions for
24 programs and initiatives that the Commission determines could
25 appropriately be supported by the sales tax authorized by this
26 Compact; and assist an appointed Oversight Committee when
27 requested by the Oversight Committee in the implementation of any
28 Regional Program approved by District qualified electors in

1 accordance with the terms of this Compact.

2 B. The Commission shall adopt a seal and suitable bylaws
3 governing its management, procedure and effective operation.

4 C. The Commission shall develop a Program Plan for a
5 Regional Program that it determines could appropriately be
6 supported by the sales tax authorized by the Compact, which
7 Program Plan shall generally describe the Regional Program and
8 provide for the appropriation and use of moneys in support of
9 that Regional Program only for the Eligible Uses set forth in
10 Article VIII of this Compact. A Program Plan shall also
11 designate:

12 1. the counties or county in which a majority of the
13 qualified electors voting on the ballot question must cast an
14 affirmative vote before the sales tax may be imposed by any
15 individual county for uses in accordance with the Program Plan;

16 2. the duration of the sales tax imposed in support of the
17 Regional Program, which may be described in terms of the number
18 of years the tax shall be imposed, a maximum number of dollars
19 that may be raised by the sales tax imposed or any other
20 reasonable means of establishing the duration of the sales tax;
21 provided that the sales tax shall not extend beyond the fifteen
22 (15) years following the date of the first receipt by the county
23 treasurer of revenue from the sales tax imposed to support the
24 Regional Program unless renewed by the qualified electors of that
25 county prior to its expiration; and

26 3. the composition of the Oversight Committee to be
27 appointed by the Commission for that Regional Program, which
28 composition shall be consistent with Article IX, Section A of

1 this Compact.

2 D. The Commission, subject to the requirements of Article
3 VII, Section C, shall set the date or dates by which the election
4 shall be held pursuant to this Compact and shall recommend those
5 counties or county which shall hold a vote on the ballot question
6 prepared by the Commission for that Regional Program.

7 E. For each election to be held pursuant to this Compact,
8 the Commission shall prepare and submit a ballot question to the
9 governing body of each county within the District. Each such
10 question shall be in the form set forth in Article VII, Section D
11 of this Compact.

12 F. The Commission may prepare additional ballot language
13 generally describing a Regional Program and the use and
14 allocation of the sales tax proposed to be imposed for the
15 support of a Regional Program, and shall submit that additional
16 language to each county within the District. If additional
17 ballot language is so submitted by the Commission, and a county
18 governing body decides to place the ballot question before the
19 qualified electors of that county, the additional ballot language
20 shall be placed on the subject ballot by that governing body.

21 G. When a majority of the qualified electors in the county
22 or counties designated in the Program Plan for that Regional
23 Program as one of those counties that must cast an affirmative
24 vote on the ballot question before the sales tax may be imposed,
25 have cast an affirmative vote, the Commission shall, in
26 accordance with Article IX, Section A of this Compact, appoint an
27 Oversight Committee for that Program Plan.

28 H. The Commission shall have the power to contract and to

1 be contracted with and to sue and to be sued.

2 I. The Commission, when it deems it necessary and when
3 requested to do so by an Oversight Committee, shall interpret
4 and/or provide guidance and further details on a Program Plan to
5 assist in the oversight of the appropriation and use of moneys by
6 the Oversight Committee for that Program Plan.

7 J. In accordance with written guidelines adopted by the
8 Commission, which guidelines shall be consistent with the Program
9 Plans required by Article VI, Section C, the Commission may
10 receive or provide donations, contributions, and grants or other
11 support, financial or otherwise, from public or private entities,
12 for Program Plans and the Eligible Uses set forth in Article VIII
13 of this Compact.

14 K. The Commission shall execute those contracts and
15 agreements as an Oversight Committee shall direct to implement
16 the Program Plan developed for an approved Regional Program,
17 provided that, the Commission determines each contract is
18 consistent with the Program Plan.

19 L. The Commission may appoint advisory committees to
20 provide input, consultation, guidance and assistance to the
21 Commission on matters and issues related to any purposes for
22 which the District and the Commission are hereby created.

23 M. The Commission may form whatever partnerships,
24 associations, joint ventures or other affiliations, formal or
25 otherwise, as it deems appropriate and that are in furtherance of
26 the purposes for which the District and the Commission are
27 created.

28 N. The Commission may utilize assistance from any

1 governmental or non-governmental entity, as it shall determine
2 appropriate, in the form of personnel, technical expertise or
3 other resources, to further the policies, purposes and goals of
4 the District, as stated in Article II of this Compact.

5 O. The Commission shall cause to be prepared annually a
6 report on the operations and transactions conducted by the
7 Commission during the preceding year. The report shall be an
8 open record submitted to the legislatures and governors of the
9 compacting states and to the governing bodies of the
10 jurisdictions that are then a party to MARC's Articles of
11 Agreement and of Buchanan County, Missouri, on or before March
12 15th of each calendar year, commencing on March 15th of the year
13 following the year in which the certification described in
14 Article IV, Section B hereof occurs. The Commission shall take
15 those actions as are reasonably required to make this report
16 readily available to the public.

17 P. The Commission shall have the power to apply to the
18 Congress of the United States for its consent and approval of
19 this Compact, if it is determined by the Commission that this
20 consent is appropriate. In the absence of the consent of the
21 Congress and until consent is secured, if that consent is
22 determined appropriate, this Compact is binding upon [the states
23 of Missouri and Kansas] any state that has enacted it in all
24 respects permitted by that state's law [of the two states].

25 Q. The Commission shall have the power to perform all other
26 necessary and incidental functions and duties and to exercise all
27 other necessary and appropriate powers, not inconsistent with
28 other provisions of this Compact or the constitution or laws of

1 the United States or of [either of] the state or states [of
2 Kansas or Missouri] in which its members are located, that it
3 deems appropriate to effectuate the purposes for which this
4 District and the Commission are created.

5 VII. BALLOT QUESTIONS

6 A. The Commission, as required by Article VI, Section C,
7 shall develop Program Plans for Regional Programs to be submitted
8 to the qualified electors within the District. A Program Plan
9 developed by the Commission shall be available to the public for
10 review and comment in advance of dates set by the Commission for
11 submission of a ballot question to the electors in the District.

12 B. The governing body of each county in the District shall
13 determine whether the provision of financial support for a
14 Regional Program is in the best interests of the citizens of the
15 county and whether the levy of a sales tax to provide, on a
16 cooperative basis with another county or other counties, for
17 financial support of the Regional Program would be economically
18 practicable and cost beneficial to the citizens of the county and
19 the District. Each governing body that makes an affirmative
20 determination with respect hereto shall adopt a resolution
21 evidencing that determination and authorizing a vote of its
22 citizens on the ballot question for the Regional Program, by a
23 two-thirds (2/3) majority vote of the members elect of the
24 governing body.

25 C. Upon adoption of a resolution pursuant to Section B of
26 this Article, the governing body of that county, promptly after
27 adoption of the resolution, shall request the county election
28 commissioner to submit the ballot question for that Regional

1 Program to the qualified electors of that county. Each such
2 ballot question shall be printed on the ballot and in the notice
3 of election. Each ballot question shall be submitted to the
4 qualified electors of that county at the primary or general
5 election next following the date the request was filed with the
6 county election officer.

7 D. The ballot for the proposition in each county shall be
8 in substantially the following form:

9 Shall a sales tax (insert amount, not to
10 exceed one-half cent) be levied and collected in
11 County for the support of
12 a Regional Program that will produce significant benefit within
13 the [Kansas and Missouri] Regional Investment District, with such
14 tax to extend no longer than (insert years not
15 to exceed fifteen) years following the first receipt by the
16 county treasurer of revenue from such tax?

17 YES NO

18 E. The governing body of each of the counties that
19 requested their county election commissioner submit the ballot
20 question to its qualified electors also shall provide their
21 respective county election officers with copies of any additional
22 language prepared by the Commission, pursuant to Article VI,
23 Section F, which additional language shall be included by each
24 such county on the ballot.

25 F. The question of whether a sales tax for the support of a
26 Regional Program involving a Public Transit System shall be
27 imposed shall be submitted to qualified electors at the first
28 election to be held on Regional Programs, pursuant to this

1 Compact.

2 G. The governing body of any county in the District that
3 does not pass the resolution contemplated by Section B of this
4 Article in time to cause the placement of the ballot question
5 before the qualified electors of that county at the first
6 election or any subsequent election to be held on Regional
7 Programs, pursuant to this Compact, may adopt that resolution at
8 any time thereafter, and that ballot question shall be provided
9 to the election commissioner of that county and submitted to the
10 qualified electors of the county at the next primary or general
11 election, in accordance with Section C of this Article.

12 H. In each county where a majority of the qualified
13 electors voting in an election shall have cast an affirmative
14 vote on a ballot question, that ballot question shall be
15 approved.

16 I. If a ballot question is submitted to the qualified
17 electors of a county in the District, and the ballot question is
18 not approved in that county, following defeat of the ballot
19 question, the governing body of that county or counties may renew
20 procedures to levy the sales tax in support of that Regional
21 Program. A defeat of a ballot question in any county shall not
22 affect the approval of that ballot question in any other county,
23 which approval shall continue to have effect.

24 J. No county in the District shall levy a sales tax
25 specified herein until the qualified electors in all the counties
26 designated by the Commission in the Program Plan for the subject
27 Regional Program, as those that must approve the sales tax, have
28 approved the levy of the sales tax to support the Program Plan

1 for that Regional Program.

2 K. [With respect to the first election to be held on
3 Regional Programs pursuant to this Compact, no sales tax shall be
4 levied by any county which has adopted the resolution
5 contemplated by Section B and has submitted the ballot question
6 to the qualified voters of that county pursuant to Section C of
7 this Article, unless and until a majority of the qualified
8 electors of at least Johnson and Wyandotte Counties, Kansas, and
9 Jackson County, Missouri, has approved the levy of a sales tax
10 for the Regional Program involving a Public Transit System.

11 L.] When, but only when, the electors in all of the
12 counties designated by the Commission in the Program Plan for the
13 Regional Program, as those that must approve the sales tax, have
14 approved that ballot question, the governing body of each county
15 that has approved that ballot question, at the first available
16 opportunity, shall take all required actions to begin levying
17 this tax.

18 [M.] L. Any of the counties that have elected by a vote of
19 its electors to levy a sales tax authorized by this Compact may
20 cease to levy this sales tax upon the majority vote of the
21 qualified electors of the county on a ballot question submitted
22 to qualified electors asking if that county should cease to levy
23 this sales tax. This vote shall take place in the same manner
24 provided in this section for levying this sales tax; provided
25 that, no vote to cease to levy this sales tax shall take place in
26 any county on a date earlier than a date that is five years from
27 the date that county approved this sales tax. Provided further,
28 in no event shall any county cease to levy this sales tax until

1 that county has entered into a written agreement with the
2 Commission, which agreement shall provide for the terms of
3 cessation, and shall specifically provide: (1) a means to ensure
4 that the county pays a fair share of the outstanding obligations
5 incurred by the District in furtherance of its established
6 purposes; and (2) for the ongoing operations and maintenance or
7 the termination of any facilities or services established in the
8 county with support provided by the Commission. The governing
9 body of a county that has decided by this vote to cease to levy
10 this sales tax shall send formal written notice thereof to each
11 of the other counties comprising the District. In no event,
12 shall the county cease to levy the sales tax earlier than ninety
13 days after this notice has been sent. If any county in the
14 District decides to cease levying the sales tax, the status of
15 the District as a political subdivision of the states of Kansas
16 and Missouri shall be unaltered and that county shall continue to
17 have the representation on the Commission, as set forth in
18 Article V of this Compact.

19 VIII. ELIGIBLE USES OF FUNDS

20 A. The Commission shall only budget and authorize the
21 appropriation of monies for the following eligible purposes:

22 1. the actual and reasonably necessary expenses of the
23 Commission and Oversight Committee, including, but not limited
24 to, staff personnel, auditors, budget and financial consultation,
25 legal assistance, administrative, operational, planning and
26 engineering consultation and marketing, as well as for the actual
27 and reasonably necessary expenses of individual Commission and
28 Committee members that are incurred in the performance of their

1 official duties; provided that, the Commission, in each fiscal
2 year, shall not appropriate, for this purpose, any monies in
3 excess of an amount that is equal to one percent of the funds
4 appropriated to the Commission in that fiscal year by all of the
5 counties imposing this sales tax; and

6 2. the support of voter approved Regional Programs within
7 the District;

8 3. only pursuant to a contract with bodies corporate and
9 politic, political subdivisions of the states of Missouri or
10 Kansas and/or local units of government in the states of Missouri
11 or Kansas, provided, however, the Commission may, in its
12 discretion, require that entities contracted with shall procure a
13 set percentage of Public Transit System services from third party
14 contractors on a competitive basis; and

15 4. only in support of a Regional Program in counties that
16 have voted affirmatively to impose a sales tax in support of that
17 Regional Program.

18 B. The aggregate amount of sales taxes imposed by any
19 county within the District, pursuant to the authority granted in
20 this Compact, shall not exceed one-half cent.

21 IX. THE OVERSIGHT COMMITTEE

22 A. An Oversight Committee shall be appointed by the
23 Commission for a Regional Program, as provided for in Article VI,
24 Section G hereof. An Oversight Committee shall be composed of
25 elected officials of jurisdictions that are within a county where
26 a majority of the qualified electors voting on the ballot
27 question have cast an affirmative vote on the imposition of a
28 sales tax to support the subject Regional Program. An Oversight

1 Committee shall be composed of the elected officials designated
2 in the Program Plan for the Regional Program. An Oversight
3 Committee shall include a minimum of one elected representative
4 from each county that approves that ballot question and elected
5 representatives from both cities and counties and each
6 representative shall be approved by the chief elected official of
7 the county or city from which they are elected. If the Program
8 Plan describes a Regional Program that serves both Missouri and
9 Kansas, the Oversight Committee shall be composed of an equal
10 number of elected representatives from each state. In such
11 instances, no action of the Commission shall be binding unless
12 taken at a meeting at which at least a quorum is present, and
13 unless a majority of the Commissioners from each state, present
14 at the meeting, shall vote in favor thereof. The number of
15 individuals comprising the Oversight Committee shall be in the
16 sole discretion of the Commission.

17 B. An Oversight Committee shall be appointed within
18 forty-five days of certification that the ballot question has
19 been approved by the last of the counties designated by the
20 Commission in the Program Plan for the Regional Plan, pursuant to
21 Article VI, Section C, 1 hereof, to so certify and shall begin
22 functioning immediately upon its appointment by the Commission.
23 If, pursuant to Article VII, Section K, additional counties
24 within the District shall approve the ballot question, the
25 Commission shall appoint a minimum of one additional
26 representative from each such county to the Oversight Committee.

27 C. An appointed Oversight Committee shall fix the time and
28 place at which its meetings shall be held. Meetings shall be

1 held at a location in a county that has approved the imposition
2 of the sales tax to support the Program Plan for the subject
3 Regional Program and shall be open to the public. Public notice
4 shall be given of all meetings of the Committee.

5 D. The Committee members shall each be subject to the
6 provisions of the laws of either the State of Kansas or the State
7 of Missouri (depending upon the Committee member's state of
8 residence) that relate to conflicts of interest of public
9 officers and employees. If any Committee member has a direct or
10 indirect financial interest in any facility, service provider,
11 organization or activity supported by the District or Commission
12 or in any other business transaction of the District or
13 Commission, the Committee member shall disclose that interest in
14 writing to the members of the Commission and to the other members
15 of the Committee and shall abstain from voting on any matter in
16 relation to that facility, organization or activity or to that
17 business transaction with respect to which that Committee member
18 has the interest.

19 E. If any action at law or equity, or other legal
20 proceeding, shall be brought against any Committee member for any
21 act or omission arising out of the performance of duties as a
22 Committee member, the Committee member shall be indemnified in
23 whole and held harmless by the Commission for any judgment or
24 decree entered against the Committee member and, further, shall
25 be defended at the cost and expense of the Commission in any
26 resulting proceeding.

27 F. The Oversight Committee for a Regional Program shall
28 terminate on the date when all of the moneys derived from the

1 sales tax imposed by any or all counties in the District to
2 support the Program Plan for that Regional Program and which have
3 been credited to the Regional Investment Fund have been expended.
4

5 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

6 A. The Oversight Committee for an approved Regional Program
7 is charged with the oversight of the appropriation and use of
8 moneys generated from the sales taxes and credited to the
9 Regional Investment Fund. These moneys shall be appropriated
10 only for the Eligible Uses set forth in Article VIII of this
11 Compact.

12 B. An Oversight Committee shall only provide support for
13 and allocate and appropriate monies for programs, services and
14 facilities that are consistent with the voter approved Program
15 Plan developed by the Commission and only for programs, services
16 and facilities in counties that have approved the imposition of a
17 sales tax in support of the Regional Program. If the Committee
18 is uncertain or has any question about whether a specific
19 appropriation of moneys or support activity is consistent with
20 the Program Plan developed by the Commission, it shall seek a
21 determination on that question from the Commission.

22 C. An Oversight Committee, as appropriate, shall direct
23 that the Commission execute those contracts and agreements
24 necessary or desirable to implement the Program Plan developed by
25 the Commission.

26 D. An Oversight Committee shall adopt suitable bylaws
27 governing its management, procedure and its effective operations.

28 E. An Oversight Committee shall provide the information

1 that the Commission shall require to allow the Commission to
2 prepare annually a report on the operations and transactions
3 conducted by the Commission during the preceding year relating to
4 the approved Regional Programs. This information shall include
5 an annual financial statement prepared in accordance with General
6 Accepted Accounting Principles (GAAP). The Oversight Committee
7 for a Public Transit Service Regional Program shall also provide
8 a report on operational statistics, including statistics on the
9 ridership of the Public Transit System funded with sales tax
10 revenues resulting from the authority granted by this Compact,
11 comparing ridership in the then current fiscal year to ridership
12 in the three fiscal years next preceding.

13 XI. FINANCE

14 A. The moneys necessary to finance the operation of the
15 District, implement the voter approved Program Plans and execute
16 the powers, duties and responsibilities of the Commission shall
17 be appropriated to the Commission by the counties comprising the
18 District, which, in accordance with Article VII, Section J of the
19 Compact, have approved the ballot question for the subject
20 Regional Program. The moneys to be appropriated to the
21 Commission, in addition to the sales tax authorized by this
22 Compact, may be raised by the governing bodies of the respective
23 counties by the levy of taxes, fees, charges or any other
24 revenue, as authorized by those counties or cities in those
25 counties or by the legislatures of the respective party states,
26 provided nothing herein shall require either state to make
27 appropriations for any purpose.

28 B. Neither the Commission nor any Oversight Committee shall

1 incur any indebtedness of any kind; nor shall they pledge the
2 credit of MARC or any jurisdiction that is party to MARC's
3 Articles of Agreement or either of the states party to this
4 Compact, except as specifically authorized by this Compact. The
5 budget of the District shall be prepared, adopted and published,
6 as provided by law, for other political subdivisions of the party
7 states.

8 C. The Commission and an Oversight Committee shall keep
9 accurate accounts of all receipts and disbursements. The
10 receipts and disbursements of the Commission shall be audited
11 yearly by a certified or licensed public accountant and the
12 report of the audit shall be included in and become a part of the
13 annual report of the Commission.

14 D. The accounts of the Commission shall be open at any
15 reasonable time for inspection by duly authorized representatives
16 of [the compacting states] a state that has enacted this Compact,
17 the counties comprising the District, and other persons
18 authorized by the Commission.

19 XII. ENTRY INTO FORCE

20 A. This Compact shall enter into force and become effective
21 and binding upon the states of Kansas and Missouri when it has
22 been entered into law by the legislatures of the respective
23 states.

24 B. Amendments to the Compact shall become effective upon
25 enactment by the legislatures of the respective states.

26 XIII. TERMINATION

27 A. The Compact shall continue in force and remain binding
28 upon a party state until its legislature shall have enacted a

1 statute repealing the same and providing for the sending of
2 formal written notice of enactment of that statute to the
3 legislature of the other party state. Upon enactment of that
4 statute by the legislature of either party state, the sending of
5 notice thereof to the other party and payment of any obligations
6 that the Commission may have incurred prior to the effective date
7 of that statute, the agreement of the party states embodied in
8 the Compact shall be deemed fully executed, the Compact shall be
9 null and void and of no further force or effect, the District
10 shall be dissolved, and the Commission shall be abolished. If
11 any monies remain in the Regional Investment Fund upon
12 dissolution of this Compact, the Commission may distribute these
13 monies to an entity or organization selected by the Commission to
14 be used to support purposes for which the District is hereby
15 created, as stated in Article II of this Compact.

16 XIV. CONSTRUCTION AND SEVERABILITY

17 A. The provisions of this Compact shall be liberally
18 construed and shall be severable. If any phrase, clause,
19 sentence or provision of this Compact is declared to be contrary
20 to the constitutions of either [of the party states] a state that
21 has enacted this Compact or of the United States or if the
22 applicability thereof to any government, agency, person or
23 circumstance is held invalid, the validity of the remainder of
24 this Compact and the applicability thereof to any government,
25 agency, person or circumstance shall not be affected thereby. If
26 this Compact shall be held contrary to the constitution of either
27 party state hereto, the Compact shall thereby be nullified and
28 voided and of no further force or effect.

1 70.545. If the state of Kansas has not [authorized the
2 compact as outlined in section 70.515] enacted the Compact by
3 [July 1] August 28, 2007, then the district described in section
4 70.515 shall nonetheless be created, and the district, any
5 Missouri county in the district [and], the [district,]
6 Commission, and an oversight committee shall have all the powers
7 and duties and may operate as set forth in sections 70.515 to
8 70.545, provided that:

9 1. The Regional Investment District created in section
10 70.515 shall be known as the "Missouri Regional Investment
11 District", shall be a political subdivision solely of the state
12 of Missouri, and shall consist only of those Missouri counties
13 that are within the Mid-America Regional Planning Area and
14 Buchanan County. All references to a "Regional Investment
15 District" or "District" in section 70.515 shall be deemed to
16 refer exclusively to the "Missouri Regional Investment District".

17 2. Article XII of the Compact shall be inapplicable.

18 71.011. 1. Except as provided in subsection 2 of this
19 section, property of a municipality which abuts another
20 municipality may be concurrently detached from one municipality
21 and annexed by the other municipality by the enactment by the
22 governing bodies of each municipality of an ordinance describing
23 by metes and bounds the property, declaring the property so
24 described to be concurrently detached and annexed, and stating
25 the reasons for and the purposes to be accomplished by the
26 detachment and annexation. One certified copy of each ordinance
27 shall be filed with the county clerk, with the county assessor,
28 with the county recorder of deeds, and with the clerk of the

1 circuit court of the county in which the property is located,
2 whereupon the concurrent detachment and annexation shall be
3 complete and final. Thereafter all courts of this state shall
4 take notice of the limits of both municipalities as changed by
5 the ordinances. No declaratory judgment or election shall be
6 required for any concurrent detachment and annexation permitted
7 by this section if there are no residents living in the area or
8 if there are residents in the area and they be notified of the
9 annexation and do not object within sixty days.

10 2. In a county of the first classification with a charter
11 form of government containing all or a portion of a city with a
12 population of at least three hundred thousand inhabitants,
13 unimproved property of a municipality which overlaps another
14 municipality may be concurrently detached from one municipality
15 and annexed by the other municipality by the enactment by the
16 governing body of the receiving municipality of an ordinance
17 describing by metes and bounds the property, declaring the
18 property so described to be detached and annexed, and stating the
19 reasons for and the purposes to be accomplished by the detachment
20 and annexation. A copy of said ordinance shall be mailed to the
21 city clerk of the contributing municipality, which shall have
22 thirty days from receipt of said notice to pass an ordinance
23 disapproving the change of boundary. If such ordinance is not
24 passed within thirty days, the change shall be effective and one
25 certified copy of the ordinance shall be filed with the county
26 clerk, with the county assessor, with the county recorder of
27 deeds, and with the clerk of the circuit court of the county in
28 which the property is located, whereupon the concurrent

1 detachment and annexation shall be complete and final.
2 Thereafter all courts of this state shall take notice of the
3 limits of both municipalities as changed by the ordinances. No
4 declaratory judgment or election shall be required for any
5 concurrent detachment and annexation permitted by this section if
6 the landowners in the area are notified and do not object within
7 sixty days.

8 71.012. 1. Notwithstanding the provisions of sections
9 71.015 and 71.860 to 71.920, the governing body of any city, town
10 or village may annex unincorporated areas which are contiguous
11 and compact to the existing corporate limits of the city, town or
12 village pursuant to this section. The term "contiguous and
13 compact" does not include a situation whereby the unincorporated
14 area proposed to be annexed is contiguous to the annexing city,
15 town or village only by a railroad line, trail, pipeline or other
16 strip of real property less than one-quarter mile in width within
17 the city, town or village so that the boundaries of the city,
18 town or village after annexation would leave unincorporated areas
19 between the annexed area and the prior boundaries of the city,
20 town or village connected only by such railroad line, trail,
21 pipeline or other such strip of real property. The term
22 "contiguous and compact" does not prohibit voluntary annexations
23 pursuant to this section merely because such voluntary annexation
24 would create an island of unincorporated area within the city,
25 town or village, so long as the owners of the unincorporated
26 island were also given the opportunity to voluntarily annex into
27 the city, town or village. Notwithstanding the provisions of
28 this section, the governing body of any city, town or village in

1 any county of the third classification which borders a county of
2 the fourth classification, a county of the second classification
3 and Mississippi River may annex areas along a road or highway up
4 to two miles from existing boundaries of the city, town or
5 village or the governing body in any city, town or village in any
6 county of the third classification without a township form of
7 government with a population of at least twenty-four thousand
8 inhabitants but not more than thirty thousand inhabitants and
9 such county contains a state correctional center may voluntarily
10 annex such correctional center pursuant to the provisions of this
11 section if the correctional center is along a road or highway
12 within two miles from the existing boundaries of the city, town
13 or village.

14 2. (1) When a verified petition, requesting annexation and
15 signed by the owners of all fee interests of record in all tracts
16 of real property located within the area proposed to be annexed,
17 or a request for annexation signed under the authority of the
18 governing body of any common interest community and approved by a
19 majority vote of unit owners located within the area proposed to
20 be annexed is presented to the governing body of the city, town
21 or village, the governing body shall hold a public hearing
22 concerning the matter not less than fourteen nor more than sixty
23 days after the petition is received, and the hearing shall be
24 held not less than seven days after notice of the hearing is
25 published in a newspaper of general circulation qualified to
26 publish legal matters and located within the boundary of the
27 petitioned city, town or village. If no such newspaper exists
28 within the boundary of such city, town or village, then the

1 notice shall be published in the qualified newspaper nearest the
2 petitioned city, town or village. For the purposes of this
3 subdivision, the term "common-interest community" shall mean a
4 condominium as said term is used in chapter 448, RSMo, or a
5 common-interest community, a cooperative, or a planned community.

6 (a) A "common-interest community" shall be defined as real
7 property with respect to which a person, by virtue of such
8 person's ownership of a unit, is obliged to pay for real property
9 taxes, insurance premiums, maintenance or improvement of other
10 real property described in a declaration. "Ownership of a unit"
11 does not include a leasehold interest of less than twenty years
12 in a unit, including renewal options;

13 (b) A "cooperative" shall be defined as a common-interest
14 community in which the real property is owned by an association,
15 each of whose members is entitled by virtue of such member's
16 ownership interest in the association to exclusive possession of
17 a unit;

18 (c) A "planned community" a common-interest community that
19 is not a condominium or a cooperative. A condominium or
20 cooperative may be part of a planned community.

21 (2) At the public hearing any interested person,
22 corporation or political subdivision may present evidence
23 regarding the proposed annexation. If, after holding the
24 hearing, the governing body of the city, town or village
25 determines that the annexation is reasonable and necessary to the
26 proper development of the city, town or village, and the city,
27 town or village has the ability to furnish normal municipal
28 services to the area to be annexed within a reasonable time, it

1 may, subject to the provisions of subdivision (3) of this
2 subsection, annex the territory by ordinance without further
3 action.

4 (3) If a written objection to the proposed annexation is
5 filed with the governing body of the city, town or village not
6 later than fourteen days after the public hearing by at least
7 five percent of the qualified voters of the city, town or
8 village, or two qualified voters of the area sought to be annexed
9 if the same contains two qualified voters, the provisions of
10 sections 71.015 and 71.860 to 71.920, shall be followed.

11 3. If no objection is filed, the city, town or village
12 shall extend its limits by ordinance to include such territory,
13 specifying with accuracy the new boundary lines to which the
14 city's, town's or village's limits are extended. Upon duly
15 enacting such annexation ordinance, the city, town or village
16 shall cause three certified copies of the same to be filed with
17 the county assessor and the clerk of the county wherein the city,
18 town or village is located, and one certified copy to be filed
19 with the election authority, if different from the clerk of the
20 county which has jurisdiction over the area being annexed,
21 whereupon the annexation shall be complete and final and
22 thereafter all courts of this state shall take judicial notice of
23 the limits of that city, town or village as so extended.

24 72.080. 1. Notwithstanding any provision of law to the
25 contrary, and as an alternative to, and not in lieu of, the
26 procedure established in section 80.020, RSMo, any unincorporated
27 city, town, village, or other area of the state may, except as
28 otherwise provided in sections 72.400 to 72.420, become a city,

1 town, or village of the class to which its population would
2 entitle it pursuant to this chapter, and be incorporated pursuant
3 to the law for the government of cities, towns, or villages of
4 that class, in the following manner:

5 (1) Whenever a number of voters equal to fifteen percent of
6 the [votes cast in the last gubernatorial election] registered
7 voters in the area proposed to be incorporated shall present a
8 petition to the governing body of the county in which such city
9 [or], town, village, or area is situated, such petition shall
10 describe, by metes and bounds, the area to be incorporated and be
11 accompanied by a plat thereof, shall state the approximate
12 population and the assessed valuation of all real and personal
13 property in the area and shall state facts showing that the
14 proposed city, town, or village, if such village has at least one
15 hundred inhabitants residing in it, shall have the ability to
16 furnish normal municipal services within a reasonable time after
17 its incorporation is to become effective and praying that the
18 question be submitted to determine if it may be incorporated[.
19 If the governing body shall be satisfied that a number of voters
20 equal to fifteen percent of the votes cast in the last
21 gubernatorial election in the area proposed to be incorporated
22 have signed such petition, the governing body shall submit the
23 question to the voters];

24 (2) The governing body shall submit the question to the
25 voters if it is satisfied the number of voters signing such
26 petition is equal to fifteen percent of the registered voters in
27 the area proposed to be incorporated.

1 As used in this section, "village" means any small group or
2 assemblage of houses in an unincorporated area, being generally
3 less than in a town or city, or any small group or assemblages of
4 houses or buildings built for dwelling or for business, or both,
5 in an unincorporated area, regardless of whether they are
6 situated upon regularly laid out streets or alleys dedicated to
7 public use, having no minimum number of registered voters in the
8 area, and without regard to the existence of churches, parks,
9 schools, or commercial establishments in that area or whether the
10 proposed village is devoted to community purposes.

11 2. The [county] governing body may make changes in the
12 petition to correct technical errors or to redefine the metes and
13 bounds of the area to be incorporated to reflect other boundary
14 changes occurring within six months prior to the time of filing
15 the petition. Petitions submitted by proposing agents may be
16 submitted with exclusions for the signatures collected in areas
17 originally included in the proposal but subsequently annexed or
18 incorporated separately as a city, town or village, although the
19 governing body shall be satisfied as to the sufficiency of the
20 signatures for the final proposed area. If a majority of the
21 voters voting on the question vote for incorporation, the
22 governing body shall declare such city, town, village, or other
23 area incorporated, designating in such order the metes and bounds
24 thereof, and thenceforth the inhabitants within such bounds shall
25 be a body politic and incorporate, by the name and style of "the
26 city of", [or] "the town of", [and] "the
27 village of". The first officers of such city [or],
28 town, or village shall be designated by the order of the

1 governing body, who shall hold their offices until the next
2 municipal election and until their successors shall be duly
3 elected and qualified. The city, town, or village shall have
4 perpetual succession, unless disincorporated; may sue and be
5 sued; may plead and be impleaded; may defend and be defended in
6 all courts and in all actions, pleas, and matters whatsoever; may
7 grant, purchase, hold, and receive property, real and personal,
8 within such place and no other, burial grounds and cemeteries
9 excepted; and may lease, sell, and dispose of such property for
10 the benefit of the city, town, or village, and may have a common
11 seal, and alter such seal at pleasure. The county shall pay the
12 costs of the election.

13 3. In any county with a charter form of government where
14 fifty or more cities, towns and villages have been incorporated,
15 an unincorporated city, town or other area of the state shall not
16 be incorporated except as provided in sections 72.400 to 72.420.

17 4. Any unincorporated area with a private eighteen hole
18 golf course community and with at least a one hundred acre lake
19 located within any county of the first classification with more
20 than eighty-two thousand but less than eighty-two thousand one
21 hundred inhabitants may incorporate as a city of the class to
22 which its population would entitle it pursuant to this chapter
23 notwithstanding any proposed annexation of the unincorporated
24 area by any city of the third or fourth classification or any
25 home rule city with more than four hundred thousand inhabitants
26 and located in more than one county. If any city of the third or
27 fourth classification or any home rule city with more than four
28 hundred thousand inhabitants and located in more than one county

1 proposes annexation by ordinance or resolution of any
2 unincorporated area as defined in this subsection, no such
3 annexation shall become effective until and only after a majority
4 of the qualified voters in the unincorporated area proposed to be
5 incorporated fail to approve or oppose the proposed incorporation
6 by a majority vote in the election described in subsection 2 of
7 this section.

8 5. Prior to the election described in subsection 2 of this
9 section, if the owner or owners of either the majority of the
10 commercial or the majority of the agricultural classification of
11 real property in the proposed area to be incorporated object to
12 such incorporation, such owner or owners may file an action in
13 the circuit court of the county in which such unincorporated area
14 is situated, pursuant to chapter 527, RSMo, praying for a
15 declaratory judgment requesting that such incorporation be
16 declared unreasonable by the court. As used in this subsection,
17 a "majority of the commercial or agricultural classification"
18 means a majority as determined by the assessed valuation of the
19 tracts of real property in either classification to be determined
20 by the assessments made according to chapter 137, RSMo. The
21 petition in such action shall state facts showing that such
22 incorporation including the real property owned by the
23 petitioners is not reasonable based on the same criteria as
24 specified in subsection 3 of section 72.403 and is not necessary
25 to the proper development of the city or town. If the circuit
26 court finds that such inclusion is not reasonable and necessary,
27 it may enjoin the incorporation or require the petition
28 requesting the incorporation to be resubmitted excluding all or

1 part of the property of the petitioners from the proposed
2 incorporation.

3 77.020. The mayor and council of such city, with the
4 consent of a majority of the legal voters of such city voting at
5 an election thereof, shall have power to extend the limits of the
6 city over territory adjacent thereto, and to diminish the limits
7 of the city by excluding territory therefrom, and shall, in every
8 case, have power, with the consent of the legal voters as
9 aforesaid, to extend or diminish the city limits in such manner
10 as in their judgment and discretion may redound to the benefit of
11 the city; provided, however, that no election or voter consent
12 shall be required for voluntary annexations or transfers of
13 jurisdiction under chapter 71, RSMo.

14 78.610. The city manager [must be a resident of the city at
15 the time of his appointment and] shall devote his or her entire
16 time to the duties of his or her office. He shall be the
17 administrative head of the government subject to the direction
18 and supervision of the council and shall hold his office at the
19 pleasure of the council, or may be employed for a term not to
20 exceed one year. He shall receive an adequate salary to be fixed
21 by the council which shall not be diminished during the service
22 of any incumbent without his consent. The council shall have the
23 discretion to require the city manager to reside in the city as a
24 condition of employment; except in counties with a charter form
25 of government the city manager shall be a resident of the city at
26 the time of his her appointment. Before entering upon the duties
27 of his or her office the city manager shall take the official
28 oath required by law and shall execute a bond in favor of the

1 city for the faithful performance of his or her duties and such
2 sum shall be determined by the city council. It shall be his or
3 her duty:

4 (1) To make all appointments to offices and positions
5 provided for in section 78.600;

6 (2) To see that the laws and ordinances are enforced;

7 (3) To exercise control of all departments and divisions
8 that may hereafter be created by the council;

9 (4) To see that all terms and conditions imposed in favor
10 of the city or its inhabitants in any public utility franchises
11 are faithfully kept and performed, and upon information of any
12 violation thereof to take such steps as will be necessary to stop
13 or prevent the further violation of the same;

14 (5) To attend all meetings of the council with the
15 privilege of taking part in the discussions but having no vote;

16 (6) To recommend to the council for adoption such measures
17 as he or she may deem necessary or expedient;

18 (7) To prepare and submit the annual budget and to keep the
19 city council fully advised as to the financial conditions and
20 needs of the city and to perform such other duties as may be
21 prescribed by these sections or be required of him or her by any
22 ordinance or resolution of the council.

23 79.050. 1. The following officers shall be elected by the
24 qualified voters of the city, and shall hold office for the term
25 of two years, except as otherwise provided in this section, and
26 until their successors are elected and qualified, to wit: mayor
27 and board of aldermen. The board of aldermen may provide by
28 ordinance, after the approval of a majority of the voters voting

1 at an election at which the issue is submitted, for the
2 appointment of a collector and for the appointment of a chief of
3 police, who shall perform all duties required of the marshal by
4 law, and any other police officers found by the board of aldermen
5 to be necessary for the good government of the city. The marshal
6 or chief of police shall be twenty-one years of age or older. If
7 the board of aldermen does not provide for the appointment of a
8 chief of police and collector as provided by this section, a city
9 marshal, who shall be twenty-one years of age or older, and
10 collector shall be elected, and the board of aldermen may provide
11 by ordinance that the same person may be elected marshal and
12 collector, at the same election, and hold both offices and the
13 board of aldermen may provide by ordinance for the election of
14 city assessor, city attorney, city clerk and street commissioner,
15 who shall hold their respective offices for a term of two years
16 and until their successors shall be elected or appointed and
17 qualified, except that the term of the city marshal shall be four
18 years.

19 2. The board of aldermen may provide by ordinance, after
20 the approval of a majority of the voters voting thereon at the
21 next municipal election at which the issue is submitted, that the
22 term of [mayor and of] the collector shall be four years and the
23 term of the mayor shall be two, three, or four years. Any person
24 elected as [mayor or] collector after the passage of such an
25 ordinance shall serve for a term of four years and until his
26 successor is elected and qualified. Any person elected as mayor
27 after the passage of such ordinance shall serve for a term of
28 two, three, or four years, as provided, and until his successor

1 is elected and qualified.

2 3. The board of aldermen may provide by ordinance that the
3 term of the board of aldermen shall be four years. Such
4 ordinance shall be submitted by the board to the voters of the
5 city and shall take effect only upon the approval of a majority
6 of the voters voting at an election at which the issue is
7 submitted. Any person elected to the board of aldermen after the
8 passage of such an ordinance shall serve for a term of four years
9 and until his successor is elected and qualified.

10 79.495. 1. The county governing body of any county in
11 which a city of the fourth class is located shall have the power
12 to disincorporate such city upon petition of two-thirds of the
13 voters of such city, without an election in such city, provided
14 that the petition requests disincorporation without an election,
15 and provided that the population of such city is less than one
16 hundred.

17 2. Upon the application of any person or persons owning a
18 tract of land containing five acres or more in a city of the
19 fourth class with a population less than one hundred in any
20 county, the governing body of such county may, in its discretion,
21 diminish the limits of such city by excluding any such tract of
22 land from said corporate limits without an election in such city;
23 provided that such application shall be accompanied by a petition
24 asking for such change without an election and signed by a
25 majority of the registered voters in such city and to the extent
26 there are no such registered voters available in such city, then
27 such petition shall be signed by the parties owning a majority of
28 the land area to be excluded from such city limits. Thereafter,

1 such tract of land so excluded shall not be deemed or held to be
2 any part of such city.

3 87.006. 1. Notwithstanding the provisions of any law to
4 the contrary, and only for the purpose of computing retirement
5 benefits provided by an established retirement plan, after five
6 years' service, any condition of impairment of health caused by
7 any disease of the lungs or respiratory tract, hypotension,
8 hypertension, or disease of the heart resulting in total or
9 partial disability or death to a uniformed member of a paid fire
10 department, who successfully passed a physical examination within
11 five years prior to the time a claim is made for such disability
12 or death, which examination failed to reveal any evidence of such
13 condition, shall be presumed to have been suffered in the line of
14 duty, unless the contrary be shown by competent evidence.

15 2. Any condition of cancer affecting the skin or the
16 central nervous, lymphatic, digestive, hematological, urinary,
17 skeletal, oral, breast, testicular, genitourinary, liver or
18 prostate systems, as well as any condition of cancer which may
19 result from exposure to heat or radiation or to a known or
20 suspected carcinogen as determined by the International Agency
21 for Research on Cancer, which results in the total or partial
22 disability or death to a uniformed member of a paid fire
23 department who successfully passed a physical examination within
24 five years prior to the time a claim is made for disability or
25 death, which examination failed to reveal any evidence of such
26 condition, shall be presumed to have been suffered in the line of
27 duty unless the contrary be shown by competent evidence and it
28 can be proven to a reasonable degree of medical certainty that

1 the condition did not result nor was contributed to by the
2 voluntary use of tobacco.

3 3. This section shall apply to paid members of all fire
4 departments of all counties, cities, towns, fire districts, and
5 other governmental units.

6 89.010. 1. The provisions of sections 89.010 to 89.140
7 shall apply to all cities, towns and villages in this state.

8 2. (1) As used in this subsection, "transect-based zoning"
9 means a zoning classification system that prescriptively arranges
10 uses, elements, and environments according to a geographic cross-
11 section that range across a continuum from rural to urban, with
12 the range of environments providing the basis for organizing the
13 components of the constructed world, including buildings, lots,
14 land use, street, and all other physical elements of the human
15 habitat, with the objective of creating sustainable communities
16 and emphasizing bicycle lanes, street connectivity, and
17 sidewalks, and permitting high-density and mixed use development
18 in urban areas.

19 (2) In the event that any city, town, or village adopts a
20 zoning or subdivision ordinance based on transect-based zoning,
21 and such transect-based zoning provisions conflict with the
22 zoning provisions adopted by code or ordinance of another
23 political subdivision with jurisdiction in such city, town, or
24 village, the transect-based zoning provisions governing street
25 configuration requirements, including number and locations of
26 parking spaces, street, drive lane, and cul-de-sac lengths and
27 widths, turning radii, and improvements within the right-of-way,
28 shall prevail over any other conflicting or more restrictive

1 zoning provisions adopted by code or ordinance of the other
2 political subdivision.

3 89.400. 1. When the planning commission of any
4 municipality adopts a city plan which includes at least a major
5 street plan or progresses in its city planning to the making and
6 adoption of a major street plan, and files a certified copy of
7 the major street plan in the office of the county recorder of the
8 county in which the municipality is located, no plat of a
9 subdivision of land lying within the municipality shall be filed
10 or recorded until it has been submitted to and a report and
11 recommendation thereon made by the commission to the city council
12 and the council has approved the plat as provided by law.

13 2. (1) As used in this subsection, "traverse-based zoning"
14 means a zoning classification system that prescriptively arranges
15 uses, elements, and environments according to a geographic cross-
16 section that range across a continuum from rural to urban, with
17 the range of environments providing the basis for organizing the
18 components of the constructed world, including buildings, lots,
19 land use, street, and all other physical elements of the human
20 habitat, with the objective of creating sustainable communities
21 and emphasizing bicycle lanes, street connectivity, and
22 sidewalks, and permitting high-density and mixed use development
23 in urban areas.

24 (2) In the event that any city, town, or village adopts a
25 zoning or subdivision ordinance based on traverse-based zoning,
26 and such traverse-based zoning provisions conflict with the
27 zoning provisions adopted by code or ordinance of another
28 political subdivision with jurisdiction in such city, town, or

1 village, the transect-based zoning provisions governing street
2 configuration requirements, including number and locations of
3 parking spaces, street, drive lane, and cul-de-sac lengths and
4 widths, turning radii, and improvements within the right-of-way,
5 shall prevail over any other conflicting or more restrictive
6 zoning provisions adopted by code or ordinance of the other
7 political subdivision.

8 92.500. 1. The governing body of any city not within a
9 county may impose, by order or ordinance, a sales tax on all
10 retail sales made within the city which are subject to sales tax
11 under chapter 144, RSMo. The tax authorized in this section
12 shall not exceed one-half of one percent, and shall be imposed
13 solely for the purpose of providing revenues for the operation of
14 public safety departments, including police and fire departments,
15 which operations are defined to include, but not be limited to,
16 compensation, pension programs, and health care for employees and
17 pensioners of the public safety departments. The tax authorized
18 in this section shall be in addition to all other sales taxes
19 imposed by law, and shall be stated separately from all other
20 charges and taxes. The order or ordinance shall not become
21 effective unless the governing body of the city submits to the
22 voters residing within the city at a state general, primary, or
23 special election a proposal to authorize the governing body of
24 the city to impose a tax under this section.

25 2. The ballot of submission for the tax authorized in this
26 section shall be in substantially the following form:

27 Shall (insert the name of the city) impose a sales
28 tax at a rate of (insert rate of percent) percent, solely

1 funds of the state. The director may make refunds from the
2 amounts in the trust fund and credited to the city for erroneous
3 payments and overpayments made, and may redeem dishonored checks
4 and drafts deposited to the credit of such city. Any funds in
5 the special trust fund which are not needed for current
6 expenditures shall be invested in the same manner as other funds
7 are invested. Any interest and moneys earned on such investments
8 shall be credited to the fund. The director shall keep accurate
9 records of the amounts in the fund, and such records shall be
10 open to the inspection of the officers of such city and to the
11 public. Not later than the tenth day of each month, the director
12 shall distribute all moneys deposited in the fund during the
13 preceding month to the city. Such funds shall be deposited with
14 the treasurer of the city, and all expenditures of moneys from
15 the fund shall be by an appropriation ordinance enacted by the
16 governing body of the city.

17 4. On or after the effective date of the tax, the director
18 of revenue shall be responsible for the administration,
19 collection, enforcement, and operation of the tax, and sections
20 32.085 and 32.087, RSMo, shall apply. In order to permit sellers
21 required to collect and report the sales tax to collect the
22 amount required to be reported and remitted, but not to change
23 the requirements of reporting or remitting the tax, or to serve
24 as a levy of the tax, and in order to avoid fractions of pennies,
25 the governing body of the city may authorize the use of a bracket
26 system similar to that authorized in section 144.285, RSMo, and
27 notwithstanding the provisions of that section, this new bracket
28 system shall be used where this tax is imposed and shall apply to

1 all taxable transactions. Beginning with the effective date of
2 the tax, every retailer in the city shall add the sales tax to
3 the sale price, and this tax shall be a debt of the purchaser to
4 the retailer until paid, and shall be recoverable at law in the
5 same manner as the purchase price. For purposes of this section,
6 all retail sales shall be deemed to be consummated at the place
7 of business of the retailer.

8 5. All applicable provisions in sections 144.010 to
9 144.525, RSMo, governing the state sales tax, and section 32.057,
10 RSMo, the uniform confidentiality provision, shall apply to the
11 collection of the tax, and all exemptions granted to agencies of
12 government, organizations, and persons under sections 144.010 to
13 144.525, RSMo, are hereby made applicable to the imposition and
14 collection of the tax. The same sales tax permit, exemption
15 certificate, and retail certificate required by sections 144.010
16 to 144.525, RSMo, for the administration and collection of the
17 state sales tax shall satisfy the requirements of this section,
18 and no additional permit or exemption certificate or retail
19 certificate shall be required; except that, the director of
20 revenue may prescribe a form of exemption certificate for an
21 exemption from the tax. All discounts allowed the retailer under
22 the state sales tax for the collection of and for payment of
23 taxes are hereby allowed and made applicable to the tax. The
24 penalties for violations provided in section 32.057, RSMo, and
25 sections 144.010 to 144.525, RSMo, are hereby made applicable to
26 violations of this section. If any person is delinquent in the
27 payment of the amount required to be paid under this section, or
28 in the event a determination has been made against the person for

1 the tax and penalties under this section, the limitation for
2 bringing suit for the collection of the delinquent tax and
3 penalties shall be the same as that provided in sections 144.010
4 to 144.525, RSMo.

5 6. The governing body of any city that has adopted the
6 sales tax authorized in this section may submit the question of
7 repeal of the tax to the voters on any date available for
8 elections for the city. The ballot of submission shall be in
9 substantially the following form:

10 Shall (insert the name of the city) repeal the sales
11 tax imposed at a rate of (insert rate of percent) percent
12 for the purpose of providing revenues for the operation of public
13 safety departments of the city?

14 YES NO

15
16 If you are in favor of the question, place an "X" in the box
17 opposite "YES". If you are opposed to the question, place an "X"
18 in the box opposite "NO".

19
20 If a majority of the votes cast on the question by the qualified
21 voters voting thereon are in favor of repeal, that repeal shall
22 become effective on December thirty-first of the calendar year in
23 which such repeal was approved. If a majority of the votes cast
24 on the question by the qualified voters voting thereon are
25 opposed to the repeal, then the sales tax authorized in this
26 section shall remain effective until the question is resubmitted
27 under this section to the qualified voters and the repeal is
28 approved by a majority of the qualified voters voting on the

1 question.

2 7. Whenever the governing body of any city that has adopted
3 the sales tax authorized in this section receives a petition,
4 signed by a number of registered voters of the city equal to at
5 least two percent of the number of registered voters of the city
6 voting in the last gubernatorial election, calling for an
7 election to repeal the sales tax imposed under this section, the
8 governing body shall submit to the voters of the city a proposal
9 to repeal the tax. If a majority of the votes cast on the
10 question by the qualified voters voting thereon are in favor of
11 the repeal, the repeal shall become effective on December thirty-
12 first of the calendar year in which such repeal was approved. If
13 a majority of the votes cast on the question by the qualified
14 voters voting thereon are opposed to the repeal, then the sales
15 tax authorized in this section shall remain effective until the
16 question is resubmitted under this section to the qualified
17 voters and the repeal is approved by a majority of the qualified
18 voters voting on the question.

19 8. If the tax is repealed or terminated by any means, all
20 funds remaining in the special trust fund shall continue to be
21 used solely for the designated purposes, and the city shall
22 notify the director of the department of revenue of the action at
23 least ninety days before the effective date of the repeal and the
24 director may order retention in the trust fund, for a period of
25 one year, of two percent of the amount collected after receipt of
26 such notice to cover possible refunds or overpayment of the tax
27 and to redeem dishonored checks and drafts deposited to the
28 credit of such accounts. After one year has elapsed after the

1 effective date of abolition of the tax in such city, the director
2 shall remit the balance in the account to the city and close the
3 account of that city. The director shall notify each city of
4 each instance of any amount refunded or any check redeemed from
5 receipts due the city.

6 94.660. 1. The governing body of any city not within a
7 county and any county of the first classification having a
8 charter form of government with a population of over nine hundred
9 thousand inhabitants may propose, by ordinance or order, a
10 transportation sales tax of up to one percent for submission to
11 the voters of that city or county at an authorized election date
12 selected by the governing body.

13 2. Any sales tax approved under this section shall be
14 imposed on the receipts from the sale at retail of all tangible
15 personal property or taxable services within the city or county
16 adopting the tax, if such property and services are subject to
17 taxation by the state of Missouri under sections 144.010 to
18 144.525, RSMo.

19 3. The ballot of submission shall contain, but need not be
20 limited to, the following language:

21 Shall the county/city of (county's or city's
22 name) impose a county/city-wide sales tax of percent
23 for the purpose of providing a source of funds for public
24 transportation purposes?

25 YES NO

26
27 Except as provided in subsection 4 of this section, if a majority
28 of the votes cast in that county or city not within a county on

1 the proposal by the qualified voters voting thereon are in favor
2 of the proposal, then the tax shall go into effect on the first
3 day of the next calendar quarter beginning after its adoption and
4 notice to the director of revenue, but no sooner than thirty days
5 after such adoption and notice. If a majority of the votes cast
6 in that county or city not within a county by the qualified
7 voters voting are opposed to the proposal, then the additional
8 sales tax shall not be imposed in that county or city not within
9 a county unless and until the governing body of that county or
10 city not within a county shall have submitted another proposal to
11 authorize the local option transportation sales tax authorized in
12 this section, and such proposal is approved by a majority of the
13 qualified voters voting on it. In no event shall a proposal
14 pursuant to this section be submitted to the voters sooner than
15 twelve months from the date of the last proposal.

16 4. No tax shall go into effect under this section in any
17 city not within a county or any county of the first
18 classification having a charter form of government with a
19 population over nine hundred thousand inhabitants unless and
20 until both such city and such county approve the tax. 5.

21 The provisions of subsection 4 of this section requiring both the
22 city and county to approve a transportation sales tax before a
23 transportation sales tax may go into effect in either
24 jurisdiction shall not apply to any transportation sales tax
25 submitted to and approved by the voters in such city or such
26 county on or after August 28, 2007.

27 [5.] 6. All sales taxes collected by the director of
28 revenue under this section on behalf of any city or county, less

1 one percent for cost of collection which shall be deposited in
2 the state's general revenue fund after payment of premiums for
3 surety bonds, shall be deposited with the state treasurer in a
4 special trust fund, which is hereby created, to be known as the
5 "County Public Transit Sales Tax Trust Fund". The sales taxes
6 shall be collected as provided in section 32.087, RSMo. The
7 moneys in the trust fund shall not be deemed to be state funds
8 and shall not be commingled with any funds of the state. The
9 director of revenue shall keep accurate records of the amount of
10 money in the trust fund which was collected in each city or
11 county approving a sales tax under this section, and the records
12 shall be open to inspection by officers of the city or county and
13 the public. Not later than the tenth day of each month the
14 director of revenue shall distribute all moneys deposited in the
15 trust fund during the preceding month to the city or county which
16 levied the tax, and such funds shall be deposited with the
17 treasurer of each such city or county and all expenditures of
18 funds arising from the county public transit sales tax trust fund
19 shall be by an appropriation act to be enacted by the governing
20 body of each such county or city not within a county.

21 [6.] 7. The revenues derived from any transportation sales
22 tax under this section shall be used only for the planning,
23 development, acquisition, construction, maintenance and operation
24 of public transit facilities and systems other than highways.

25 [7.] 8. The director of revenue may authorize the state
26 treasurer to make refunds from the amount in the trust fund and
27 credited to any city or county for erroneous payments and
28 overpayments made, and may redeem dishonored checks and drafts

1 deposited to the credit of such cities or counties. If any city
2 or county abolishes the tax, the city or county shall notify the
3 director of revenue of the action at least ninety days prior to
4 the effective date of the repeal and the director of revenue may
5 order retention in the trust fund, for a period of one year, of
6 two percent of the amount collected after receipt of such notice
7 to cover possible refunds or overpayment of the tax and to redeem
8 dishonored checks and drafts deposited to the credit of such
9 accounts. After one year has elapsed after the effective date of
10 abolition of the tax in such city or county, the director of
11 revenue shall authorize the state treasurer to remit the balance
12 in the account to the city or county and close the account of
13 that city or county. The director of revenue shall notify each
14 city or county of each instance of any amount refunded or any
15 check redeemed from receipts due the city or county.

16 94.875. All taxes authorized and collected under sections
17 94.870 to 94.881 shall be deposited by the political subdivision
18 in a special trust fund to be known as the "Tourism Tax Trust
19 Fund". The moneys in such tourism tax trust fund shall not be
20 commingled with any other funds of the political subdivision
21 except as specifically provided in this section. The taxes
22 collected shall be used, upon appropriation by the political
23 subdivision, solely for the purpose of constructing, maintaining,
24 or operating convention and tourism facilities, and at least
25 twenty-five percent of such taxes collected shall be used for
26 tourism marketing and promotional purposes; except that in any
27 city with a population of less than [one] seven thousand five
28 hundred inhabitants, forty percent of such taxes collected may be

1 transferred to such city's general revenue fund and the remaining
2 thirty-five percent may be used for city capital improvements,
3 pursuant to voter approval. The moneys in the tourism tax trust
4 fund of any city with a population of at least fifteen thousand
5 located partially but not wholly within a county of the third
6 classification with a population of at least thirty-nine thousand
7 inhabitants shall be used solely for tourism marketing and
8 promotional purposes. The tax authorized by section 94.870 shall
9 be in addition to any and all other sales taxes allowed by law,
10 but no ordinance or order imposing a tax under section 94.870
11 shall be effective unless the governing body of the political
12 subdivision submits to the voters of the political subdivision at
13 a municipal or state general, primary, or special election a
14 proposal to authorize the governing body of the political
15 subdivision to impose such tax.

16 [94.875. All taxes authorized and collected under
17 sections 94.870 to 94.881 shall be deposited by the
18 political subdivision in a special trust fund to be
19 known as the "Tourism Tax Trust Fund". The moneys in
20 such tourism tax trust fund shall not be commingled
21 with any other funds of the political subdivision
22 except as specifically provided in this section. The
23 taxes collected [~~shall~~] may be used, upon appropriation
24 by the political subdivision, [~~solely~~] for the purpose
25 of constructing, maintaining, or operating convention
26 and tourism facilities[, and at least twenty-five
27 percent of such taxes collected shall be used for
28 tourism marketing and promotional purposes]; except
29 that in any city with a population of less than [~~one~~]
30 seven thousand five hundred inhabitants, forty percent
31 of such taxes collected may be transferred to such
32 city's general revenue fund and the remaining
33 thirty-five percent may be used for city capital
34 improvements, pursuant to voter approval. The moneys
35 in the tourism tax trust fund of any city with a
36 population of at least fifteen thousand located
37 partially but not wholly within a county of the third
38 classification with a population of at least

1 thirty-nine thousand inhabitants shall be used solely
2 for tourism marketing and promotional purposes. The
3 tax authorized by section 94.870 shall be in addition
4 to any and all other sales taxes allowed by law, but no
5 ordinance or order imposing a tax under section 94.870
6 shall be effective unless the governing body of the
7 political subdivision submits to the voters of the
8 political subdivision at a municipal or state general,
9 primary, or special election a proposal to authorize
10 the governing body of the political subdivision to
11 impose such tax.]
12

13 94.950. 1. As used in this section, "museum" means museums
14 operating or to be built in the city and that are registered with
15 the United States Internal Revenue Service as a 501(c)(3)
16 corporation, or an organization that is registered with the
17 United States Internal Revenue Service as a 501(c)(3) corporation
18 and that develops, promotes, or operates historical locations or
19 preservation sites.

20 2. The governing body of any home rule city with more than
21 forty-five thousand five hundred but fewer than forty-five
22 thousand nine hundred inhabitants and partially located in any
23 county of the first classification with more than one hundred
24 four thousand six hundred but fewer than one hundred four
25 thousand seven hundred inhabitants may impose, by order or
26 ordinance, a sales tax on all retail sales made within the city
27 which are subject to sales tax under chapter 144, RSMo. The tax
28 authorized in this section shall not exceed one-half of one
29 percent, and shall be imposed solely for the purpose of funding
30 the operation, construction, or renovation of historical
31 locations and museums to promote tourism. The tax authorized in
32 this section shall be in addition to all other sales taxes
33 imposed by law, and shall be stated separately from all other
34 charges and taxes. The order or ordinance shall not become

1 effective unless the governing body of the city submits to the
2 voters residing within the city at a state general, primary, or
3 special election a proposal to authorize the governing body of
4 the city to impose a tax under this section.

5 3. The ballot of submission for the tax authorized in this
6 section shall be in substantially the following form:

7 Shall (insert the name of the city) impose a sales
8 tax at a rate of (insert rate of percent) percent, solely
9 for the purpose of funding the operation, construction, or
10 renovation of historical locations and museums to promote
11 tourism?

12 YES NO

13
14 If you are in favor of the question, place an "X" in the box
15 opposite "YES". If you are opposed to the question, place an "X"
16 in the box opposite "NO".

17
18 If a majority of the votes cast on the question by the qualified
19 voters voting thereon are in favor of the question, then the tax
20 shall become effective on the first day of the second calendar
21 quarter immediately following notification to the department of
22 revenue. If a majority of the votes cast on the question by the
23 qualified voters voting thereon are opposed to the question, then
24 the tax shall not become effective unless and until the question
25 is resubmitted under this section to the qualified voters and
26 such question is approved by a majority of the qualified voters
27 voting on the question.

28 4. All revenue collected under this section by the director

1 of the department of revenue on behalf of any city, except for
2 one percent for the cost of collection which shall be deposited
3 in the state's general revenue fund, shall be deposited in a
4 special trust fund, which is hereby created and shall be known as
5 the "Local Option Museum Sales Tax Trust Fund", and shall be used
6 solely for the designated purposes. Moneys in the fund shall not
7 be deemed to be state funds, and shall not be commingled with any
8 funds of the state. The director may make refunds from the
9 amounts in the trust fund and credited to the city for erroneous
10 payments and overpayments made, and may redeem dishonored checks
11 and drafts deposited to the credit of such city. Any funds in
12 the trust fund which are not needed for current expenditures
13 shall be invested in the same manner as other funds are invested.
14 Any interest and moneys earned on such investments shall be
15 credited to the fund. Not later than the tenth day of each
16 month, the director shall distribute all moneys deposited in the
17 trust fund during the preceding month to the city that levied the
18 sales tax.

19 5. On or after the effective date of the tax, the director
20 of revenue shall be responsible for the administration,
21 collection, enforcement, and operation of the tax, and sections
22 32.085 and 32.087, RSMo, shall apply. In order to permit sellers
23 required to collect and report the sales tax to collect the
24 amount required to be reported and remitted, but not to change
25 the requirements of reporting or remitting the tax, or to serve
26 as a levy of the tax, and in order to avoid fractions of pennies,
27 the governing body of the city may authorize the use of a bracket
28 system similar to that authorized in section 144.285, RSMo, and

1 notwithstanding the provisions of that section, this new bracket
2 system shall be used where this tax is imposed and shall apply to
3 all taxable transactions. Beginning with the effective date of
4 the tax, every retailer in the city shall add the sales tax to
5 the sale price, and this tax shall be a debt of the purchaser to
6 the retailer until paid, and shall be recoverable at law in the
7 same manner as the purchase price. For purposes of this section,
8 all retail sales shall be deemed to be consummated at the place
9 of business of the retailer.

10 6. All applicable provisions in sections 144.010 to
11 144.525, RSMo, governing the state sales tax, and section 32.057,
12 RSMo, the uniform confidentiality provision, shall apply to the
13 collection of the tax, and all exemptions granted to agencies of
14 government, organizations, and persons under sections 144.010 to
15 144.525, RSMo, are hereby made applicable to the imposition and
16 collection of the tax. The same sales tax permit, exemption
17 certificate, and retail certificate required by sections 144.010
18 to 144.525, RSMo, for the administration and collection of the
19 state sales tax shall satisfy the requirements of this section,
20 and no additional permit or exemption certificate or retail
21 certificate shall be required; except that, the director of
22 revenue may prescribe a form of exemption certificate for an
23 exemption from the tax. All discounts allowed the retailer under
24 the state sales tax for the collection of and for payment of
25 taxes are hereby allowed and made applicable to the tax. The
26 penalties for violations provided in section 32.057, RSMo, and
27 sections 144.010 to 144.525, RSMo, are hereby made applicable to
28 violations of this section. If any person is delinquent in the

1 payment of the amount required to be paid under this section, or
2 in the event a determination has been made against the person for
3 the tax and penalty under this section, the limitation for
4 bringing suit for the collection of the delinquent tax and
5 penalties shall be the same as that provided in sections 144.010
6 to 144.525, RSMo.

7 7. The governing body of any city that has adopted the
8 sales tax authorized in this section may submit the question of
9 repeal of the tax to the voters on any date available for
10 elections for the city. The ballot of submission shall be in
11 substantially the following form:

12 Shall (insert the name of the city) repeal the sales
13 tax imposed at a rate of (insert rate of percent) percent
14 for the purpose of funding the operation, construction, or
15 renovation of historical locations and museums to promote
16 tourism?

17 YES NO

18
19 If you are in favor of the question, place an "X" in the box
20 opposite "YES". If you are opposed to the question, place an "X"
21 in the box opposite "NO".

22
23 If a majority of the votes cast on the question by the qualified
24 voters voting thereon are in favor of repeal, that repeal shall
25 become effective on December thirty-first of the calendar year in
26 which such repeal was approved. If a majority of the votes cast
27 on the question by the qualified voters voting thereon are
28 opposed to the repeal, then the sales tax authorized in this

1 section shall remain effective until the question is resubmitted
2 under this section to the qualified voters and the repeal is
3 approved by a majority of the qualified voters voting on the
4 question.

5 8. Whenever the governing body of any city that has adopted
6 the sales tax authorized in this section receives a petition,
7 signed by a number of registered voters of the city equal to at
8 least two percent of the number of registered voters of the city
9 voting in the last gubernatorial election, calling for an
10 election to repeal the sales tax imposed under this section, the
11 governing body shall submit to the voters of the city a proposal
12 to repeal the tax. If a majority of the votes cast on the
13 question by the qualified voters voting thereon are in favor of
14 the repeal, the repeal shall become effective on December thirty-
15 first of the calendar year in which such repeal was approved. If
16 a majority of the votes cast on the question by the qualified
17 voters voting thereon are opposed to the repeal, then the sales
18 tax authorized in this section shall remain effective until the
19 question is resubmitted under this section to the qualified
20 voters and the repeal is approved by a majority of the qualified
21 voters voting on the question.

22 9. If the tax is repealed or terminated by any means, all
23 funds remaining in the trust fund shall continue to be used
24 solely for the designated purposes, and the city shall notify the
25 director of the department of revenue of the action at least
26 thirty days before the effective date of the repeal and the
27 director may order retention in the trust fund, for a period of
28 one year, of two percent of the amount collected after receipt of

1 such notice to cover possible refunds or overpayment of the tax
2 and to redeem dishonored checks and drafts deposited to the
3 credit of such accounts. After one year has elapsed after the
4 effective date of abolition of the tax in such city, the director
5 shall remit the balance in the account to the city and close the
6 account of that city. The director shall notify each city of
7 each instance of any amount refunded or any check redeemed from
8 receipts due the city.

9 99.847. 1. Notwithstanding the provisions of sections
10 99.800 to 99.865 to the contrary, no new tax increment financing
11 project shall be authorized in any area which is within an area
12 designated as flood plain by the Federal Emergency Management
13 Agency and which is located in or partly within a county with a
14 charter form of government with greater than two hundred fifty
15 thousand inhabitants but fewer than three hundred thousand
16 inhabitants, unless the redevelopment area actually abuts a river
17 or a major waterway and is substantially surrounded by contiguous
18 properties with residential, industrial, or commercial zoning
19 classifications.

20 2. This subsection shall not apply to tax increment
21 financing projects or districts approved prior to July 1, 2003,
22 and shall allow the aforementioned tax increment financing
23 projects to modify, amend or expand such projects including
24 redevelopment project costs by not more than forty percent of
25 such project original projected cost including redevelopment
26 project costs as such projects including redevelopment project
27 costs as such projects redevelopment projects including
28 redevelopment project costs existed as of June 30, 2003, and

1 shall allow the aforementioned tax increment financing district
2 to modify, amend or expand such districts by not more than five
3 percent as such districts existed as of June 30, 2003.

4 100.050. 1. Any municipality proposing to carry out a
5 project for industrial development shall first, by majority vote
6 of the governing body of the municipality, approve the plan for
7 the project. The plan shall include the following information
8 pertaining to the proposed project:

9 (1) A description of the project;

10 (2) An estimate of the cost of the project;

11 (3) A statement of the source of funds to be expended for
12 the project;

13 (4) A statement of the terms upon which the facilities to
14 be provided by the project are to be leased or otherwise disposed
15 of by the municipality; and

16 (5) Such other information necessary to meet the
17 requirements of sections 100.010 to 100.200.

18 2. If the plan for the project is approved after August 28,
19 2003, and the project plan involves issuance of revenue bonds or
20 involves conveyance of a fee interest in property to a
21 municipality, the project plan shall additionally include the
22 following information:

23 (1) A statement identifying each school district, junior
24 college district, county, or city affected by such project except
25 property assessed by the state tax commission pursuant to
26 chapters 151 and 153, RSMo;

27 (2) The most recent equalized assessed valuation of the
28 real property and personal property included in the project, and

1 an estimate as to the equalized assessed valuation of real
2 property and personal property included in the project after
3 development;

4 (3) An analysis of the costs and benefits of the project on
5 each school district, junior college district, county, or city;
6 and

7 (4) Identification of any payments in lieu of taxes
8 expected to be made by any lessee of the project, and the
9 disposition of any such payments by the municipality.

10 3. If the plan for the project is approved after August 28,
11 2003, any payments in lieu of taxes expected to be made by any
12 lessee of the project shall be applied in accordance with this
13 section. The lessee may reimburse the municipality for its
14 actual costs of issuing the bonds and administering the plan. All
15 amounts paid in excess of such actual costs shall, immediately
16 upon receipt thereof, be disbursed by the municipality's
17 treasurer or other financial officer to each school district,
18 junior college district, county, or city in proportion to the
19 current ad valorem tax levy of each school district, junior
20 college district, county, or city; however, in any county of the
21 first classification with more than ninety-three thousand eight
22 hundred but fewer than ninety-three thousand nine hundred
23 inhabitants, or any county of the first classification with more
24 than one hundred thirty-five thousand four hundred but fewer than
25 one hundred thirty-five thousand five hundred inhabitants, if the
26 plan for the project is approved after May 15, 2005, such amounts
27 shall be disbursed by the municipality's treasurer or other
28 financial officer to each affected taxing entity in proportion to

1 the current ad valorem tax levy of each affected taxing entity.

2 100.059. 1. The governing body of any municipality
3 proposing a project for industrial development which involves
4 issuance of revenue bonds or involves conveyance of a fee
5 interest in property to a municipality shall, not less than
6 twenty days before approving the plan for a project as required
7 by section 100.050, provide notice of the proposed project to the
8 county in which the municipality is located and any school
9 district that is a school district, junior college district,
10 county, or city; however, in any county of the first
11 classification with more than ninety-three thousand eight hundred
12 but fewer than ninety-three thousand nine hundred inhabitants, or
13 any county of the first classification with more than one hundred
14 thirty-five thousand four hundred but fewer than one hundred
15 thirty-five thousand five hundred inhabitants, if the plan for
16 the project is approved after May 15, 2005, such notice shall be
17 provided to all affected taxing entities in the county. Such
18 notice shall include the information required in section 100.050,
19 shall state the date on which the governing body of the
20 municipality will first consider approval of the plan, and shall
21 invite such school districts, junior college districts, counties,
22 or cities to submit comments to the governing body and the
23 comments shall be fairly and duly considered.

24 2. Notwithstanding any other provisions of this section to
25 the contrary, for purposes of determining the limitation on
26 indebtedness of local government pursuant to section 26(b),
27 article VI, Constitution of Missouri, the current equalized
28 assessed value of the property in an area selected for

1 redevelopment attributable to the increase above the total
2 initial equalized assessed valuation shall be included in the
3 value of taxable tangible property as shown on the last completed
4 assessment for state or county purposes.

5 3. The county assessor shall include the current assessed
6 value of all property within the school district, junior college
7 district, county, or city in the aggregate valuation of assessed
8 property entered upon the assessor's book and verified pursuant
9 to section 137.245, RSMo, and such value shall be utilized for
10 the purpose of the debt limitation on local government pursuant
11 to section 26(b), article VI, Constitution of Missouri.

12 4. This section is applicable only if the plan for the
13 project is approved after August 28, 2003.

14 105.452. 1. No elected or appointed official or employee
15 of the state or any political subdivision thereof shall:

16 (1) Act or refrain from acting in any capacity in which he
17 is lawfully empowered to act as such an official or employee by
18 reason of any payment, offer to pay, promise to pay, or receipt
19 of anything of actual pecuniary value paid or payable, or
20 received or receivable, to himself or any third person, including
21 any gift or campaign contribution, made or received in
22 relationship to or as a condition of the performance of an
23 official act, other than compensation to be paid by the state or
24 political subdivision; or

25 (2) Use confidential information obtained in the course of
26 or by reason of his employment or official capacity in any manner
27 with intent to result in financial gain for himself, his spouse,
28 his dependent child in his custody, or any business with which he

1 is associated;

2 (3) Disclose confidential information obtained in the
3 course of or by reason of his employment or official capacity in
4 any manner with intent to result in financial gain for himself or
5 any other person;

6 (4) Favorably act on any matter that is so specifically
7 designed so as to provide a special monetary benefit to such
8 official or his spouse or dependent children, including but not
9 limited to increases in retirement benefits, whether received
10 from the state of Missouri or any third party by reason of such
11 act. For the purposes of this subdivision, "special monetary
12 benefit" means being materially affected in a substantially
13 different manner or degree than the manner or degree in which the
14 public in general will be affected or, if the matter affects only
15 a special class of persons, then affected in a substantially
16 different manner or degree than the manner or degree in which
17 such class will be affected. In all such matters such officials
18 must recuse themselves from acting and shall not be relieved by
19 reason of the provisions of section 105.460, except that such
20 official may act on increases in compensation subject to the
21 restrictions of section 13 of article VII of the Missouri
22 Constitution; [or]

23 (5) Use his decision-making authority for the purpose of
24 obtaining a financial gain which materially enriches himself, his
25 spouse or dependent children by acting or refraining from acting
26 for the purpose of coercing or extorting from another anything of
27 actual pecuniary value;

28 (6) Offer any public office. For purposes of this section,

1 the term "public office" shall mean any elected or appointed
2 office of state, county, or municipal government.

3 108.170. 1. Notwithstanding any other provisions of any
4 law or charter to the contrary, any issue of bonds, notes, or
5 other evidences of indebtedness, including bonds, notes, or other
6 evidences of indebtedness payable solely from revenues derived
7 from any revenue-producing facility, hereafter issued under any
8 law of this state by any county, city, town, village, school
9 district, educational institution, drainage district, levee
10 district, nursing home district, hospital district, library
11 district, road district, fire protection district, water supply
12 district, sewer district, housing authority, land clearance for
13 redevelopment authority, special authority created under section
14 64.920, RSMo, authority created pursuant to the provisions of
15 chapter 238, RSMo, or other municipality, political subdivision
16 or district of this state shall be negotiable, may be issued in
17 bearer form or registered form with or without coupons to
18 evidence interest payable thereon, may be issued in any
19 denomination, and may bear interest at a rate not exceeding ten
20 percent per annum, and may be sold, at any sale, at the best
21 price obtainable, not less than ninety-five percent of the par
22 value thereof, anything in any proceedings heretofore had
23 authorizing such bonds, notes, or other evidence of indebtedness,
24 or in any law of this state or charter provision to the contrary
25 notwithstanding. Such issue of bonds, notes, or other evidence
26 of indebtedness may bear interest at a rate not exceeding
27 fourteen percent per annum if sold at public sale after giving
28 reasonable notice of such sale, at the best price obtainable, not

1 less than ninety-five percent of the par value thereof; provided,
2 that such bonds, notes, or other evidence of indebtedness may be
3 sold to any agency or corporate or other instrumentality of the
4 state of Missouri or of the federal government at private sale at
5 a rate not exceeding fourteen percent per annum.

6 2. Notwithstanding the provisions of subsection 1 of this
7 section to the contrary, the sale of bonds, notes, or other
8 evidence of indebtedness issued by the state board of public
9 buildings created under section 8.010, RSMo, the state board of
10 fund commissioners created under section 33.300, RSMo, any port
11 authority created under section 68.010, RSMo, the bi-state
12 metropolitan development district authorized under section
13 70.370, RSMo, any special business district created under section
14 71.790, RSMo, any county, as defined in section 108.465,
15 exercising the powers granted by sections 108.450 to 108.470, the
16 industrial development board created under section 100.265, RSMo,
17 any planned industrial expansion authority created under section
18 100.320, RSMo, the higher education loan authority created under
19 section 173.360, RSMo, the Missouri housing development
20 commission created under section 215.020, RSMo, the state
21 environmental improvement and energy resources authority created
22 under section 260.010, RSMo, the agricultural and small business
23 development authority created under section 348.020, RSMo, any
24 industrial development corporation created under section 349.035,
25 RSMo, or the health and educational facilities authority created
26 under section 360.020, RSMo, shall, with respect to the sales
27 price, manner of sale and interest rate, be governed by the
28 specific sections applicable to each of these entities.

1 3. Notwithstanding other provisions of this section or
2 other law, the sale of bonds, notes or other evidence of
3 indebtedness issued by any housing authority created under
4 section 99.040, RSMo, may be sold at any sale, at the best price
5 obtainable, not less than ninety-five percent of the par value
6 thereof, and may bear interest at a rate not exceeding fourteen
7 percent per annum. The sale shall be a public sale unless the
8 issuing jurisdiction adopts a resolution setting forth clear
9 justification why the sale should be a private sale except that
10 private activity bonds may be sold either at public or private
11 sale.

12 4. Notwithstanding other provisions of this section or law,
13 industrial development revenue bonds may be sold at private sale
14 and bear interest at a rate not exceeding fourteen percent per
15 annum at the best price obtainable, not less than ninety-five
16 percent of the par value thereof.

17 5. Notwithstanding other provisions in subsection 1 of this
18 section to the contrary, revenue bonds issued for airport
19 purposes by any constitutional charter city in this state which
20 now has or may hereafter acquire a population of more than three
21 hundred thousand but less than six hundred thousand inhabitants,
22 according to the last federal decennial census, may bear interest
23 at a rate not exceeding fourteen percent per annum if sold at
24 public sale after giving reasonable notice, at the best price
25 obtainable, not less than ninety-five percent of the par value
26 thereof.

27 6. For purposes of the interest rate limitations set forth
28 in this section, the interest rate on bonds, notes or other

1 evidence of indebtedness described in this section means the rate
2 at which the present value of the debt service payments on an
3 issue of bonds, notes or other evidence of indebtedness,
4 discounted to the date of issuance, equals the original price at
5 which such bonds, notes or other evidence of indebtedness are
6 sold by the issuer. Interest on bonds, notes or other evidence
7 of indebtedness may be paid periodically at such times as shall
8 be determined by the governing body of the issuer and may be
9 compounded in accordance with section 408.080, RSMo.

10 7. Notwithstanding any provision of law or charter to the
11 contrary:

12 (1) Any entity referenced in subsection 1 or 2 of this
13 section and any other political corporation of the state which
14 entity or political corporation has an annual operating budget
15 for the current year exceeding twenty-five million dollars may,
16 in connection with managing the cost to such entity or political
17 corporation of purchasing fuel, electricity, natural gas, and
18 other commodities used in the ordinary course of its lawful
19 operations, enter into agreements providing for fixing the cost
20 of such commodity, including without limitation agreements
21 commonly referred to as hedges, futures, and options; provided
22 that as of the date of such agreement, such entity or political
23 corporation shall have complied with subdivision (3) of this
24 subsection; and further provided that no eligible school, as
25 defined in section 393.310, RSMo, shall be authorized by this
26 subsection to enter into such agreements in connection with the
27 purchase of natural gas while the tariffs required under section
28 393.310, RSMo, are in effect;

1 (2) Any entity referenced in subsection 1 or 2 of this
2 section and any other political corporation of the state may, in
3 connection with its bonds, notes, or other obligations then
4 outstanding or to be issued and bearing interest at a fixed or
5 variable rate, enter into agreements providing for payments based
6 on levels of or changes in interest rates, including without
7 limitation certain derivative agreements commonly referred to as
8 interest rate swaps, hedges, caps, floors, and collars, provided
9 that:

10 (a) As of the date of issuance of the bonds, notes, or
11 other obligations to which such agreement relates, such entity or
12 political corporation will have bonds, notes, or other
13 obligations outstanding in an aggregate principal amount of at
14 least fifty million dollars; and

15 (b) As of the date of such agreement, such entity's or
16 political corporation's bonds, notes, or other obligations then
17 outstanding or to be issued have received a stand-alone credit
18 rating in one of the two highest categories, without regard to
19 any gradation within such categories, from at least one
20 nationally recognized credit rating agency, or such entity or
21 political corporation has an issuer or general credit rating, in
22 one of the two highest categories, without regard to any
23 gradation within such categories, from at least one nationally
24 recognized credit rating agency; and

25 (c) As of the date of such agreement, such entity or
26 political corporation shall have complied with subdivision (3) of
27 this subsection;

28 (3) Prior to entering into any agreements pursuant to

1 subdivision (1) or (2) of this subsection, the governing body of
2 the entity or political corporations entering into such
3 agreements shall have adopted a written policy governing such
4 agreements. Such policy shall be prepared by integrating the
5 recommended practices published by the Government Finance
6 Officers Association or comparable nationally recognized
7 professional organization and shall provide guidance with respect
8 to the permitted purposes, authorization process, mitigation of
9 risk factors, ongoing oversight responsibilities, market
10 disclosure, financial strategy, and any other factors in
11 connection with such agreements determined to be relevant by the
12 governing body of such entity or political corporation. Such
13 entity or political corporation may enter into such agreements at
14 such times and such agreements may contain such payment,
15 security, default, remedy, and other terms and conditions as
16 shall be consistent with the written policy adopted under this
17 subdivision and as may be approved by the governing body of such
18 entity or other obligated party, including any rating by any
19 nationally recognized rating agency and any other criteria as may
20 be appropriate;

21 _____ (4) Nothing in this subsection shall be applied or
22 interpreted to authorize any such entity or political corporation
23 to enter into any such agreement for investment purposes or to
24 diminish or alter the special or general power any such entity or
25 political corporation may otherwise have under any other
26 provisions of law including the special or general power of any
27 interstate transportation authority.

28 110.130. 1. Subject to the provisions of section 110.030

1 the county commission of each county in this state[, at the April
2 term, in April 1997] on or before the first Monday in July in the
3 year in which a bid is requested and every fourth year
4 thereafter, with an option to rebid in each odd-numbered year,
5 shall receive proposals from banking corporations or associations
6 at the county seat of the county which desire to be selected as
7 the depositaries of the funds of the county. [For the purpose of
8 letting the funds the county commission shall, by order of
9 record, divide the funds into not less than two nor more than
10 twelve equal parts, except that in counties of the first
11 classification not having a charter form of government, funds
12 shall be divided in not less than two nor more than twenty equal
13 parts, and the bids provided for in sections 110.140 and 110.150
14 may be for one or more of the parts.]

15 2. Notice that such bids will be received shall be
16 published by the clerk of the commission twenty days before the
17 commencement of the term in some newspaper published in the
18 county, and if no newspaper is published therein, then the notice
19 shall be published at the door of the courthouse of the county.
20 In counties operating under the township organization law of this
21 state, township boards shall exercise the same powers and
22 privileges with reference to township funds as are conferred in
23 sections 110.130 to 110.260 upon county commissions with
24 reference to county funds at the same time and manner, except
25 that township funds shall not be divided but let as an entirety;
26 and except, also, that in all cases of the letting of township
27 funds, three notices, posted in three public places by the
28 township clerk, will be a sufficient notice of such letting.

1 110.140. 1. Any banking corporation or association in the
2 county desiring to bid shall deliver to the clerk of the
3 commission, on or before the first [day of the term] Monday of
4 July at which the selection of depositaries is to be made, a
5 sealed proposal, stating the rate of interest that the banking
6 corporation, or association offers to pay on the funds of the
7 county for the term of two or four years next ensuing the date of
8 the bid, or, if the selection is made for a less term than two or
9 four years, as provided in sections 110.180 and 110.190, then for
10 the time between the date of the bid and the next regular time
11 for the selection of depositaries as fixed by section 110.130[,
12 and stating also the number of parts of the funds for which the
13 banking corporation or association desires to bid].

14 2. Each bid shall be accompanied by a certified check for
15 not less than the proportion of one and one-half percent of the
16 county revenue of the preceding year as the sum of the part or
17 parts of funds bid for bears to the whole number of the parts, as
18 a guaranty of good faith on the part of the bidder, that if his
19 or her bid should be the highest he or she will provide the
20 security required by section 110.010. Upon his or her failure to
21 give the security required by law, the amount of the certified
22 check shall go to the county as liquidated damages, and the
23 commission may order the county clerk to readvertise for bids.

24 3. It shall be a misdemeanor, and punishable as such, for
25 the clerk of the commission, or any deputy of the clerk, to
26 directly or indirectly disclose the amount of any bid before the
27 selection of depositaries.

28 110.150. 1. The county commission, at noon on or before

1 the first [day of the April term in 1997] Monday of July for the
2 year in which a bid is requested and every second or fourth year
3 thereafter, shall publicly open the bids, and cause each bid to
4 be entered upon the records of the commission, and shall select
5 as the depositaries of all the public funds of every kind and
6 description going into the hands of the county treasurer, and
7 also all the public funds of every kind and description going
8 into the hands of the ex officio collector in counties under
9 township organization, the deposit of which is not otherwise
10 provided for by law, the banking corporations or associations
11 whose bids respectively made for one or more of the parts of the
12 funds shall in the aggregate constitute the largest offer for the
13 payment of interest per annum for the funds; but the commission
14 may reject any and all bids.

15 2. The interest upon each fund shall be computed upon the
16 daily balances with the depositary, and shall be payable to the
17 county treasurer monthly, who shall place the interest [on the
18 school funds to the credit of those funds respectively, the
19 interest on all county hospital funds and hospital district funds
20 to the credit of those funds, the interest on county health
21 center funds to the credit of those funds, the interest on county
22 library funds to the credit of those funds and the interest on
23 all other funds to the credit of the county general fund] to the
24 credit of each individual fund held by the county treasurer;
25 provided, that the interest on any funds collected by the
26 collector of any county of the first classification not having a
27 charter form of government on behalf of any political subdivision
28 or special district shall be credited to such political

1 subdivision or special district.

2 3. The county clerk shall, in opening the bids, return the
3 certified checks deposited with him to the banks whose bids are
4 rejected, and on approval of the security of the successful
5 bidders return the certified checks to the banks whose bids are
6 accepted.

7 137.055. 1. After the assessor's book of each county,
8 except in the city of St. Louis, shall be corrected and adjusted
9 according to law, but not later than September twentieth, of each
10 year, the county governing body shall ascertain the sum necessary
11 to be raised for county purposes, and fix the rate of taxes on
12 the several subjects of taxation so as to raise the required sum,
13 and the same to be entered in the proper columns in the tax book.

14 2. Prior to fixing the rate of taxes, as provided in this
15 section, the county governing body shall hold a public hearing on
16 the proposed rate of taxes. A notice stating the time and place
17 for the hearing shall be published in at least one newspaper
18 qualified under the laws of Missouri of general circulation in
19 the county at least seven days prior to the date of the hearing.
20 The notice shall include the aggregate assessed valuation by
21 category of real, total personal and other tangible property in
22 the county as entered in the tax book for the fiscal year for
23 which the tax is to be levied, the aggregate assessed valuation
24 by category of real, total personal and other tangible property
25 in the county for the preceding taxable year, the required sums
26 to be raised from the property tax for each purpose for which the
27 county levies taxes as approved in the budget adopted under
28 chapter 50, RSMo, [and] the proposed rate of taxes which will

1 produce substantially the same revenues as required by the
2 budget, and the increase in tax revenue realized due to an
3 increase in assessed value as a result of new construction and
4 improvement, and the increase, both in dollar value and
5 percentage, in tax revenue as a result of reassessment if the
6 proposed tax rate is adopted. Failure of any taxpayer to appear
7 at said hearing shall not prevent the taxpayer from pursuit of
8 any other legal remedy otherwise available to the taxpayer.
9 Nothing in this subsection absolves county governing bodies of
10 responsibilities under section 137.073 nor to adjust tax rates in
11 event changes in assessed valuation occur that would alter the
12 tax rate calculations.

13 137.115. 1. All other laws to the contrary
14 notwithstanding, the assessor or the assessor's deputies in all
15 counties of this state including the city of St. Louis shall
16 annually make a list of all real and tangible personal property
17 taxable in the assessor's city, county, town or district. Except
18 as otherwise provided in subsection 3 of this section and section
19 137.078, the assessor shall annually assess all personal property
20 at thirty-three and one-third percent of its true value in money
21 as of January first of each calendar year. The assessor shall
22 annually assess all real property, including any new construction
23 and improvements to real property, and possessory interests in
24 real property at the percent of its true value in money set in
25 subsection 5 of this section. The assessor shall annually assess
26 all real property in the following manner: new assessed values
27 shall be determined as of January first of each odd-numbered year
28 and shall be entered in the assessor's books; those same assessed

1 values shall apply in the following even-numbered year, except
2 for new construction and property improvements which shall be
3 valued as though they had been completed as of January first of
4 the preceding odd-numbered year. The assessor may call at the
5 office, place of doing business, or residence of each person
6 required by this chapter to list property, and require the person
7 to make a correct statement of all taxable tangible personal
8 property owned by the person or under his or her care, charge or
9 management, taxable in the county. On or before January first of
10 each even-numbered year, the assessor shall prepare and submit a
11 two-year assessment maintenance plan to the county governing body
12 and the state tax commission for their respective approval or
13 modification. The county governing body shall approve and
14 forward such plan or its alternative to the plan to the state tax
15 commission by February first. If the county governing body fails
16 to forward the plan or its alternative to the plan to the state
17 tax commission by February first, the assessor's plan shall be
18 considered approved by the county governing body. If the state
19 tax commission fails to approve a plan and if the state tax
20 commission and the assessor and the governing body of the county
21 involved are unable to resolve the differences, in order to
22 receive state cost-share funds outlined in section 137.750, the
23 county or the assessor shall petition the administrative hearing
24 commission, by May first, to decide all matters in dispute
25 regarding the assessment maintenance plan. Upon agreement of the
26 parties, the matter may be stayed while the parties proceed with
27 mediation or arbitration upon terms agreed to by the parties.
28 The final decision of the administrative hearing commission shall

1 be subject to judicial review in the circuit court of the county
2 involved. In the event a valuation of subclass (1) real property
3 within any county with a charter form of government, or within a
4 city not within a county, is made by a computer,
5 computer-assisted method or a computer program, the burden of
6 proof, supported by clear, convincing and cogent evidence to
7 sustain such valuation, shall be on the assessor at any hearing
8 or appeal. In any such county, unless the assessor proves
9 otherwise, there shall be a presumption that the assessment was
10 made by a computer, computer-assisted method or a computer
11 program. Such evidence shall include, but shall not be limited
12 to, the following:

13 (1) The findings of the assessor based on an appraisal of
14 the property by generally accepted appraisal techniques; and

15 (2) The purchase prices from sales of at least three
16 comparable properties and the address or location thereof. As
17 used in this paragraph, the word "comparable" means that:

18 (a) Such sale was closed at a date relevant to the property
19 valuation; and

20 (b) Such properties are not more than one mile from the
21 site of the disputed property, except where no similar properties
22 exist within one mile of the disputed property, the nearest
23 comparable property shall be used. Such property shall be within
24 five hundred square feet in size of the disputed property, and
25 resemble the disputed property in age, floor plan, number of
26 rooms, and other relevant characteristics.

27 2. Assessors in each county of this state and the city of
28 St. Louis may send personal property assessment forms through the

1 mail.

2 3. The following items of personal property shall each
3 constitute separate subclasses of tangible personal property and
4 shall be assessed and valued for the purposes of taxation at the
5 following [percents] percentages of their true value in money:

6 (1) Grain and other agricultural crops in an unmanufactured
7 condition, one-half of one percent;

8 (2) Livestock, twelve percent;

9 (3) Farm machinery, twelve percent;

10 (4) Motor vehicles which are eligible for registration as
11 and are registered as historic motor vehicles pursuant to section
12 301.131, RSMo, and aircraft which are at least twenty-five years
13 old and which are used solely for noncommercial purposes and are
14 operated less than fifty hours per year or aircraft that are home
15 built from a kit, five percent;

16 (5) Poultry, twelve percent; and

17 (6) Tools and equipment used for pollution control and
18 tools and equipment used in retooling for the purpose of
19 introducing new product lines or used for making improvements to
20 existing products by any company which is located in a state
21 enterprise zone and which is identified by any standard
22 industrial classification number cited in subdivision (6) of
23 section 135.200, RSMo, twenty-five percent.

24 4. The person listing the property shall enter a true and
25 correct statement of the property, in a printed blank prepared
26 for that purpose. The statement, after being filled out, shall
27 be signed and either affirmed or sworn to as provided in section
28 137.155. The list shall then be delivered to the assessor.

1 5. All subclasses of real property, as such subclasses are
2 established in section 4(b) of article X of the Missouri
3 Constitution and defined in section 137.016, shall be assessed at
4 the following percentages of true value:

5 (1) For real property in subclass (1), nineteen percent;

6 (2) For real property in subclass (2), twelve percent; and

7 (3) For real property in subclass (3), thirty-two percent.

8 6. Manufactured homes, as defined in section 700.010, RSMo,
9 which are actually used as dwelling units shall be assessed at
10 the same percentage of true value as residential real property
11 for the purpose of taxation. The percentage of assessment of
12 true value for such manufactured homes shall be the same as for
13 residential real property. If the county collector cannot
14 identify or find the manufactured home when attempting to attach
15 the manufactured home for payment of taxes owed by the
16 manufactured home owner, the county collector may request the
17 county commission to have the manufactured home removed from the
18 tax books, and such request shall be granted within thirty days
19 after the request is made; however, the removal from the tax
20 books does not remove the tax lien on the manufactured home if it
21 is later identified or found. A manufactured home located in a
22 manufactured home rental park, rental community or on real estate
23 not owned by the manufactured home owner shall be considered
24 personal property. A manufactured home located on real estate
25 owned by the manufactured home owner may be considered real
26 property.

27 7. Each manufactured home assessed shall be considered a
28 parcel for the purpose of reimbursement pursuant to section

1 137.750, unless the manufactured home has been converted to real
2 property in compliance with section 700.111, RSMo, and assessed
3 as a realty improvement to the existing real estate parcel.

4 8. Any amount of tax due and owing based on the assessment
5 of a manufactured home shall be included on the personal property
6 tax statement of the manufactured home owner unless the
7 manufactured home has been converted to real property in
8 compliance with section 700.111, RSMo, in which case the amount
9 of tax due and owing on the assessment of the manufactured home
10 as a realty improvement to the existing real estate parcel shall
11 be included on the real property tax statement of the real estate
12 owner.

13 9. The assessor of each county and each city not within a
14 county shall use the trade-in value published in the October
15 issue of the National Automobile Dealers' Association Official
16 Used Car Guide, or its successor publication, as the recommended
17 guide of information for determining the true value of motor
18 vehicles described in such publication. In the absence of a
19 listing for a particular motor vehicle in such publication, the
20 assessor shall use such information or publications which in the
21 assessor's judgment will fairly estimate the true value in money
22 of the motor vehicle.

23 10. Before the assessor may increase the assessed valuation
24 of any parcel of subclass (1) real property by more than fifteen
25 percent since the last assessment, excluding increases due to new
26 construction or improvements, the assessor shall conduct a
27 physical inspection of such property.

28 11. If a physical inspection is required, pursuant to

1 subsection 10 of this section, the assessor shall notify the
2 property owner of that fact in writing and shall provide the
3 owner clear written notice of the owner's rights relating to the
4 physical inspection. If a physical inspection is required, the
5 property owner may request that an interior inspection be
6 performed during the physical inspection. The owner shall have
7 no less than thirty days to notify the assessor of a request for
8 an interior physical inspection.

9 12. A physical inspection, as required by subsection 10 of
10 this section, shall include, but not be limited to, an on-site
11 personal observation and review of all exterior portions of the
12 land and any buildings and improvements to which the inspector
13 has or may reasonably and lawfully gain external access, and
14 shall include an observation and review of the interior of any
15 buildings or improvements on the property upon the timely request
16 of the owner pursuant to subsection 11 of this section. Mere
17 observation of the property via a "drive-by inspection" or the
18 like shall not be considered sufficient to constitute a physical
19 inspection as required by this section.

20 13. The provisions of subsections 11 and 12 of this section
21 shall only apply in any county with a charter form of government
22 with more than one million inhabitants.

23 14. A county or city collector may accept credit cards as
24 proper form of payment of outstanding property tax or license
25 due. No county or city collector may charge surcharge for
26 payment by credit card which exceeds the fee or surcharge charged
27 by the credit card bank, processor, or issuer for its service. A
28 county or city collector may accept payment by electronic

1 transfers of funds in payment of any tax or license and charge
2 the person making such payment a fee equal to the fee charged the
3 county by the bank, processor, or issuer of such electronic
4 payment.

5 15. [The provisions of this section and sections 137.073,
6 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of
7 the ninety-first general assembly, second regular session, shall
8 become effective January 1, 2003, for any taxing jurisdiction
9 within a county with a charter form of government with greater
10 than one million inhabitants, and the provisions of this section
11 and sections 137.073, 138.060 and 138.100, RSMo, as enacted by
12 house bill no. 1150 of the ninety-first general assembly, second
13 regular session, shall become effective October 1, 2004, for all
14 taxing jurisdictions in this state.] Any county or city not
15 within a county in this state may, by an affirmative vote of the
16 governing body of such county, opt out of the provisions of this
17 section and sections 137.073, 138.060, and 138.100, RSMo, as
18 enacted by house bill no. 1150 of the ninety-first general
19 assembly, second regular session and section 137.073 as modified
20 by this act, for the next year of the general reassessment, prior
21 to January first of any year. No county or city not within a
22 county shall exercise this opt-out provision after implementing
23 the provisions of this section and sections 137.073, 138.060, and
24 138.100, RSMo, as enacted by house bill no. 1150 of the
25 ninety-first general assembly, second regular session and section
26 137.073 as modified by this act, in a year of general
27 reassessment. For the purposes of applying the provisions of
28 this subsection, a political subdivision contained within two or

1 more counties where at least one of such counties has opted out
2 and at least one of such counties has not opted out shall
3 calculate a single tax rate as in effect prior to the enactment
4 of house bill no. 1150 of the ninety-first general assembly,
5 second regular session. A governing body of a city not within a
6 county or a county that has opted out under the provisions of
7 this subsection may choose to implement the provisions of this
8 section and sections 137.073, 138.060, and 138.100, RSMo, as
9 enacted by house bill no. 1150 of the ninety-first general
10 assembly, second regular session, and section 137.073 as modified
11 by this act, for the next year of general reassessment, by an
12 affirmative vote of the governing body prior to December
13 thirty-first of any year.

14 16. The governing body of any city of the third
15 classification with more than twenty-six thousand three hundred
16 but fewer than twenty-six thousand seven hundred inhabitants
17 located in any county that has exercised its authority to opt out
18 under subsection 15 of this section may levy separate and
19 differing tax rates for real and personal property only if such
20 city bills and collects its own property taxes or satisfies the
21 entire cost of the billing and collection of such separate and
22 differing tax rates. Such separate and differing rates shall not
23 exceed such city's tax rate ceiling.

24 139.055. Any county or public water supply district may
25 accept payment by credit card or electronic transfers of funds
26 for any tax, fee, or license payable to the county or district.
27 A county collector or district shall not be required to accept
28 payment by credit card if the credit card bank, processor, or

1 issuer would charge the county or district a fee for such
2 payment. However, a county or district may accept payment by
3 credit card and charge the person making such payment by credit
4 card a fee equal to the fee charged the county or district by the
5 credit card bank, processor, issuer for such payment. A county
6 or district may accept payment by electronic transfer of funds in
7 payment of any tax, fee, or license and charge the person making
8 such payment a fee equal to the fee charged the county or
9 district by the bank, processor, or issuer of such electronic
10 payment.

11 141.150. Fees shall be allowed for services rendered under
12 the provisions of sections 141.010 to 141.160 as follows:

13 (1) To the collector [two percent on all sums collected;
14 such percent] the fee authorized by section 52.290, RSMo, to be
15 taxed as costs and collected from the party redeeming, or from
16 the proceeds of sale, as herein provided;

17 (2) To the collector for making the back tax book,
18 twenty-five cents per tract, to be taxed as costs and collected
19 from the party redeeming such tract;

20 (3) To the collector, attorney's fees in the sum of five
21 percent of the amount of taxes actually collected and paid into
22 the treasury after judgment is obtained or if such taxes are paid
23 before judgment, but after suit is instituted, two percent on all
24 sums collected and paid into the treasury; and an additional sum
25 in the amount of two dollars for each suit instituted pursuant to
26 the provisions of sections 141.010 to 141.160, where publication
27 is not necessary, and in the amount of five dollars for each suit
28 where publication is necessary, which sums shall be taxed and

1 collected as other costs;

2 (4) To the circuit clerk, associate circuit judge, sheriff
3 and printer, such fees as are allowed by law for like services in
4 civil cases, which shall be taxed as costs in the case; provided,
5 that in no case shall the state or county be liable for any such
6 costs, nor shall the county commission or state auditor or
7 commissioner of administration allow any claim for any costs
8 incurred by the provisions of this law; provided further, that
9 all fees collected shall be accounted for and all fees collected,
10 except those allowed the printer, shall be paid to the county
11 treasurer at such times and in the manner as otherwise provided
12 by law.

13 141.640. Upon the filing of any delinquent tax bill or
14 bills or any list thereof with the collector, as provided in
15 sections 141.210 to 141.810, there shall be imposed and charged
16 on each such tax bill [a collector's commission of two percent of
17 the principal amount of such delinquent tax bill] the fee
18 authorized under section 52.290, RSMo, as an additional penalty
19 and part of the lien thereof to be paid to the collector on all
20 such tax bills collected by him, which [two percent penalty] fee
21 shall be collected from the party redeeming the parcel of real
22 estate upon which the tax bill is a lien, and shall be accounted
23 for by the collector as other similar penalties are collected by
24 him on delinquent land taxes upon which suit has not been filed,
25 or, if filed, was not filed under the provisions of sections
26 141.210 to 141.810.

27 144.030. 1. There is hereby specifically exempted from the
28 provisions of sections 144.010 to 144.525 and from the

1 computation of the tax levied, assessed or payable pursuant to
2 sections 144.010 to 144.525 such retail sales as may be made in
3 commerce between this state and any other state of the United
4 States, or between this state and any foreign country, and any
5 retail sale which the state of Missouri is prohibited from taxing
6 pursuant to the Constitution or laws of the United States of
7 America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited
9 from taxing or further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions
11 of the local sales tax law as defined in section 32.085, RSMo,
12 section 238.235, RSMo, and sections 144.010 to 144.525 and
13 144.600 to 144.761 and from the computation of the tax levied,
14 assessed or payable pursuant to the local sales tax law as
15 defined in section 32.085, RSMo, section 238.235, RSMo, and
16 sections 144.010 to 144.525 and 144.600 to 144.745:

17 (1) Motor fuel or special fuel subject to an excise tax of
18 this state, unless all or part of such excise tax is refunded
19 pursuant to section 142.824, RSMo; or upon the sale at retail of
20 fuel to be consumed in manufacturing or creating gas, power,
21 steam, electrical current or in furnishing water to be sold
22 ultimately at retail; or feed for livestock or poultry; or grain
23 to be converted into foodstuffs which are to be sold ultimately
24 in processed form at retail; or seed, limestone or fertilizer
25 which is to be used for seeding, liming or fertilizing crops
26 which when harvested will be sold at retail or will be fed to
27 livestock or poultry to be sold ultimately in processed form at
28 retail; economic poisons registered pursuant to the provisions of

1 the Missouri pesticide registration law (sections 281.220 to
2 281.310, RSMo) which are to be used in connection with the growth
3 or production of crops, fruit trees or orchards applied before,
4 during, or after planting, the crop of which when harvested will
5 be sold at retail or will be converted into foodstuffs which are
6 to be sold ultimately in processed form at retail;

7 (2) Materials, manufactured goods, machinery and parts
8 which when used in manufacturing, processing, compounding,
9 mining, producing or fabricating become a component part or
10 ingredient of the new personal property resulting from such
11 manufacturing, processing, compounding, mining, producing or
12 fabricating and which new personal property is intended to be
13 sold ultimately for final use or consumption; and materials,
14 including without limitation, gases and manufactured goods,
15 including without limitation, slagging materials and firebrick,
16 which are ultimately consumed in the manufacturing process by
17 blending, reacting or interacting with or by becoming, in whole
18 or in part, component parts or ingredients of steel products
19 intended to be sold ultimately for final use or consumption;

20 (3) Materials, replacement parts and equipment purchased
21 for use directly upon, and for the repair and maintenance or
22 manufacture of, motor vehicles, watercraft, railroad rolling
23 stock or aircraft engaged as common carriers of persons or
24 property;

25 (4) Replacement machinery, equipment, and parts and the
26 materials and supplies solely required for the installation or
27 construction of such replacement machinery, equipment, and parts,
28 used directly in manufacturing, mining, fabricating or producing

1 a product which is intended to be sold ultimately for final use
2 or consumption; and machinery and equipment, and the materials
3 and supplies required solely for the operation, installation or
4 construction of such machinery and equipment, purchased and used
5 to establish new, or to replace or expand existing, material
6 recovery processing plants in this state. For the purposes of
7 this subdivision, a "material recovery processing plant" means a
8 facility that has as its primary purpose the recovery of
9 materials into a useable product or a different form which is
10 used in producing a new product and shall include a facility or
11 equipment which are used exclusively for the collection of
12 recovered materials for delivery to a material recovery
13 processing plant but shall not include motor vehicles used on
14 highways. For purposes of this section, the terms "motor
15 vehicle" and "highway" shall have the same meaning pursuant to
16 section 301.010, RSMo. Material recovery is not the reuse of
17 materials within a manufacturing process or the use of a product
18 previously recovered. The material recovery processing plant
19 shall qualify under the provisions of this section regardless of
20 ownership of the material being recovered;

21 (5) Machinery and equipment, and parts and the materials
22 and supplies solely required for the installation or construction
23 of such machinery and equipment, purchased and used to establish
24 new or to expand existing manufacturing, mining or fabricating
25 plants in the state if such machinery and equipment is used
26 directly in manufacturing, mining or fabricating a product which
27 is intended to be sold ultimately for final use or consumption;

28 (6) Tangible personal property which is used exclusively in

1 the manufacturing, processing, modification or assembling of
2 products sold to the United States government or to any agency of
3 the United States government;

4 (7) Animals or poultry used for breeding or feeding
5 purposes;

6 (8) Newsprint, ink, computers, photosensitive paper and
7 film, toner, printing plates and other machinery, equipment,
8 replacement parts and supplies used in producing newspapers
9 published for dissemination of news to the general public;

10 (9) The rentals of films, records or any type of sound or
11 picture transcriptions for public commercial display;

12 (10) Pumping machinery and equipment used to propel
13 products delivered by pipelines engaged as common carriers;

14 (11) Railroad rolling stock for use in transporting persons
15 or property in interstate commerce and motor vehicles licensed
16 for a gross weight of twenty-four thousand pounds or more or
17 trailers used by common carriers, as defined in section 390.020,
18 RSMo, [solely] in the transportation of persons or property [in
19 interstate commerce];

20 (12) Electrical energy used in the actual primary
21 manufacture, processing, compounding, mining or producing of a
22 product, or electrical energy used in the actual secondary
23 processing or fabricating of the product, or a material recovery
24 processing plant as defined in subdivision (4) of this
25 subsection, in facilities owned or leased by the taxpayer, if the
26 total cost of electrical energy so used exceeds ten percent of
27 the total cost of production, either primary or secondary,
28 exclusive of the cost of electrical energy so used or if the raw

1 materials used in such processing contain at least twenty-five
2 percent recovered materials as defined in section 260.200, RSMo.
3 For purposes of this subdivision, "processing" means any mode of
4 treatment, act or series of acts performed upon materials to
5 transform and reduce them to a different state or thing,
6 including treatment necessary to maintain or preserve such
7 processing by the producer at the production facility;

8 (13) Anodes which are used or consumed in manufacturing,
9 processing, compounding, mining, producing or fabricating and
10 which have a useful life of less than one year;

11 (14) Machinery, equipment, appliances and devices purchased
12 or leased and used solely for the purpose of preventing, abating
13 or monitoring air pollution, and materials and supplies solely
14 required for the installation, construction or reconstruction of
15 such machinery, equipment, appliances and devices, and so
16 certified as such by the director of the department of natural
17 resources, except that any action by the director pursuant to
18 this subdivision may be appealed to the air conservation
19 commission which may uphold or reverse such action;

20 (15) Machinery, equipment, appliances and devices purchased
21 or leased and used solely for the purpose of preventing, abating
22 or monitoring water pollution, and materials and supplies solely
23 required for the installation, construction or reconstruction of
24 such machinery, equipment, appliances and devices, and so
25 certified as such by the director of the department of natural
26 resources, except that any action by the director pursuant to
27 this subdivision may be appealed to the Missouri clean water
28 commission which may uphold or reverse such action;

1 (16) Tangible personal property purchased by a rural water
2 district;

3 (17) All amounts paid or charged for admission or
4 participation or other fees paid by or other charges to
5 individuals in or for any place of amusement, entertainment or
6 recreation, games or athletic events, including museums, fairs,
7 zoos and planetariums, owned or operated by a municipality or
8 other political subdivision where all the proceeds derived
9 therefrom benefit the municipality or other political subdivision
10 and do not inure to any private person, firm, or corporation;

11 (18) All sales of insulin and prosthetic or orthopedic
12 devices as defined on January 1, 1980, by the federal Medicare
13 program pursuant to Title XVIII of the Social Security Act of
14 1965, including the items specified in Section 1862(a)(12) of
15 that act, and also specifically including hearing aids and
16 hearing aid supplies and all sales of drugs which may be legally
17 dispensed by a licensed pharmacist only upon a lawful
18 prescription of a practitioner licensed to administer those
19 items, including samples and materials used to manufacture
20 samples which may be dispensed by a practitioner authorized to
21 dispense such samples and all sales of medical oxygen, home
22 respiratory equipment and accessories, hospital beds and
23 accessories and ambulatory aids, all sales of manual and powered
24 wheelchairs, stairway lifts, Braille writers, electronic Braille
25 equipment and, if purchased by or on behalf of a person with one
26 or more physical or mental disabilities to enable them to
27 function more independently, all sales of scooters, reading
28 machines, electronic print enlargers and magnifiers, electronic

1 alternative and augmentative communication devices, and items
2 used solely to modify motor vehicles to permit the use of such
3 motor vehicles by individuals with disabilities or sales of
4 over-the-counter or nonprescription drugs to individuals with
5 disabilities;

6 (19) All sales made by or to religious and charitable
7 organizations and institutions in their religious, charitable or
8 educational functions and activities and all sales made by or to
9 all elementary and secondary schools operated at public expense
10 in their educational functions and activities;

11 (20) All sales of aircraft to common carriers for storage
12 or for use in interstate commerce and all sales made by or to
13 not-for-profit civic, social, service or fraternal organizations,
14 including fraternal organizations which have been declared
15 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
16 the 1986 Internal Revenue Code, as amended, in their civic or
17 charitable functions and activities and all sales made to
18 eleemosynary and penal institutions and industries of the state,
19 and all sales made to any private not-for-profit institution of
20 higher education not otherwise excluded pursuant to subdivision
21 (19) of this subsection or any institution of higher education
22 supported by public funds, and all sales made to a state relief
23 agency in the exercise of relief functions and activities;

24 (21) All ticket sales made by benevolent, scientific and
25 educational associations which are formed to foster, encourage,
26 and promote progress and improvement in the science of
27 agriculture and in the raising and breeding of animals, and by
28 nonprofit summer theater organizations if such organizations are

1 exempt from federal tax pursuant to the provisions of the
2 Internal Revenue Code and all admission charges and entry fees to
3 the Missouri state fair or any fair conducted by a county
4 agricultural and mechanical society organized and operated
5 pursuant to sections 262.290 to 262.530, RSMo;

6 (22) All sales made to any private not-for-profit
7 elementary or secondary school, all sales of feed additives,
8 medications or vaccines administered to livestock or poultry in
9 the production of food or fiber, all sales of pesticides used in
10 the production of crops, livestock or poultry for food or fiber,
11 all sales of bedding used in the production of livestock or
12 poultry for food or fiber, all sales of propane or natural gas,
13 electricity or diesel fuel used exclusively for drying
14 agricultural crops, natural gas used in the primary manufacture
15 or processing of fuel ethanol as defined in section 142.028,
16 RSMo, natural gas, propane, and electricity used by an eligible
17 new generation cooperative or an eligible new generation
18 processing entity as defined in section 348.432, RSMo, and all
19 sales of farm machinery and equipment, other than airplanes,
20 motor vehicles and trailers. As used in this subdivision, the
21 term "feed additives" means tangible personal property which,
22 when mixed with feed for livestock or poultry, is to be used in
23 the feeding of livestock or poultry. As used in this
24 subdivision, the term "pesticides" includes adjuvants such as
25 crop oils, surfactants, wetting agents and other assorted
26 pesticide carriers used to improve or enhance the effect of a
27 pesticide and the foam used to mark the application of pesticides
28 and herbicides for the production of crops, livestock or poultry.

1 As used in this subdivision, the term "farm machinery and
2 equipment" means new or used farm tractors and such other new or
3 used farm machinery and equipment and repair or replacement parts
4 thereon, and supplies and lubricants used exclusively, solely,
5 and directly for producing crops, raising and feeding livestock,
6 fish, poultry, pheasants, chukar, quail, or for producing milk
7 for ultimate sale at retail, including field drain tile, and
8 one-half of each purchaser's purchase of diesel fuel therefor
9 which is:

10 (a) Used exclusively for agricultural purposes;

11 (b) Used on land owned or leased for the purpose of
12 producing farm products; and

13 (c) Used directly in producing farm products to be sold
14 ultimately in processed form or otherwise at retail or in
15 producing farm products to be fed to livestock or poultry to be
16 sold ultimately in processed form at retail;

17 (23) Except as otherwise provided in section 144.032, all
18 sales of metered water service, electricity, electrical current,
19 natural, artificial or propane gas, wood, coal or home heating
20 oil for domestic use and in any city not within a county, all
21 sales of metered or unmetered water service for domestic use;

22 (a) "Domestic use" means that portion of metered water
23 service, electricity, electrical current, natural, artificial or
24 propane gas, wood, coal or home heating oil, and in any city not
25 within a county, metered or unmetered water service, which an
26 individual occupant of a residential premises uses for
27 nonbusiness, noncommercial or nonindustrial purposes. Utility
28 service through a single or master meter for residential

1 apartments or condominiums, including service for common areas
2 and facilities and vacant units, shall be deemed to be for
3 domestic use. Each seller shall establish and maintain a system
4 whereby individual purchases are determined as exempt or
5 nonexempt;

6 (b) Regulated utility sellers shall determine whether
7 individual purchases are exempt or nonexempt based upon the
8 seller's utility service rate classifications as contained in
9 tariffs on file with and approved by the Missouri public service
10 commission. Sales and purchases made pursuant to the rate
11 classification "residential" and sales to and purchases made by
12 or on behalf of the occupants of residential apartments or
13 condominiums through a single or master meter, including service
14 for common areas and facilities and vacant units, shall be
15 considered as sales made for domestic use and such sales shall be
16 exempt from sales tax. Sellers shall charge sales tax upon the
17 entire amount of purchases classified as nondomestic use. The
18 seller's utility service rate classification and the provision of
19 service thereunder shall be conclusive as to whether or not the
20 utility must charge sales tax;

21 (c) Each person making domestic use purchases of services
22 or property and who uses any portion of the services or property
23 so purchased for a nondomestic use shall, by the fifteenth day of
24 the fourth month following the year of purchase, and without
25 assessment, notice or demand, file a return and pay sales tax on
26 that portion of nondomestic purchases. Each person making
27 nondomestic purchases of services or property and who uses any
28 portion of the services or property so purchased for domestic

1 use, and each person making domestic purchases on behalf of
2 occupants of residential apartments or condominiums through a
3 single or master meter, including service for common areas and
4 facilities and vacant units, under a nonresidential utility
5 service rate classification may, between the first day of the
6 first month and the fifteenth day of the fourth month following
7 the year of purchase, apply for credit or refund to the director
8 of revenue and the director shall give credit or make refund for
9 taxes paid on the domestic use portion of the purchase. The
10 person making such purchases on behalf of occupants of
11 residential apartments or condominiums shall have standing to
12 apply to the director of revenue for such credit or refund;

13 (24) All sales of handicraft items made by the seller or
14 the seller's spouse if the seller or the seller's spouse is at
15 least sixty-five years of age, and if the total gross proceeds
16 from such sales do not constitute a majority of the annual gross
17 income of the seller;

18 (25) Excise taxes, collected on sales at retail, imposed by
19 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
20 4271 of Title 26, United States Code. The director of revenue
21 shall promulgate rules pursuant to chapter 536, RSMo, to
22 eliminate all state and local sales taxes on such excise taxes;

23 (26) Sales of fuel consumed or used in the operation of
24 ships, barges, or waterborne vessels which are used primarily in
25 or for the transportation of property or cargo, or the conveyance
26 of persons for hire, on navigable rivers bordering on or located
27 in part in this state, if such fuel is delivered by the seller to
28 the purchaser's barge, ship, or waterborne vessel while it is

1 afloat upon such river;

2 (27) All sales made to an interstate compact agency created
3 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010
4 to 238.100, RSMo, in the exercise of the functions and activities
5 of such agency as provided pursuant to the compact;

6 (28) Computers, computer software and computer security
7 systems purchased for use by architectural or engineering firms
8 headquartered in this state. For the purposes of this
9 subdivision, "headquartered in this state" means the office for
10 the administrative management of at least four integrated
11 facilities operated by the taxpayer is located in the state of
12 Missouri;

13 (29) All livestock sales when either the seller is engaged
14 in the growing, producing or feeding of such livestock, or the
15 seller is engaged in the business of buying and selling,
16 bartering or leasing of such livestock;

17 (30) All sales of barges which are to be used primarily in
18 the transportation of property or cargo on interstate waterways;

19 (31) Electrical energy or gas, whether natural, artificial
20 or propane, water, or other utilities which are ultimately
21 consumed in connection with the manufacturing of cellular glass
22 products or in any material recovery processing plant as defined
23 in subdivision (4) of subsection 2 of this section;

24 (32) Notwithstanding other provisions of law to the
25 contrary, all sales of pesticides or herbicides used in the
26 production of crops, aquaculture, livestock or poultry;

27 (33) Tangible personal property purchased for use or
28 consumption directly or exclusively in the research and

1 development of prescription pharmaceuticals consumed by humans or
2 animals;

3 (34) All sales of grain bins for storage of grain for
4 resale;

5 (35) All sales of feed which are developed for and used in
6 the feeding of pets owned by a commercial breeder when such sales
7 are made to a commercial breeder, as defined in section 273.325,
8 RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

9 (36) All purchases by a contractor on behalf of an entity
10 located in another state, provided that the entity is authorized
11 to issue a certificate of exemption for purchases to a contractor
12 under the provisions of that state's laws. For purposes of this
13 subdivision, the term "certificate of exemption" shall mean any
14 document evidencing that the entity is exempt from sales and use
15 taxes on purchases pursuant to the laws of the state in which the
16 entity is located. Any contractor making purchases on behalf of
17 such entity shall maintain a copy of the entity's exemption
18 certificate as evidence of the exemption. If the exemption
19 certificate issued by the exempt entity to the contractor is
20 later determined by the director of revenue to be invalid for any
21 reason and the contractor has accepted the certificate in good
22 faith, neither the contractor or the exempt entity shall be
23 liable for the payment of any taxes, interest and penalty due as
24 the result of use of the invalid exemption certificate.

25 Materials shall be exempt from all state and local sales and use
26 taxes when purchased by a contractor for the purpose of
27 fabricating tangible personal property which is used in
28 fulfilling a contract for the purpose of constructing, repairing

1 or remodeling facilities for the following:

2 (a) An exempt entity located in this state, if the entity
3 is one of those entities able to issue project exemption
4 certificates in accordance with the provisions of section
5 144.062; or

6 (b) An exempt entity located outside the state if the
7 exempt entity is authorized to issue an exemption certificate to
8 contractors in accordance with the provisions of that state's law
9 and the applicable provisions of this section;

10 (37) Tangible personal property purchased for use or
11 consumption directly or exclusively in research or
12 experimentation activities performed by life science companies
13 and so certified as such by the director of the department of
14 economic development or the director's designees; except that,
15 the total amount of exemptions certified pursuant to this section
16 shall not exceed one million three hundred thousand dollars in
17 state and local taxes per fiscal year. For purposes of this
18 subdivision, the term "life science companies" means companies
19 whose primary research activities are in agriculture,
20 pharmaceuticals, biomedical or food ingredients, and whose North
21 American Industry Classification System (NAICS) Codes fall under
22 industry 541710 (biotech research or development laboratories),
23 621511 (medical laboratories) or 541940 (veterinary services).
24 The exemption provided by this subdivision shall expire on June
25 30, 2003;

26 (38) All sales or other transfers of tangible personal
27 property to a lessor who leases the property under a lease of one
28 year or longer executed or in effect at the time of the sale or

1 other transfer to an interstate compact agency created pursuant
2 to sections 70.370 to 70.441, RSMo, or sections 238.010 to
3 238.100, RSMo; [and]

4 (39) Sales of tickets to any collegiate athletic
5 championship event that is held in a facility owned or operated
6 by a governmental authority or commission, a quasi-governmental
7 agency, a state university or college or by the state or any
8 political subdivision thereof, including a municipality, and that
9 is played on a neutral site and may reasonably be played at a
10 site located outside the state of Missouri. For purposes of this
11 subdivision, "neutral site" means any site that is not located on
12 the campus of a conference member institution participating in
13 the event;

14 (40) All purchases by a sports complex authority created
15 under section 64.920, RSMo.

16 144.062. 1. With respect to exempt sales at retail of
17 tangible personal property and materials for the purpose of
18 constructing, repairing or remodeling facilities for:

19 (1) A county, other political subdivision or
20 instrumentality thereof exempt from taxation under subdivision
21 (10) of section 39 of article III of the Constitution of
22 Missouri; or

23 (2) An organization sales to which are exempt from taxation
24 under the provisions of subdivision (19) of subsection 2 of
25 section 144.030; or

26 (3) Any institution of higher education supported by public
27 funds or any private not-for-profit institution of higher
28 education, exempt from taxation under subdivision (20) of

1 subsection 2 of section 144.030; or

2 (4) Any private not-for-profit elementary or secondary
3 school exempt from taxation under subdivision (22) of subsection
4 2 of section 144.030[,]; or

5 (5) Any authority exempt from taxation under subdivision
6 (40) of subsection 2 of section 144.030; or

7 (6) After June 30, 2007, the department of transportation
8 or the state highways and transportation commission;

9
10 hereinafter collectively referred to as exempt entities, such
11 exemptions shall be allowed for such purchases if the purchases
12 are related to the entities' exempt functions and activities. In
13 addition, the sales shall not be rendered nonexempt nor shall any
14 material supplier or contractor be obligated to pay, collect or
15 remit sales tax with respect to such purchases made by or on
16 behalf of an exempt entity due to such purchases being billed to
17 or paid for by a contractor or the exempt entity contracting with
18 any entity to render any services in relation to such purchases,
19 including but not limited to selection of materials, ordering,
20 pickup, delivery, approval on delivery, taking of delivery,
21 transportation, storage, assumption of risk of loss to materials
22 or providing warranties on materials as specified by contract,
23 use of materials or other purchases for construction of the
24 building or other facility, providing labor, management services,
25 administrative services, design or technical services or advice
26 to the exempt entity, whether or not the contractor or other
27 entity exercises dominion or control in any other manner over the
28 materials in conjunction with services or labor provided to the

1 exempt entity.

2 2. When any exempt entity contracts for the purpose of
3 constructing, repairing or remodeling facilities, and purchases
4 of tangible personal property and materials to be incorporated
5 into or consumed in the construction of the project are to be
6 made on a tax-exempt basis, such entity shall furnish to the
7 contractor an exemption certificate authorizing such purchases
8 for the construction, repair or remodeling project. The form and
9 content of such project exemption certificate shall be approved
10 by the director of revenue. The project exemption certificate
11 shall include but not be limited to:

12 (1) The exempt entity's name, address, Missouri tax
13 identification number and signature of authorized representative;

14 (2) The project location, description, and unique
15 identification number;

16 (3) The date the contract is entered into, which is the
17 earliest date materials may be purchased for the project on a
18 tax-exempt basis;

19 (4) The estimated project completion date; and

20 (5) The certificate expiration date.

21 Such certificate is renewable for a given project at the option
22 of the exempt entity, only for the purpose of revising the
23 certificate expiration date as necessary to complete the project.

24 3. The contractor shall furnish the certificate prescribed
25 in subsection 2 of this section to all subcontractors, and any
26 contractor purchasing materials shall present such certificate to
27 all material suppliers as authorization to purchase, on behalf of
28 the exempt entity, all tangible personal property and materials

1 to be incorporated into or consumed in the construction of that
2 project and no other on a tax-exempt basis. Such suppliers shall
3 execute to the purchasing contractor invoices bearing the name of
4 the exempt entity and the project identification number. Nothing
5 in this section shall be deemed to exempt the purchase of any
6 construction machinery, equipment or tools used in constructing,
7 repairing or remodeling facilities for the exempt entity. All
8 invoices for all personal property and materials purchased under
9 a project exemption certificate shall be retained by the
10 purchasing contractor for a period of five years and shall be
11 subject to audit by the director of revenue.

12 4. Any excess resalable tangible personal property or
13 materials which were purchased for the project by a contractor
14 under a project exemption certificate but which were not
15 incorporated into or consumed in the construction of the project
16 shall either be returned to the supplier for credit or the
17 appropriate sales or use tax on such excess property or materials
18 shall be reported on a return and paid by such contractor not
19 later than the due date of the contractor's Missouri sales or use
20 tax return following the month in which it was determined that
21 the materials were not to be used in the project.

22 5. No contractor or material supplier shall, upon audit, be
23 required to pay tax on tangible personal property and materials
24 incorporated into or consumed in the construction of the project,
25 due to the failure of the exempt entity to revise the certificate
26 expiration date as necessary to complete any work required by the
27 contract. If it is determined that tax is owed on such property
28 and materials due to the failure of the exempt entity to revise

1 such certificate expiration date, the exempt entity shall be
2 liable for the tax owed.

3 6. If an entity issues exemption certificates for the
4 purchase of tangible personal property and materials which are
5 incorporated into or consumed in the construction of its project
6 and such entity is found not to have had the authority granted by
7 this section to issue such exemption certificates, then such
8 entity shall be liable for the tax owed on such personal property
9 and materials. In addition, if an entity which does have the
10 authority granted by this section to issue exemption certificates
11 issues such certificates for the purchase of tangible personal
12 property and materials which are incorporated into or consumed in
13 the construction of a project, or part of a project, which is
14 found not to be related to such entity's exempt functions and
15 activities, then such entity shall be liable for the tax owed on
16 such personal property and materials.

17 144.757. 1. Any county or municipality, except
18 municipalities within a county having a charter form of
19 government with a population in excess of nine hundred thousand,
20 may, by a majority vote of its governing body, impose a local use
21 tax if a local sales tax is imposed as defined in section 32.085,
22 RSMo, at a rate equal to the rate of the local sales tax in
23 effect in such county or municipality; provided, however, that no
24 ordinance or order enacted pursuant to sections 144.757 to
25 144.761 shall be effective unless the governing body of the
26 county or municipality submits to the voters thereof at a
27 municipal, county or state general, primary or special election a
28 proposal to authorize the governing body of the county or

1 municipality to impose a local use tax pursuant to sections
2 144.757 to 144.761. Municipalities within a county having a
3 charter form of government with a population in excess of nine
4 hundred thousand may, upon voter approval received pursuant to
5 paragraph (b) of subdivision (2) of subsection 2 of this section,
6 impose a local use tax at the same rate as the local municipal
7 sales tax with the revenues from all such municipal use taxes to
8 be distributed pursuant to subsection 4 of section 94.890, RSMo.
9 The municipality shall within thirty days of the approval of the
10 use tax imposed pursuant to paragraph (b) of subdivision (2) of
11 subsection 2 of this section select one of the distribution
12 options permitted in subsection 4 of section 94.890, RSMo, for
13 distribution of all municipal use taxes.

14 2. (1) The ballot of submission, except for counties and
15 municipalities described in subdivisions (2) and (3) of this
16 subsection, shall contain substantially the following language:

17 Shall the (county or municipality's name)
18 impose a local use tax at the same rate as the total local sales
19 tax rate, currently (insert percent), provided that if
20 the local sales tax rate is reduced or raised by voter approval,
21 the local use tax rate shall also be reduced or raised by the
22 same action? A use tax return shall not be required to be filed
23 by persons whose purchases from out-of-state vendors do not in
24 total exceed two thousand dollars in any calendar year.

25 YES NO

26 If you are in favor of the question, place an "X" in the box
27 opposite "Yes". If you are opposed to the question, place an "X"
28 in the box opposite "No".

1 (2) (a) The ballot of submission in a county having a
2 charter form of government with a population in excess of nine
3 hundred thousand shall contain substantially the following
4 language:

5 For the purposes of [economic development] enhancing county
6 and municipal public safety, parks, and job creation and
7 enhancing local government services, shall the county be
8 authorized to collect a local use tax equal to the total of the
9 existing county sales tax rate of (insert tax rate), provided
10 that if the county sales tax is repealed, reduced or raised by
11 voter approval, the local use tax rate shall also be repealed,
12 reduced or raised by the same voter action? Fifty percent of the
13 revenue shall be used [for economic development, including
14 retention, creation, and attraction of better-paying jobs], by
15 the county throughout the county for improving and enhancing
16 public safety, park improvements, and job creation, and fifty
17 percent shall be used for enhancing local government services.
18 The county shall be required to make available to the public an
19 audited comprehensive financial report detailing the management
20 and use of [economic development] the countywide portion of the
21 funds each year.

22 A use tax is the equivalent of a sales tax on purchases from
23 out-of-state sellers by in-state buyers and on certain taxable
24 business transactions. A use tax return shall not be required to
25 be filed by persons whose purchases from out-of-state vendors do
26 not in total exceed two thousand dollars in any calendar year.

27 YES NO

28 If you are in favor of the question, place an "X" in the box

1 opposite "Yes". If you are opposed to the question, place an "X"
2 in the box opposite "No".

3 (b) The ballot of submission in a municipality within a
4 county having a charter form of government with a population in
5 excess of nine hundred thousand shall contain substantially the
6 following language:

7 Shall the municipality be authorized to impose a local use
8 tax at the same rate as the local sales tax by a vote of the
9 governing body, provided that if any local sales tax is repealed,
10 reduced or raised by voter approval, the respective local use tax
11 shall also be repealed, reduced or raised by the same action? A
12 use tax return shall not be required to be filed by persons whose
13 purchases from out-of-state vendors do not in total exceed two
14 thousand dollars in any calendar year.

15 YES NO

16 If you are in favor of the question, place an "X" in the box
17 opposite "Yes". If you are opposed to the question, place an "X"
18 in the box opposite "No".

19 (3) The ballot of submission in any city not within a
20 county shall contain substantially the following language:

21 Shall the (city name) impose a local use tax
22 at the same rate as the local sales tax, currently at a rate of
23 (insert percent) which includes the capital improvements
24 sales tax and the transportation tax, provided that if any local
25 sales tax is repealed, reduced or raised by voter approval, the
26 respective local use tax shall also be repealed, reduced or
27 raised by the same action? A use tax return shall not be
28 required to be filed by persons whose purchases from out-of-state

1 vendors do not in total exceed two thousand dollars in any
2 calendar year.

3 YES NO

4 If you are in favor of the question, place an "X" in the box
5 opposite "Yes". If you are opposed to the question, place an "X"
6 in the box opposite "No".

7 (4) If any of such ballots are submitted on August 6, 1996,
8 and if a majority of the votes cast on the proposal by the
9 qualified voters voting thereon are in favor of the proposal,
10 then the ordinance or order and any amendments thereto shall be
11 in effect October 1, 1996, provided the director of revenue
12 receives notice of adoption of the local use tax on or before
13 August 16, 1996. If any of such ballots are submitted after
14 December 31, 1996, and if a majority of the votes cast on the
15 proposal by the qualified voters voting thereon are in favor of
16 the proposal, then the ordinance or order and any amendments
17 thereto shall be in effect on the first day of the calendar
18 quarter which begins at least forty-five days after the director
19 of revenue receives notice of adoption of the local use tax. If
20 a majority of the votes cast by the qualified voters voting are
21 opposed to the proposal, then the governing body of the county or
22 municipality shall have no power to impose the local use tax as
23 herein authorized unless and until the governing body of the
24 county or municipality shall again have submitted another
25 proposal to authorize the governing body of the county or
26 municipality to impose the local use tax and such proposal is
27 approved by a majority of the qualified voters voting thereon.

28 3. The local use tax may be imposed at the same rate as the

1 local sales tax then currently in effect in the county or
2 municipality upon all transactions which are subject to the taxes
3 imposed pursuant to sections 144.600 to 144.745 within the county
4 or municipality adopting such tax; provided, however, that if any
5 local sales tax is repealed or the rate thereof is reduced or
6 raised by voter approval, the local use tax rate shall also be
7 deemed to be repealed, reduced or raised by the same action
8 repealing, reducing or raising the local sales tax.

9 4. For purposes of sections 144.757 to 144.761, the use tax
10 may be referred to or described as the equivalent of a sales tax
11 on purchases made from out-of-state sellers by in-state buyers
12 and on certain intrabusiness transactions. Such a description
13 shall not change the classification, form or subject of the use
14 tax or the manner in which it is collected.

15 144.759. 1. All local use taxes collected by the director
16 of revenue pursuant to sections 144.757 to 144.761 on behalf of
17 any county or municipality, less one percent for cost of
18 collection, which shall be deposited in the state's general
19 revenue fund after payment of premiums for surety bonds as
20 provided in section 32.087, RSMo, shall be deposited with the
21 state treasurer in a local use tax trust fund, which fund shall
22 be separate and apart from the local sales tax trust funds. The
23 moneys in such local use tax trust fund shall not be deemed to be
24 state funds and shall not be commingled with any funds of the
25 state. The director of revenue shall keep accurate records of
26 the amount of money in the trust fund which was collected in each
27 county or municipality imposing a local use tax, and the records
28 shall be open to the inspection of officers of the county or

1 municipality and to the public. No later than the tenth day of
2 each month, the director of revenue shall distribute all moneys
3 deposited in the trust fund during the preceding month, except as
4 provided in subsection 2 of this section, to the county or
5 municipality treasurer, or such other officer as may be
6 designated by the county or municipality ordinance or order, of
7 each county or municipality imposing the tax authorized by
8 sections 144.757 to 144.761, the sum due the county or
9 municipality as certified by the director of revenue.

10 2. The director of revenue shall distribute all moneys
11 which would be due any county having a charter form of government
12 and having a population of nine hundred thousand or more to the
13 county treasurer or such other officer as may be designated by
14 county ordinance, who shall distribute such moneys as follows:
15 the portion of the use tax imposed by the county which equals
16 one-half the rate of sales tax in effect for such county shall be
17 disbursed to the county treasurer for expenditure [for economic
18 development purposes, as defined in this section] throughout the
19 county for public safety, parks, and job creation, subject to any
20 qualifications and regulations adopted by ordinance of the
21 county. Such ordinance shall require an audited comprehensive
22 financial report detailing the management and use of [economic
23 development] such funds each year. Such ordinance shall also
24 require that the county and the municipal league of the county
25 jointly prepare [an economic development] a strategy to guide
26 expenditures of funds and conduct an annual review of the
27 strategy. The treasurer or such other officer as may be
28 designated by county ordinance shall distribute one-third of the

1 balance to the county and to each city, town and village in group
2 B according to section 66.620, RSMo, as modified by this section,
3 a portion of the two-thirds remainder of such balance equal to
4 the percentage ratio that the population of each such city, town
5 or village bears to the total population of all such group B
6 cities, towns and villages. For the purposes of this subsection,
7 population shall be determined by the last federal decennial
8 census or the latest census that determines the total population
9 of the county and all political subdivisions therein. For the
10 purposes of this subsection, each city, town or village in group
11 A according to section 66.620, RSMo, but whose per capita sales
12 tax receipts during the preceding calendar year pursuant to
13 sections 66.600 to 66.630, RSMo, were less than the per capita
14 countywide average of all sales tax receipts during the preceding
15 calendar year, shall be treated as a group B city, town or
16 village until the per capita amount distributed to such city,
17 town or village equals the difference between the per capita
18 sales tax receipts during the preceding calendar year and the per
19 capita countywide average of all sales tax receipts during the
20 preceding calendar year.

21 3. The director of revenue may authorize the state
22 treasurer to make refunds from the amounts in the trust fund and
23 credited to any county or municipality for erroneous payments and
24 overpayments made, and may redeem dishonored checks and drafts
25 deposited to the credit of such counties or municipalities. If
26 any county or municipality abolishes the tax, the county or
27 municipality shall notify the director of revenue of the action
28 at least ninety days prior to the effective date of the repeal,

1 and the director of revenue may order retention in the trust
2 fund, for a period of one year, of two percent of the amount
3 collected after receipt of such notice to cover possible refunds
4 or overpayment of the tax and to redeem dishonored checks and
5 drafts deposited to the credit of such accounts. After one year
6 has elapsed after the effective date of abolition of the tax in
7 such county or municipality, the director of revenue shall
8 authorize the state treasurer to remit the balance in the account
9 to the county or municipality and close the account of that
10 county or municipality. The director of revenue shall notify
11 each county or municipality of each instance of any amount
12 refunded or any check redeemed from receipts due the county or
13 municipality.

14 4. Except as modified in sections 144.757 to 144.761, all
15 provisions of sections 32.085 and 32.087, RSMo, applicable to the
16 local sales tax, except for subsection 12 of section 32.087,
17 RSMo, and all provisions of sections 144.600 to 144.745 shall
18 apply to the tax imposed pursuant to sections 144.757 to 144.761,
19 and the director of revenue shall perform all functions incident
20 to the administration, collection, enforcement, and operation of
21 the tax.

22 [5. As used in this section, "economic development" means:

23 (1) Expenditures for infrastructure and sites for business
24 development or for public infrastructure projects;

25 (2) Purchase, assembly, clearance, demolition,
26 environmental remediation, planning, redesign, reconstruction,
27 rehabilitation, construction, modification or expansion of land,
28 structures and facilities, public or private, either in

1 connection with a reinvestment project in areas with underused,
2 derelict, economically challenged, or environmentally troubled
3 sites, or in connection with business attraction, retention,
4 creation, or expansion;

5 (3) Expenditures related to business district activities
6 such as facade improvements, landscaping, street lighting,
7 sidewalk construction, trash receptacles, park benches, and other
8 public improvements;

9 (4) Expenditures for the provision of workforce training
10 and educational support in connection with job creation,
11 retention, attraction, and expansion;

12 (5) Development and operation of business incubator
13 facilities, and related entrepreneurship support programs;

14 (6) Capitalization or guarantee of small business loan or
15 equity funds;

16 (7) Expenditures for business development activities
17 including attraction, creation, retention, and expansion; and

18 (8) Related administration expenses of economic and
19 community development programs, provided that such expenses shall
20 not exceed five percent of annual revenues.]

21 162.431. 1. When it is necessary to change the boundary
22 lines between seven-director school districts, in each district
23 affected, ten percent of the voters by number of those voting for
24 school board members in the last annual school election in each
25 district may petition the district boards of education in the
26 districts affected, regardless of county lines, for a change in
27 boundaries. The question shall be submitted at the next [general
28 municipal] election, as referenced in section 115.123, RSMo.

1 2. The voters shall decide the question by a majority vote
2 of those who vote upon the question. If assent to the change is
3 given by each of the various districts voting, each voting
4 separately, the boundaries are changed from that date.

5 3. If one of the districts votes against the change and the
6 other votes for the change, the matter may be appealed to the
7 state board of education, in writing, within fifteen days of the
8 submission of the question by either one of the districts
9 affected, or in the above event by a majority of the signers of
10 the petition requesting a vote on the proposal. At the first
11 meeting of the state board following the appeal, a board of
12 arbitration composed of three members, none of whom shall be a
13 resident of any district affected, shall be appointed. In
14 determining whether it is necessary to change the boundary line
15 between seven-director districts, the board of arbitration shall
16 base its decision upon the following:

17 (1) The presence of school-aged children in the affected
18 area;

19 (2) The presence of actual educational harm to school-aged
20 children, either due to a significant difference in the time
21 involved in transporting students or educational deficiencies in
22 the district which would have its boundary adversely affected;
23 and

24 (3) The presence of an educational necessity, not of a
25 commercial benefit to landowners or to the district benefitting
26 for the proposed boundary adjustment.

27 4. Within twenty days after notification of appointment,
28 the board of arbitration shall meet and consider the necessity

1 for the proposed changes and shall decide whether the boundaries
2 shall be changed as requested in the petition or be left
3 unchanged, which decision shall be final. The decision by the
4 board of arbitration shall be rendered not more than thirty days
5 after the matter is referred to the board. The chairman of the
6 board of arbitration shall transmit the decision to the secretary
7 of each district affected who shall enter the same upon the
8 records of his district and the boundaries shall thereafter be in
9 accordance with the decision of the board of arbitration. The
10 members of the board of arbitration shall be allowed a fee of
11 fifty dollars each, to be paid at the time the appeal is made by
12 the district taking the appeal or by the petitioners should they
13 institute the appeal.

14 5. If the board of arbitration decides that the boundaries
15 shall be left unchanged, no new petition for the same, or
16 substantially the same, boundary change between the same
17 districts shall be filed until after the expiration of two years
18 from the date of the municipal election at which the question was
19 submitted to the voters of the districts.

20 163.011. As used in this chapter unless the context
21 requires otherwise:

22 (1) "Adjusted operating levy", the sum of tax rates for the
23 current year for teachers' and incidental funds for a school
24 district as reported to the proper officer of each county
25 pursuant to section 164.011, RSMo;

26 (2) "Average daily attendance", the quotient or the sum of
27 the quotients obtained by dividing the total number of hours
28 attended in a term by resident pupils between the ages of five

1 and twenty-one by the actual number of hours school was in
2 session in that term. To the average daily attendance of the
3 following school term shall be added the full-time equivalent
4 average daily attendance of summer school students. "Full-time
5 equivalent average daily attendance of summer school students"
6 shall be computed by dividing the total number of hours, except
7 for physical education hours that do not count as credit toward
8 graduation for students in grades nine, ten, eleven, and twelve,
9 attended by all summer school pupils by the number of hours
10 required in section 160.011, RSMo, in the school term. For
11 purposes of determining average daily attendance under this
12 subdivision, the term "resident pupil" shall include all children
13 between the ages of five and twenty-one who are residents of the
14 school district and who are attending kindergarten through grade
15 twelve in such district. If a child is attending school in a
16 district other than the district of residence and the child's
17 parent is teaching in the school district or is a regular
18 employee of the school district which the child is attending,
19 then such child shall be considered a resident pupil of the
20 school district which the child is attending for such period of
21 time when the district of residence is not otherwise liable for
22 tuition. Average daily attendance for students below the age of
23 five years for which a school district may receive state aid
24 based on such attendance shall be computed as regular school term
25 attendance unless otherwise provided by law;

26 (3) "Current operating expenditures":

27 (a) For the fiscal year 2007 calculation, "current
28 operating expenditures" shall be calculated using data from

1 fiscal year 2004 and shall be calculated as all expenditures for
2 instruction and support services except capital outlay and debt
3 service expenditures minus the revenue from federal categorical
4 sources; food service; student activities; categorical payments
5 for transportation costs pursuant to section 163.161; state
6 reimbursements for early childhood special education; the career
7 ladder entitlement for the district, as provided for in sections
8 168.500 to 168.515, RSMo; the vocational education entitlement
9 for the district, as provided for in section 167.332, RSMo; and
10 payments from other districts;

11 (b) In every fiscal year subsequent to fiscal year 2007,
12 current operating expenditures shall be the amount in paragraph
13 (a) plus any increases in state funding pursuant to sections
14 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed
15 five percent, per recalculation, of the state revenue received by
16 a district in the 2004-05 school year from the foundation
17 formula, line 14, gifted, remedial reading, exceptional pupil
18 aid, fair share, and free textbook payments for any district from
19 the first preceding calculation of the state adequacy target;

20 (4) "District's tax rate ceiling", the highest tax rate
21 ceiling in effect subsequent to the 1980 tax year or any
22 subsequent year. Such tax rate ceiling shall not contain any tax
23 levy for debt service;

24 (5) "Dollar value modifier", an index of the relative
25 purchasing power of a dollar, calculated as one plus fifteen
26 percent of the difference of the regional wage ratio minus one,
27 provided that the dollar value modifier shall not be applied at a
28 rate less than 1.0:

1 (a) "County wage per job", the total county wage and salary
2 disbursements divided by the total county wage and salary
3 employment for each county and the city of St. Louis as reported
4 by the Bureau of Economic Analysis of the United States
5 Department of Commerce for the fourth year preceding the payment
6 year;

7 (b) "Regional wage per job":

8 a. The total Missouri wage and salary disbursements of the
9 metropolitan area as defined by the Office of Management and
10 Budget divided by the total Missouri metropolitan wage and salary
11 employment for the metropolitan area for the county signified in
12 the school district number or the city of St. Louis, as reported
13 by the Bureau of Economic Analysis of the United States
14 Department of Commerce for the fourth year preceding the payment
15 year and recalculated upon every decennial census to incorporate
16 counties that are newly added to the description of metropolitan
17 areas; or if no such metropolitan area is established, then:

18 b. The total Missouri wage and salary disbursements of the
19 micropolitan area as defined by the Office of Management and
20 Budget divided by the total Missouri micropolitan wage and salary
21 employment for the micropolitan area for the county signified in
22 the school district number, as reported by the Bureau of Economic
23 Analysis of the United States Department of Commerce for the
24 fourth year preceding the payment year, if a micropolitan area
25 for such county has been established and recalculated upon every
26 decennial census to incorporate counties that are newly added to
27 the description of micropolitan areas; or

28 c. If a county is not part of a metropolitan or

1 micropolitan area as established by the Office of Management and
2 Budget, then the county wage per job, as defined in paragraph (a)
3 of this subdivision, shall be used for the school district, as
4 signified by the school district number;

5 (c) "Regional wage ratio", the ratio of the regional wage
6 per job divided by the state median wage per job;

7 (d) "State median wage per job", the fifty-eighth highest
8 county wage per job;

9 (6) "Free and reduced lunch pupil count", the number of
10 pupils eligible for free and reduced lunch on the last Wednesday
11 in January for the preceding school year who were enrolled as
12 students of the district, as approved by the department in
13 accordance with applicable federal regulations;

14 (7) "Free and reduced lunch threshold" shall be calculated
15 by dividing the total free and reduced lunch pupil count of every
16 performance district that falls entirely above the bottom five
17 percent and entirely below the top five percent of average daily
18 attendance, when such districts are rank-ordered based on their
19 current operating expenditures per average daily attendance, by
20 the total average daily attendance of all included performance
21 districts;

22 (8) "Limited English proficiency pupil count", the number
23 in the preceding school year of pupils aged three through
24 twenty-one enrolled or preparing to enroll in an elementary
25 school or secondary school who were not born in the United States
26 or whose native language is a language other than English or are
27 Native American or Alaskan native, or a native resident of the
28 outlying areas, and come from an environment where a language

1 other than English has had a significant impact on such
2 individuals' level of English language proficiency, or are
3 migratory, whose native language is a language other than
4 English, and who come from an environment where a language other
5 than English is dominant; and have difficulties in speaking,
6 reading, writing, or understanding the English language
7 sufficient to deny such individuals the ability to meet the
8 state's proficient level of achievement on state assessments
9 described in Public Law 107-10, the ability to achieve
10 successfully in classrooms where the language of instruction is
11 English, or the opportunity to participate fully in society;

12 (9) "Limited English proficiency threshold" shall be
13 calculated by dividing the total limited English proficiency
14 pupil count of every performance district that falls entirely
15 above the bottom five percent and entirely below the top five
16 percent of average daily attendance, when such districts are
17 rank-ordered based on their current operating expenditures per
18 average daily attendance, by the total average daily attendance
19 of all included performance districts;

20 (10) "Local effort":

21 (a) For the fiscal year 2007 calculation, "local effort"
22 shall be computed as the equalized assessed valuation of the
23 property of a school district in calendar year 2004 divided by
24 one hundred and multiplied by the performance levy less the
25 percentage retained by the county assessor and collector plus one
26 hundred percent of the amount received in fiscal year 2005 for
27 school purposes from intangible taxes, fines, escheats, payments
28 in lieu of taxes and receipts from state-assessed railroad and

1 utility tax, one hundred percent of the amount received for
2 school purposes pursuant to the merchants' and manufacturers'
3 taxes under sections 150.010 to 150.370, RSMo, one hundred
4 percent of the amounts received for school purposes from federal
5 properties under sections 12.070 and 12.080, RSMo, except when
6 such amounts are used in the calculation of federal impact aid
7 pursuant to P.L. 81-874, fifty percent of Proposition C revenues
8 received for school purposes from the school district trust fund
9 under section 163.087, and one hundred percent of any local
10 earnings or income taxes received by the district for school
11 purposes. Under this paragraph, for a special district
12 established under sections 162.815 to 162.940, RSMo, in a county
13 with a charter form of government and with more than one million
14 inhabitants, a tax levy of zero shall be utilized in lieu of the
15 performance levy for the special school district;

16 (b) In every year subsequent to fiscal year 2007, "local
17 effort" shall be the amount calculated under paragraph (a) of
18 this subdivision plus any increase in the amount received for
19 school purposes from fines [or less any decrease in the amount
20 received for school purposes from fines in any school district
21 located entirely within any county with a charter form of
22 government and with more than two hundred fifty thousand but
23 fewer than three hundred fifty thousand inhabitants that creates
24 a county municipal court after January 1, 2006]. If a district's
25 assessed valuation has decreased subsequent to the calculation
26 outlined in paragraph (a) of this subdivision, the district's
27 local effort shall be calculated using the district's current
28 assessed valuation in lieu of the assessed valuation utilized in

1 calculation outlined in paragraph (a) of this subdivision;

2 (11) "Membership" shall be the average of:

3 (a) The number of resident full-time students and the
4 full-time equivalent number of part-time students who were
5 enrolled in the public schools of the district on the last
6 Wednesday in September of the previous year and who were in
7 attendance one day or more during the preceding ten school days;
8 and

9 (b) The number of resident full-time students and the
10 full-time equivalent number of part-time students who were
11 enrolled in the public schools of the district on the last
12 Wednesday in January of the previous year and who were in
13 attendance one day or more during the preceding ten school days,
14 plus the full-time equivalent number of summer school pupils.
15 "Full-time equivalent number of part-time students" is determined
16 by dividing the total number of hours for which all part-time
17 students are enrolled by the number of hours in the school term.
18 "Full-time equivalent number of summer school pupils" is
19 determined by dividing the total number of hours for which all
20 summer school pupils were enrolled by the number of hours
21 required pursuant to section 160.011, RSMo, in the school term.
22 Only students eligible to be counted for average daily attendance
23 shall be counted for membership;

24 (12) "Operating levy for school purposes", the sum of tax
25 rates levied for teachers' and incidental funds plus the
26 operating levy or sales tax equivalent pursuant to section
27 162.1100, RSMo, of any transitional school district containing
28 the school district, in the payment year, not including any

1 equalized operating levy for school purposes levied by a special
2 school district in which the district is located;

3 (13) "Performance district", any district that has met all
4 performance standards and indicators as established by the
5 department of elementary and secondary education for purposes of
6 accreditation under section 161.092, RSMo, and as reported on the
7 final annual performance report for that district each year;

8 (14) "Performance levy", three dollars and forty-three
9 cents;

10 (15) "School purposes" pertains to teachers' and incidental
11 funds;

12 (16) "Special education pupil count", the number of public
13 school students with a current individualized education program
14 and receiving services from the resident district as of December
15 first of the preceding school year, except for special education
16 services provided through a school district established under
17 sections 162.815 to 162.940, RSMo, in a county with a charter
18 form of government and with more than one million inhabitants, in
19 which case the sum of the students in each district within the
20 county exceeding the special education threshold of each
21 respective district within the county shall be counted within the
22 special district and not in the district of residence for
23 purposes of distributing the state aid derived from the special
24 education pupil count;

25 (17) "Special education threshold" shall be calculated by
26 dividing the total special education pupil count of every
27 performance district that falls entirely above the bottom five
28 percent and entirely below the top five percent of average daily

1 attendance, when such districts are rank-ordered based on their
2 current operating expenditures per average daily attendance, by
3 the total average daily attendance of all included performance
4 districts;

5 (18) "State adequacy target", the sum of the current
6 operating expenditures of every performance district that falls
7 entirely above the bottom five percent and entirely below the top
8 five percent of average daily attendance, when such districts are
9 rank-ordered based on their current operating expenditures per
10 average daily attendance, divided by the total average daily
11 attendance of all included performance districts. The department
12 of elementary and secondary education shall first calculate the
13 state adequacy target for fiscal year 2007 and recalculate the
14 state adequacy target every two years using the most current
15 available data. The recalculation shall never result in a
16 decrease from the previous state adequacy target amount. Should
17 a recalculation result in an increase in the state adequacy
18 target amount, fifty percent of that increase shall be included
19 in the state adequacy target amount in the year of recalculation,
20 and fifty percent of that increase shall be included in the state
21 adequacy target amount in the subsequent year. The state
22 adequacy target may be adjusted to accommodate available
23 appropriations;

24 (19) "Teacher", any teacher, teacher-secretary, substitute
25 teacher, supervisor, principal, supervising principal,
26 superintendent or assistant superintendent, school nurse, social
27 worker, counselor or librarian who shall, regularly, teach or be
28 employed for no higher than grade twelve more than one-half time

1 in the public schools and who is certified under the laws
2 governing the certification of teachers in Missouri;

3 (20) "Weighted average daily attendance", the average daily
4 attendance plus the product of twenty-five hundredths multiplied
5 by the free and reduced lunch pupil count that exceeds the free
6 and reduced lunch threshold, plus the product of seventy-five
7 hundredths multiplied by the number of special education pupil
8 count that exceeds the special education threshold, and plus the
9 product of six-tenths multiplied by the number of limited English
10 proficiency pupil count that exceeds the limited English
11 proficiency threshold. For special districts established under
12 sections 162.815 to 162.940, RSMo, in a county with a charter
13 form of government and with more than one million inhabitants,
14 weighted average daily attendance shall be the average daily
15 attendance plus the product of twenty-five hundredths multiplied
16 by the free and reduced lunch pupil count that exceeds the free
17 and reduced lunch threshold, plus the product of seventy-five
18 hundredths multiplied by the sum of the special education pupil
19 count that exceeds the threshold for each county district, plus
20 the product of six-tenths multiplied by the limited English
21 proficiency pupil count that exceeds the limited English
22 proficiency threshold. None of the districts comprising a
23 special district established under sections 162.815 to 162.940,
24 RSMo, in a county with a charter form of government and with more
25 than one million inhabitants, shall use any special education
26 pupil count in calculating their weighted average daily
27 attendance.

28 163.016. Notwithstanding the provisions of section 163.011,

1 for any school district located in more than one county and whose
2 headquarters are located within a city of the fourth
3 classification with more than two thousand five hundred but fewer
4 than two thousand six hundred inhabitants and located in more
5 than one county, the county signified in the school district
6 number shall be the county in the district with the highest
7 dollar value modifier.

8 163.038. Notwithstanding any provision of law to the
9 contrary, any school district that is located at least partially
10 in any county that creates a county municipal court or is
11 otherwise eligible to prosecute county ordinance violations under
12 section 66.010, RSMo, et seq., after January 1, 2006, shall be
13 entitled to a payment amount from the department of elementary
14 and secondary education in addition to all other payments
15 required under this chapter equal to the decrease, if any, in the
16 amount of revenue a district receives from fines in the current
17 year from the revenue the district received from fines in fiscal
18 year 2005.

19 182.015. 1. In addition to the provisions of section
20 182.010, the county commission of any county of the state may
21 establish by its order a county library district without a
22 petition or submission to the voters as provided in section
23 182.010, provided such district conforms otherwise to the
24 provisions of that section and does not include any part of a
25 regional library system established pursuant to other provisions
26 of this chapter. In the event a district is so established, the
27 county commission shall propose an annual rate of taxation within
28 the limitations prescribed by section 182.010, which proposal

1 shall be submitted to a vote of the people in the same manner as
2 though the district were formed under the provisions of that
3 section.

4 2. Where the county library district of any county is not
5 operating a library within such county, the county commission may
6 divide the county library district into subdistricts. In the
7 event the subdistricts are established, the county commission
8 shall propose an annual rate of taxation, which proposal shall be
9 submitted to a vote of the people residing in the subdistrict in
10 the same manner as provided for in section 182.010. If a
11 majority of the votes cast on the question are for the tax as
12 submitted, the tax shall be levied and collected on property
13 within the subdistrict in the same manner as other county library
14 taxes are levied and collected pursuant to section 182.020. Such
15 funds shall be used to ~~[operate a branch library]~~ provide library
16 services in the subdistrict of the county library district.

17 3. Where a tax has not been approved by the voters within a
18 five-year period from the establishment of a library district,
19 such library district shall be dissolved.

20 4. (1) The boundaries of any subdistrict established under
21 this section in any county may be expanded as provided in this
22 subsection. Whenever not less than ten percent of registered
23 voters residing in an area in such county adjacent to an existing
24 subdistrict desire to be annexed into the subdistrict, such
25 registered voters shall file a petition with the governing body
26 of the county requesting, subject to the official approval of the
27 existing county library board, the expansion of the subdistrict.
28 The petition shall contain the following information:

1 (a) The name and residence of each petitioner; and
2 (b) A specific description of the proposed subdistrict
3 boundaries, including a map illustrating the boundaries.

4 (2) Upon the filing of a petition under this subsection,
5 subject to the official approval of the existing county library
6 board, the governing body of the county may, by resolution,
7 approve the expansion of the subdistrict. Any resolution to
8 expand such subdistrict adopted by the governing body of the
9 county shall contain the following information:

10 (a) A description of the proposed boundaries of the
11 subdistrict;

12 (b) The time and place of a hearing to be held to consider
13 expansion of the subdistrict; and

14 (c) The rate of tax to be imposed in the area of expansion
15 and voted on within the proposed subdistrict, if any.

16
17 Following the hearing required in this subsection, if the
18 existing library board approves the expansion, and if the
19 governing body of the county determines that expansion is in the
20 best interest of the current subdistrict, then the governing body
21 may, by order or ordinance, provide for the expansion of the
22 subdistrict and for any imposition of the existing subdistrict
23 tax rate within the area of expansion. The order or ordinance
24 shall not become effective unless the governing body of the
25 county submits to the voters residing within the proposed
26 subdistrict, at a state general, primary, or special election, a
27 proposal to authorize the governing body of the county to expand
28 the boundaries of the subdistrict and, if necessary, to impose

1 the existing subdistrict tax rate within the area of expansion.

2
3 If a majority of the votes cast on the question by the qualified
4 voters voting thereon and residing in the existing subdistrict
5 and a majority of the votes cast on the question by the qualified
6 voters voting thereon and residing in the area proposed to be
7 annexed into the subdistrict are in favor of the question, then
8 the expansion of the subdistrict and the imposition of the tax
9 within the area of expansion shall become effective on the first
10 day of the second calendar quarter immediately following the
11 vote. If a majority of the votes cast on the question by the
12 qualified voters voting thereon in either the existing
13 subdistrict or in the area proposed to be annexed into the
14 subdistrict are opposed to the question, then the expansion of
15 the subdistrict and the imposition of the tax shall not become
16 effective unless and until the question is resubmitted under this
17 subsection to the qualified voters and such question is approved
18 by the required majorities of the qualified voters voting on the
19 question under this subsection.

20 (3) The governing body of any county that has expanded
21 subdistrict boundaries or imposed a tax increase authorized in
22 this subsection may submit the question of repeal of the
23 expansion of boundaries and the accompanying imposition of the
24 tax in the area of expansion to the voters of the subdistrict on
25 any date available for elections for the county.

26
27 If a majority of the votes cast on the question by the qualified
28 voters voting thereon are in favor of repeal, that repeal shall

1 become effective on December thirty-first of the calendar year in
2 which such repeal was approved. If a majority of the votes cast
3 on the question by the qualified voters voting thereon are
4 opposed to the repeal, then the expansion of boundaries and the
5 imposition of the tax as authorized in this subsection shall
6 remain effective until the question is resubmitted under this
7 subsection to the qualified voters and the repeal is approved by
8 a majority of the qualified voters voting on the question.

9 (4) Whenever the governing body of any county that has
10 expanded subdistrict boundaries or imposed a tax as authorized in
11 this subsection receives a petition, signed by ten percent of the
12 registered voters of the library subdistrict, calling for an
13 election to repeal the expansion of boundaries and the
14 accompanying imposition of the tax in the area of expansion under
15 this subsection, the governing body shall submit to the voters of
16 the subdistrict a proposal to repeal the expansion and the
17 accompanying imposition of the tax. If a majority of the votes
18 cast on the question by the qualified voters voting thereon are
19 in favor of the repeal, the repeal shall become effective on
20 December thirty-first of the calendar year in which such repeal
21 was approved. If a majority of the votes cast on the question by
22 the qualified voters voting thereon are opposed to the repeal,
23 then the expansion of boundaries and the imposition of the tax as
24 authorized in this subsection shall remain effective until the
25 question is resubmitted under this subsection to the qualified
26 voters and the repeal is approved by a majority of the qualified
27 voters voting on the question.

28 190.052. Any member of the board of directors who moves

1 [his residence] residency from the district from which [he] the
2 member was elected, shall be disqualified as a member of the
3 board. If one or two vacancies occur in the membership of the
4 board as a result of death, resignation, or disqualification, the
5 remaining members shall appoint one or two qualified persons, as
6 provided in section 190.050, to fill the vacancies until the
7 [next annual election of the members of the board] end of the
8 unexpired term. Such appointment shall be made with the consent
9 of a majority of the remaining members of the board. If the
10 board is unable to agree in filling a vacancy within sixty days
11 or if there are more than two vacancies at any one time, the
12 county commission, upon notice from the board of failure to agree
13 in filling the vacancies, shall within ten days fill them by
14 appointment of qualified persons, as provided in section 190.050,
15 and shall notify the persons in writing of their appointment.
16 The persons appointed shall serve for the unexpired term.

17 190.053. 1. All members of the board of directors of an
18 ambulance district first elected on or after January 1, 2008,
19 shall attend and complete an educational seminar or conference or
20 other suitable training on the role and duties of a board member
21 of an ambulance district. The training required under this
22 section shall be offered by a statewide association organized for
23 the benefit of ambulance districts or be approved by the state
24 advisory council on emergency medical services. Such training
25 shall include, at a minimum:

26 (1) Information relating to the roles and duties of an
27 ambulance district director;

28 (2) A review of all state statutes and regulations relevant

1 to ambulance districts;

2 (3) State ethics laws;

3 (4) State sunshine laws, chapter 610, RSMo;

4 (5) Financial and fiduciary responsibility;

5 (6) State laws relating to the setting of tax rates; and

6 (7) State laws relating to revenue limitations.

7 2. If any ambulance district board member fails to attend a
8 training session within twelve months after taking office, the
9 board member shall not be compensated for attendance at meetings
10 thereafter until the board member has completed such training
11 session.

12 190.305. 1. In addition to its other powers for the
13 protection of the public health, a governing body may provide for
14 the operation of an emergency telephone service and may pay for
15 it by levying an emergency telephone tax for such service in
16 those portions of the governing body's jurisdiction for which
17 emergency telephone service has been contracted. The governing
18 body may do such other acts as are expedient for the protection
19 and preservation of the public health and are necessary for the
20 operation of the emergency telephone system. The governing body
21 is hereby authorized to levy the tax in an amount not to exceed
22 fifteen percent of the tariff local service rate, as defined in
23 section 190.300, or seventy-five cents per access line per month,
24 whichever is greater, except as provided in sections 190.325 to
25 190.329, in those portions of the governing body's jurisdiction
26 for which emergency telephone service has been contracted. In
27 any county of the third classification with a population of at
28 least thirty-two thousand but not greater than forty thousand

1 that borders a county of the first classification, a governing
2 body of a third or fourth class city may, with the consent of the
3 county commission, contract for service with a public agency to
4 provide services within the public agency's jurisdiction when
5 such city is located wholly within the jurisdiction of the public
6 agency. Consent shall be demonstrated by the county commission
7 authorizing an election within the public agency's jurisdiction
8 pursuant to section 190.320. Any contract between governing
9 bodies and public agencies in existence on August 28, 1996, that
10 meets such criteria prior to August 28, 1996, shall be recognized
11 if the county commission authorized the election for emergency
12 telephone service and a vote was held as provided in section
13 190.320. The governing body shall provide for a board pursuant
14 to sections 190.327 and 190.328. The board of any county of the
15 first classification with more than one hundred four thousand six
16 hundred but fewer than one hundred four thousand seven hundred
17 inhabitants shall provide services to a city located in more than
18 one county only after making an agreement or contracting with the
19 city for such services, provided that any agreement or contract
20 in effect, as of January 1, 2006, shall continue until such time
21 as a successor agreement or contract is entered into by the board
22 and city and such agreement or contract is to provide services
23 for a period of three or more years.

24 2. The tax shall be utilized to pay for the operation of
25 emergency telephone service and the operational costs associated
26 with the answering and dispatching of emergency calls as deemed
27 appropriate by the governing body, and may be levied at any time
28 subsequent to execution of a contract with the provider of such

1 service at the discretion of the governing body, but collection
2 of such tax shall not begin prior to twenty-seven months before
3 operation of the emergency telephone service and dispatch center.

4 3. Such tax shall be levied only upon the tariff rate. No
5 tax shall be imposed upon more than one hundred exchange access
6 facilities or their equivalent per person per location.

7 4. Every billed service user is liable for the tax until it
8 has been paid to the service supplier.

9 5. The duty to collect the tax from a service user shall
10 commence at such time as specified by the governing body in
11 accordance with the provisions of sections 190.300 to 190.320.
12 The tax required to be collected by the service supplier shall be
13 added to and may be stated separately in the billings to the
14 service user.

15 6. Nothing in this section imposes any obligation upon a
16 service supplier to take any legal action to enforce the
17 collection of the tax imposed by this section. The service
18 supplier shall provide the governing body with a list of amounts
19 uncollected along with the names and addresses of the service
20 users refusing to pay the tax imposed by this section, if any.

21 7. The tax imposed by this section shall be collected
22 insofar as practicable at the same time as, and along with, the
23 charges for the tariff rate in accordance with the regular
24 billing practice of the service supplier. The tariff rates
25 determined by or stated on the billing of the service supplier
26 are presumed to be correct if such charges were made in
27 accordance with the service supplier's business practices. The
28 presumption may be rebutted by evidence which establishes that an

1 incorrect tariff rate was charged.

2 204.600. Any common sewer district organized and existing
3 under sections 204.250 to 204.270, and any sewer district
4 organized and existing under chapter 249, RSMo, may be converted
5 to a reorganized common sewer district under the provisions of
6 sections 204.600 to 204.640. In addition, a reorganized common
7 sewer district may be established as provided in sections 204.600
8 to 204.640. Once established, a reorganized common sewer
9 district shall have all powers and authority of and applicable to
10 a common sewer district organized and existing under sections
11 204.250 to 204.270 and applicable to a sewer district established
12 under chapter 249, RSMo, which are not inconsistent or in
13 conflict with sections 204.600 to 204.640, provided that no
14 domestic water services shall be provided within the boundaries
15 of an existing public water supply district or within the
16 certificated area of a water corporation as defined in section
17 386.020, RSMo.

18 204.602. 1. Proceedings for the new formation of a
19 reorganized common sewer district under sections 204.600 to
20 204.640 shall be substantially as follows: a petition in
21 duplicate describing the proposed boundaries of the reorganized
22 district sought to be formed, accompanied by a plat of the
23 proposed district, shall first be filed with each county
24 commission having jurisdiction in the geographic area the
25 proposed district is situated. Such petition shall be ruled on
26 by each county commission having jurisdiction within thirty days
27 from the date of hearing the petition. If the petition for the
28 reorganized district is rejected by any county commission having

1 jurisdiction, no further action on the proposed district shall
2 take place before the county commission which rejected the
3 petition or the circuit court of that county in the county which
4 rejected the petition. If approved by each county commission
5 having jurisdiction, a petition in duplicate describing the
6 proposed boundaries of the reorganized district sought to be
7 formed, accompanied by a plat of the proposed district, shall be
8 filed with the clerk of the circuit court of the county wherein
9 the proposed district is situated or with the clerk of the
10 circuit court of the county having the largest acreage proposed
11 to be included in the proposed district, in the event that the
12 proposed district embraces lands in more than one county. Such
13 petition, in addition to such boundary description, shall set
14 forth an estimate of the number of customers of the proposed
15 district, the necessity for the formation of the district, the
16 probable cost of acquiring or constructing sanitary sewer
17 improvements with the district, if appropriate, an approximation
18 of the assessed valuation of taxable property within the
19 district, whether the board of trustees shall be elected or
20 appointed by the county commission, and such other information as
21 may be useful to the court in determining whether or not the
22 petition should be granted and a decree of incorporation entered.
23 Such petition shall be accompanied by a cash deposit of fifty
24 dollars as an advancement of the costs of the proceeding. The
25 petition shall be signed by not less than fifty voters or
26 property owners within the proposed district and shall request
27 the incorporation of the territory therein described into a
28 reorganized common sewer district. The petition shall be

1 verified by at least one of the signers.

2 2. Upon filing, the petition shall be presented to the
3 circuit court, and such court shall fix a date for a hearing on
4 such petition, as provided in this section. The clerk of the
5 court shall give notice of the petition filing in some newspaper
6 of general circulation in the county in which the proceedings are
7 pending. If the district extends into any other county, such
8 notice also shall be published in some newspaper of general
9 circulation in such other county. The notice shall contain a
10 description of the proposed boundary lines of the district and
11 the general purposes of the petition. The notice shall set forth
12 the date fixed for the hearing on the petition, which shall not
13 be less than fifteen nor more than twenty-one days after the date
14 of the last publication of the notice, and shall be on some
15 regular judicial day of the court that the petition is pending.
16 Such notice shall be signed by the clerk of the circuit court and
17 shall be published in three successive issues of a weekly
18 newspaper or in a daily paper once a week for three consecutive
19 weeks.

20 3. The court, for good cause shown, may continue the case
21 or the hearing from time to time until final disposition.

22 4. Exceptions to the formation of a district, or to the
23 boundaries outlined in the petition for incorporation, may be
24 made by any voter or property owner within the proposed
25 districts, provided that such exceptions are filed not less than
26 five days prior to the date set for the hearing on the petition.
27 Such exceptions shall specify the grounds upon which the
28 exceptions are being made. If any such exceptions are filed, the

1 court shall take them into consideration in passing upon the
2 petition and also shall consider the evidence in support of the
3 petition and in support of the exceptions made. Should the court
4 find that the petition should be granted but that changes should
5 be made in the boundary lines, it shall make such changes in the
6 boundary lines as set forth in the petition as the court may deem
7 proper and enter its decree of incorporation, with such
8 boundaries as changed. No public sewer district shall be formed
9 under this chapter, chapter 249, RSMo, section 247.035, RSMo, or
10 any sewer district created and organized under constitutional
11 authority, the boundaries of which shall encroach upon the
12 corporate boundaries of any sewer district then existing or upon
13 the certificated boundaries then existing of any sewer
14 corporation providing service under a certificate of convenience
15 and necessity granted by the public service commission. Nor
16 shall any public sewer district extend wastewater collection and
17 treatment services within the boundaries of another district
18 without a written cooperative agreement between such districts or
19 within the certificated boundaries then existing of any sewer
20 corporation providing service under a certificate of convenience
21 and necessity granted by the public service commission without a
22 written cooperative agreement between the public sewer district
23 and the certificated sewer corporation.

24 5. Should the court find that it would not be in the public
25 interest to form such a district, the petition shall be dismissed
26 at the cost of the petitioners. If the court should find in
27 favor of the formation of such district, the court shall enter
28 its decree of incorporation, setting forth the boundaries of the

1 proposed district as determined by the court under the hearing.
2 The decree shall further contain an appointment of five voters
3 from the district to constitute the first board of trustees of
4 the district. The court shall designate such trustees to
5 staggered terms from one to five years such that one director is
6 appointed or elected each year. The trustees appointed by the
7 court shall serve for the terms designated and until their
8 successors have been appointed or elected as provided in section
9 204.610. The decree shall further designate the name of the
10 district by which it shall officially be known.

11 6. The decree of incorporation shall not become final and
12 conclusive until it is submitted to the voters residing within
13 the boundaries described in such decree and until it is assented
14 to by a majority of the voters as provided in subsection 9 of
15 this section or by two-thirds of the voters of the district
16 voting on the proposition. The decree shall provide for the
17 submission of the question and shall fix the date of submission.
18 The returns shall be certified by the election authority to the
19 circuit court having jurisdiction in the case, and the court
20 shall enter its order canvassing the returns and declaring the
21 result of such election.

22 7. If a majority of the voters of the district voting on
23 such proposition approve of the proposition, then the court
24 shall, in such order declaring the result of the election, enter
25 a further order declaring the decree of incorporation to be final
26 and conclusive. In the event, however, that the court should
27 find that the question had not been assented to by the majority
28 required in this section, the court shall enter a further order

1 declaring such decree of incorporation to be void. No appeal
2 shall be permitted from any such decree of incorporation nor from
3 any of the aforesaid orders. In the event that the court
4 declares the decree of incorporation to be final, the clerk of
5 the circuit court shall file certified copies of such decree of
6 incorporation and of such final order with the secretary of state
7 of the state of Missouri, with the recorder of deeds of the
8 county or counties in which the district is situated, and with
9 the clerk of the county commission of the county or counties in
10 which the district is situated.

11 8. The costs incurred in the formation of the district
12 shall be taxed to the district, if the district is incorporated;
13 otherwise the costs shall be paid by the petitioners.

14 9. If petitioners seeking formation of a reorganized common
15 sewer district specify in their petition that the district to be
16 organized shall be organized without authority to issue general
17 obligation bonds, then the decree relating to the formation of
18 the district shall recite that the district shall not have
19 authority to issue general obligation bonds. The vote required
20 for such a decree of incorporation to become final and conclusive
21 shall be a simple majority of the voters of the district.

22 10. Once a reorganized sewer district is established, the
23 boundaries of the reorganized sewer district may be extended or
24 enlarged from time to time upon the filing, with the clerk of the
25 circuit court having jurisdiction, of a petition by either:

26 (1) The board of trustees of the reorganized sewer district
27 and five or more voters or landowners within the territory
28 proposed to be added to the district; or

1 (2) The board of trustees and a majority of the landowners
2 within the territory that is proposed to be added to the
3 reorganized sewer district.

4 If the petition is filed by a majority of the voters or
5 landowners within the territory proposed to be added to the
6 reorganized sewer district, the publication of notice shall not
7 be required, provided notice is posted in three public places
8 within such territory at least seven days before the date of the
9 hearing, and provided that there is sworn testimony by at least

10 five landowners in such territory, or a majority of the
11 landowners if the total landowners in the area are fewer than
12 ten. Otherwise the procedures for notice substantially shall

13 follow the procedures in subsection 2 of this section for
14 formation. Territory proposed to be added to the reorganized
15 sewer district may be either contiguous or reasonably close to

16 the boundaries of the existing district, provided that it shall
17 not include any territory within the corporate boundaries of any
18 sewer district then existing or within the certificated

19 boundaries then existing of any sewer corporation providing
20 service under a certificate of convenience and necessity granted
21 by the public service commission. Upon the entry of a final

22 judgment declaring the court's decree of territory proposed to be
23 added to the reorganized sewer district to be final and
24 conclusive, the court shall modify or rearrange the boundary

25 lines of the reorganized sewer district as may be necessary or
26 advisable. The costs incurred in the enlargement or extension of
27 the district shall be taxed to the district, if the district is

28 enlarged or extended. Otherwise, such costs shall be paid by the

1 petitioners. However, no costs shall be taxed to the trustees of
2 the district.

3 11. Should any landowner who owns real estate that is not
4 within the certificated boundaries of any sewer corporation
5 providing service under a certificate of convenience and
6 necessity granted by the public service commission or within
7 another sewer district organized under this chapter or chapters
8 249 or 247, RSMo, or under the Missouri Constitution, but that is
9 contiguous or reasonably close to the existing boundaries of the
10 reorganized sewer district, desire to have such real estate
11 incorporated in the district, the landowner shall first petition
12 the board of trustees for its approval. If such approval is
13 granted, the secretary of the board shall endorse a certificate
14 of the board's approval of the petition. The petition so
15 endorsed shall be filed with the clerk of the circuit court in
16 which the reorganized sewer district is incorporated. It then
17 shall be the duty of the court to amend the boundaries of such
18 district by a decree incorporating the real estate. A certified
19 copy of this amended decree including the real estate in the
20 district then shall be filed in the office of the recorder, in
21 the office of the county clerk of the county in which the real
22 estate is located, and in the office of the secretary of state.
23 The costs of this proceeding shall be borne by the petitioning
24 property owner.

25 12. The board of trustees of any reorganized common sewer
26 district may petition the circuit court of the county containing
27 the majority of the acreage in the district for an amended decree
28 of incorporation to allow that district to engage in the

1 construction, maintenance, and operation of water supply and
2 distribution facilities that serve ten or more separate
3 properties located wholly within the district, are not served by
4 another political subdivision, or are not located within the
5 certificated area of a water corporation as defined in chapter
6 386, RSMo, or within a public water supply district as defined in
7 chapter 247, RSMo, and the operation and maintenance of all such
8 existing water supply facilities. The petition shall be filed by
9 the board of trustees, and all proceedings shall be in
10 substantially the same manner as in action for initial formation
11 of a reorganized common sewer district, except that no vote of
12 the residents of the district shall be required. All applicable
13 provisions of this chapter shall apply to the construction,
14 operation, and maintenance of water supply facilities in the same
15 manner as they apply to like functions relating to sewer
16 treatment facilities.

17 204.604. 1. Any existing common sewer district organized
18 and existing under sections 204.250 to 204.270, and any sewer
19 district organized and existing under chapter 249, RSMo, may
20 establish itself as a reorganized common sewer district under
21 sections 204.600 to 204.640 by first filing a petition with the
22 county commission of the county or counties in which it was
23 established to approve its reorganization under sections 204.600
24 to 204.640 if the governing body of the district has by
25 resolution determined that it is in the best interest of the
26 district to reorganize under sections 204.600 to 204.640. The
27 petition shall be ruled on by that county commission, or each
28 county commission if the district exists in more than one county,

1 within thirty days from the date of hearing the petition. If the
2 petition for the reorganized district is rejected by the county
3 commission or any county commissions in districts existing in
4 more than one county, no further action on the reorganized
5 district shall take place before the county commission or
6 commissions comprising the district or the circuit having
7 jurisdiction over the district court. If approved by the county
8 commission, or each county commission if the district exists in
9 more than one county, such petition shall specify whether the
10 board of trustees shall be appointed by the governing body of the
11 county or elected by the voters of the district. Such petition
12 shall be accompanied by a cash deposit of fifty dollars as an
13 advancement of the costs of the proceeding, and the petition
14 shall be signed by the trustees of the district and shall request
15 the conversion of the district into a reorganized common sewer
16 district.

17 2. Upon filing, the petition shall be presented to the
18 circuit court, and such court shall fix a date for a hearing on
19 the petition. The clerk of the court shall give notice of the
20 filing of the petition in some newspaper of general circulation
21 within the existing district or closest to the existing district
22 if there is no newspaper of general circulation within the
23 existing district. If the existing district extends into any
24 other county, such notice also shall be published in some
25 newspaper of general circulation in such other county. The
26 notice shall contain a description of the boundary lines of the
27 existing district and the general purposes of the petition. The
28 notice shall set forth the date fixed for the hearing on the

1 petition, which shall not be less than fifteen nor more than
2 twenty-one days after the date of the last publication of the
3 notice and shall be on some regular judicial day of the court
4 where the petition is pending. Such notice shall be signed by
5 the clerk of the circuit court and shall be published in a
6 newspaper of general circulation.

7 3. The court, for good cause shown, may continue the case
8 or the hearing from time to time until final disposition.

9 4. Exceptions to the conversion of an existing district to
10 a reorganized common sewer district may be made by any voter or
11 property owner within the proposed district, provided that such
12 exceptions are filed not less than five days prior to the date
13 set for the hearing on the petition. Such exceptions shall
14 specify the grounds upon which the exceptions are being made. If
15 any such exceptions are filed, the court shall take them into
16 consideration and shall consider the evidence in support of the
17 petition and in support of the exceptions made. Should the court
18 find that it would not be in the public interest to form such a
19 district, the petition shall be dismissed at the cost of the
20 petitioners. If the court finds that the conversion of the
21 district to a reorganized common sewer district under sections
22 204.600 to 204.640 is in the best interests of the persons served
23 by the existing district, then the court shall order the
24 district's decree of incorporation amended to permit
25 reorganization under sections 204.600 to 204.640. The existing
26 board of trustees for such district shall continue to serve the
27 reorganized common sewer district until such time as new trustees
28 shall be appointed or elected as provided for in the court's

1 decree. If their original terms of office are not so designated,
2 the court shall designate such trustees to staggered terms from
3 one to five years, so that one trustee is appointed or elected
4 each year. The trustees appointed by the court shall serve for
5 the terms designated and until their successors are appointed or
6 elected as provided in section 204.610. The decree shall further
7 designate the name of the district by which it officially shall
8 be known.

9 204.606. The bonded indebtedness or security interest of
10 any creditor of any common sewer district originally organized
11 and existing under sections 204.250 to 204.270 and any sewer
12 district originally organized and existing under chapter 249,
13 RSMo, that convert to a reorganized common sewer district shall
14 not be impaired or affected by such conversion, and all covenants
15 and obligations of such indebtedness shall remain in full force
16 and effect, payable under the terms and conditions that existed
17 without conversion.

18 204.608. 1. When a decree or amended decree of
19 incorporation is issued as provided for in sections 204.600 to
20 204.640, a reorganized common sewer district shall be considered
21 in law and equity a body corporate and politic and political
22 subdivision of this state, known by the name specified in the
23 court's decree, and by that name and style may sue and be sued,
24 contract and be contracted with, acquire and hold real estate and
25 personal property necessary for corporate purposes, and adopt a
26 common seal. A reorganized common sewer district also shall have
27 exclusive jurisdiction and authority to provide wastewater
28 collection and treatment services within the boundaries of the

1 district with respect to any wastewater service provider
2 authorized to provide sewer services under the laws of this
3 state, except for sewer corporations providing service under a
4 certificate of convenience and necessity granted by the public
5 service commission.

6 2. All courts in this state shall take judicial notice of
7 the existence of any district organized under sections 204.600 to
8 204.640.

9 204.610. 1. There shall be five trustees, appointed or
10 elected as provided for in the circuit court decree or amended
11 decree of incorporation for a reorganized common sewer district,
12 who shall reside within the boundaries of the district. Each
13 trustee shall be a voter of the district and shall have resided
14 in said district for twelve months immediately prior to the
15 trustee's election or appointment. A trustee shall be at least
16 twenty-five years of age and shall not be delinquent in the
17 payment of taxes at the time of the trustee's election or
18 appointment. Regardless of whether or not the trustees are
19 elected or appointed, in the event the district extends into any
20 county bordering the county in which the greater portion of the
21 district lies, the presiding commissioner or other chief
22 executive officer of the adjoining county shall be an additional
23 member of the board of trustees, or the governing body of such
24 bordering county may appoint a citizen from such county to serve
25 as an additional member of the board of trustees. Said
26 additional trustee shall meet the qualifications set forth in
27 this section for a trustee.

28 2. The trustees shall receive no compensation for their

1 services but may be compensated for reasonable expenses normally
2 incurred in the performance of their duties. The board of
3 trustees may employ and fix the compensation of such staff as may
4 be necessary to discharge the business and purposes of the
5 district, including clerks, attorneys, administrative assistants,
6 and any other necessary personnel. The board of trustees may
7 employ and fix the duties and compensation of an administrator
8 for the district. The administrator shall be the chief executive
9 officer of the district subject to the supervision and direction
10 of the board of trustees. The administrator of the district may,
11 with the approval of the board of trustees, retain consulting
12 engineers for the district under such terms and conditions as may
13 be necessary to discharge the business and purposes of the
14 district.

15 3. Except as provided in subsection 1 of this section, the
16 term of office of a trustee shall be five years. The remaining
17 trustees shall appoint a person qualified under this section to
18 fill any vacancy on the board. The initial trustees appointed by
19 the circuit court shall serve until the first Tuesday after the
20 first Monday in June or until the first Tuesday after the first
21 Monday in April, depending upon the resolution of the trustees.
22 In the event that the trustees are elected, said elections shall
23 be conducted by the appropriate election authority under chapter
24 115, RSMo. Otherwise, trustees shall be appointed by the county
25 commission in accordance with the qualifications set forth in
26 subsection 1 of this section.

27 4. Notwithstanding any other provision of law, if there is
28 only one candidate for the post of trustee, then no election

1 shall be held, and the candidate shall assume the
2 responsibilities of office at the same time and in the same
3 manner as if elected. If there is no candidate for the post of
4 trustee, then no election shall be held for that post and it
5 shall be considered vacant, to be filled under the provisions of
6 subsection 3 of this section.

7 204.612. The board of trustees of a reorganized common
8 sewer district shall have no power to levy or collect any taxes
9 for the payment of any general obligation bond indebtedness
10 incurred by the reorganized common sewer district unless the
11 voters of the reorganized common sewer district authorizes the
12 board to incur indebtedness at an election. All expenses and
13 indebtedness incurred by the reorganized common sewer district
14 may be paid from funds that may be received by the reorganized
15 common sewer district from the sale of bonds authorized by the
16 voters of the reorganized common sewer district.

17 204.614. 1. Such bonds shall be signed by the president of
18 the board of trustees and attested by the signature of the
19 secretary of the board of trustees with the seal of the district
20 affixed, if the district has a seal. The interest coupons may be
21 executed by affixing the facsimile signature of the secretary of
22 the district.

23 2. The moneys of the reorganized common sewer district
24 shall be deposited by the treasurer of the reorganized common
25 sewer district in such bank or banks as shall be designated by
26 order of the board of trustees. The secretary of the reorganized
27 common sewer district shall charge the treasurer, and the moneys
28 shall be drawn from the treasury upon checks or warrants issued

1 by the reorganized common sewer district for the purposes for
2 which the bonds were issued.

3 204.616. 1. The board of trustees of any reorganized
4 common sewer district shall have power to pass all necessary
5 rules and regulations for the proper management and conduct of
6 the business of the board of trustees and the district, and for
7 carrying into effect the objectives for which the reorganized
8 common sewer district is formed.

9 2. The board of trustees of a reorganized common sewer
10 district, subject to compliance with the exercise of lawful
11 authority granted to or rules adopted by the clean water
12 commission under section 644.026, RSMo, may exercise primary
13 authority to adopt, modify, and repeal, and to administer and
14 enforce rules and regulations with respect to:

15 (1) The establishment, construction, reconstruction,
16 improvement, repair, operation, and maintenance of its sewer
17 systems and treatment facilities;

18 (2) Industrial users discharging into its sewer systems or
19 treatment facilities;

20 (3) The establishment, operation, administration, and
21 enforcement of a publicly owned treatment works pretreatment
22 program consistent with state and federal pretreatment standards,
23 including inspection, monitoring, sampling, permitting, and
24 reporting programs and activities.

25 The board of trustees may, in addition to any pretreatment
26 standards imposed under this section, require of any user of its
27 treatment facilities such other pretreatment of industrial wastes
28 as it deems necessary to adequately treat such wastes.

1 3. The rules and regulations adopted by the board of
2 trustees under subsection 2 of this section shall be applicable
3 and enforceable by civil, administrative, or other actions within
4 any territory served by its sewer systems or treatment facilities
5 and against any municipality, subdistrict, district, or
6 industrial user who shall directly or indirectly discharge sewage
7 or permit discharge of sewage into the district's sewer system or
8 treatment facilities.

9 4. The authority granted to the board by this section is in
10 addition to and not in derogation of any other authority granted
11 under the constitution and laws of Missouri, any federal water
12 pollution control act, or the rules of any agency of federal or
13 state government.

14 5. The term "industrial user", as used in this section,
15 shall mean any nondomestic source of discharge or indirect
16 discharge into the district's wastewater system that is regulated
17 under section 307(b), (c), or (d) of the Clean Water Act, or any
18 source listed in division A, B, D, E, or I of the Standard
19 Industrial Classification Manual, or any solid waste disposal
20 operation such as, but not limited to, landfills, recycling
21 facilities, solid or hazardous waste handling or disposal
22 facilities, and facilities that store or treat aqueous wastes as
23 generated by facilities not located on site and that dispose of
24 these wastes by discharging them into the district's wastewater
25 system.

26 204.618. 1. It shall be the duty of the board of trustees
27 of a reorganized common sewer district to make the necessary
28 surveys and to lay out and define the general plan for the

1 construction and acquisition of land, rights-of-way, and
2 necessary sewers and treatment facilities, and of any extensions,
3 expansions, or improvements within the district.

4 2. The board of trustees of a reorganized common sewer
5 district may enter into agreements with each municipality,
6 subdistrict, private district, sewer corporation, or any
7 industrial user that discharges sewage into trunk sewers,
8 streams, or the treatment facilities of the reorganized common
9 sewer district concerning the locations and the manner in which
10 sewage may be discharged into the district system or streams
11 within the district and concerning the permissible content of
12 acid wastes, alkaline wastes, poisonous wastes, oils, grit, or
13 other wastes that might be hazardous or detrimental to the
14 system. If no agreement is obtained with regard to any such
15 matter, the trustees shall refer the dispute to the clean water
16 commission. The determination of the commission shall be binding
17 upon the district, municipality, subdistrict, sewer corporation,
18 or private district. Each municipality, subdistrict, sewer
19 corporation, or private district shall control the discharge of
20 wastes into its collection sewers to the extent necessary to
21 comply with the agreement or the determination of the clean water
22 commission. The board of trustees of a reorganized common sewer
23 district or the governing body of any municipality, subdistrict,
24 private district, sewer corporation, or industrial user
25 discharging sewage into the stream or the system may petition the
26 circuit court that decreed the incorporation of the district for
27 an order enforcing compliance with any provision of such an
28 agreement or determination. That circuit court shall have

1 jurisdiction in all cases or questions arising out of the
2 organization or operations of the district, or from the acts of
3 the board of trustees.

4 3. The board of trustees may contract with each
5 participating community for the payment of its proportionate
6 share of treatment costs.

7 4. The board of trustees may contract with public agencies,
8 individuals, private corporations, sewer corporation, and
9 political subdivisions inside and outside the reorganized common
10 sewer district to permit them to connect with and use the
11 district's facilities according to such terms, conditions, and
12 rates as the board determines are in the interest of the district
13 and regardless of whether such agencies, individuals,
14 corporations, sewer corporations, and subdivisions are in the
15 same natural drainage area or basins as the district. However,
16 if such an area is located within the boundaries of an existing
17 common sewer district or reorganized common sewer district
18 organized and existing under this chapter, a sewer district
19 organized and existing under chapter 249, RSMo, a public water
20 supply district organized under chapter 247, RSMo, or a sewer
21 corporation, the board of trustees must give written notice to
22 said district or sewer corporation before such a contract is
23 entered into, and the district or sewer corporation must consent
24 to said contract.

25 5. The board of trustees may refuse to receive any wastes
26 into the sewage system that do not meet relevant state or federal
27 water pollution, solid waste, or pretreatment standards.

28 6. The board of trustees shall have all of the powers

1 necessary and convenient to provide for the operation,
2 maintenance, administration, and regulation, including the
3 adoption of rules and regulations, of any individual home sewage
4 or business treatment systems within the jurisdiction of the
5 common sewer district.

6 7. The board of trustees shall have all of the powers
7 necessary and convenient to provide for the operation and
8 maintenance of its treatment facilities and the administration,
9 regulation, and enforcement of its pretreatment program,
10 including the adoption of rules and regulations to carry out its
11 powers with respect to all municipalities, subdistricts,
12 districts, sewer corporations, and industrial users that
13 discharge into the collection system of the district's sewer
14 system or treatment facilities. These powers include, but are
15 not limited to:

16 (1) The promulgation of any rule, regulation, or ordinance;

17 (2) The issuance, modification, or revocation of any order;

18 (3) The issuance, modification, or revocation of any
19 permit;

20 (4) Commencing an action through counsel for appropriate
21 legal or equitable relief in the circuit court that decreed the
22 district's incorporation against any industrial user in violation
23 of the district's rules, regulations, and ordinances or any
24 permit or order issued.

25 8. The board of trustees may adopt rules and regulations
26 creating procedural remedies for all persons affected by any
27 order or permit issued, modified, or revoked by the board
28 including but not limited to the grant of reasonable time periods

1 for such persons to respond and to show cause.

2 9. Whenever any reference is made in this section to any
3 action that may be taken by the board of trustees, such reference
4 includes such action by its executive officer under powers and
5 duties delegated to such executive officer by the board of
6 trustees.

7 204.620. 1. The board of trustees may acquire by purchase,
8 gift, or condemnation or may lease or rent any real or personal
9 property, and when condemnation is used, shall follow the
10 procedure that is provided by chapter 523, RSMo. All the powers
11 may be exercised both within or without the district as may be
12 necessary to exercise its powers or accomplish its purposes. The
13 board of trustees also shall have the same authority to enter
14 upon private lands to survey land or other property before
15 exercise of the above condemnation powers, as granted under
16 section 388.210, RSMo, to railroad corporations.

17 2. The board of trustees of the reorganized common sewer
18 district, if it is necessary to cross, follow, or traverse public
19 streets, roads, alleys, or grounds held or used as public parks
20 or places, shall have the right to do so upon the following
21 conditions: the board of trustees shall file with the county
22 commission or mayor of the municipality having immediate
23 jurisdiction over the street, road, alley, or public park or
24 place, a map showing the location and extent of the proposed
25 occupancy for sewerage purposes and a plan of the proposed
26 facilities, which plan shall be so made and arranged as not to
27 interfere with the ordinary and lawful use of the street, road,
28 alley, public park, or place, except during a reasonable time for

1 the construction of the necessary works.

2 3. The entire expense of the works and restoration of the
3 ground occupied to its former condition, as near as may be, shall
4 be borne by the reorganized common sewer district.

5 204.622. 1. The board of trustees for the reorganized
6 common sewer district shall let contracts for the construction of
7 sewers and sewage treatment plants that will cost more than
8 twenty-five thousand dollars, except in case of repairs or
9 emergencies requiring prompt attention. Notice of the contract
10 bid process shall be published in a newspaper of general
11 circulation in the district. The board shall select the lowest
12 responsible bidder in no less than twenty days following such
13 publication. The board shall have the power and authority to
14 reject any and all bids and readvertise the work.

15 2. The board of trustees also shall have the power to enter
16 into agreements with persons or firms to provide professional
17 services to the board, and the board shall adopt policies for
18 procuring the services of such professionals. The provisions of
19 sections 8.285 to 8.291, RSMo, shall be applicable to the
20 services of architects, engineers, and land surveyors unless the
21 board of trustees adopts a formal procedure for the procurement
22 of such services.

23 204.624. The cost of any reorganized common sewer district
24 to acquire, construct, improve, or extend a sewerage system may
25 be met:

26 (1) Through the expenditures by the common sewer district
27 of any funds available for that purpose, including temporary or
28 interim financing funds obtained through any federal or state

1 loan program or from a local lending institution;

2 (2) From any other funds that may be obtained under any law
3 of the state or of the United States or from any county or
4 municipality for that purpose;

5 (3) From the proceeds of revenue bonds of the common sewer
6 district, payable solely from the revenues to be derived from the
7 operation of such sewerage system or from any combination of all
8 the methods of providing funds;

9 (4) From the proceeds of general obligation bonds of the
10 reorganized common sewer district, payable solely from voter-
11 approved property taxes as provided for by law;

12 (5) From the proceeds of special obligation bonds of the
13 reorganized common sewer district, payable solely from special
14 fees or other revenues received by the district pledged for the
15 purposes of payment of such bonds; or

16 (6) From the proceeds of user fees, charges, or other
17 imposition for facilities and services provided by the district
18 to its customers and users or the availability of services
19 provided to persons, users, and customers within the district or
20 who otherwise benefit from services provided by the district.

21 204.626. 1. A reorganized common sewer district may issue
22 revenue bonds authorized by authority of a resolution adopted by
23 the board of trustees of the reorganized common sewer district
24 unless, in addition, the decree or amended decree of
25 incorporation shall require any such bonds to be approved by the
26 voters of the district after an election called for that purpose.
27 The resolution shall recite that an estimate of the cost of the
28 proposed acquisition, construction, improvement, extension, or

1 other project has been made and shall set out the estimated cost.
2 It shall set out the amount of the bonds proposed to be issued,
3 their purposes, their dates, denominations, rates of interest,
4 times of payment, both of principal and of interest, places of
5 payment, and all other details in connection with the bonds.

6 2. The bonds may be subject to such provision for
7 redemption prior to maturity, with or without premium, and at
8 such times and upon such conditions as may be provided by the
9 board of trustees of the common sewer district.

10 3. The bonds shall bear interest at a rate in accordance
11 with section 108.170, RSMo, and shall mature over a period not
12 exceeding thirty-five years from the date thereof.

13 4. The bonds may be payable to bearer, may be registered or
14 coupon bonds, and if payable to bearer may contain such
15 registration privileges as to either principal and interest, or
16 principal only, as may be provided in the resolution authorizing
17 the bonds.

18 5. The bonds and the coupons to be attached thereto, if
19 any, shall be signed in such manner and by such officers as may
20 be directed by resolution. Bonds signed by an officer who shall
21 hold the office at the time the bonds are signed shall be deemed
22 validly and effectually signed for all purposes, regardless of
23 whether or not any officer shall cease to hold his office prior
24 to the delivery of the bonds and regardless of whether or not any
25 officer shall have held or shall not have held such office on the
26 date ascribed to the bonds.

27 6. The bonds shall be sold in such manner and upon such
28 terms as the board of trustees of the reorganized common sewer

1 district shall determine, subject to the provisions of section
2 108.170, RSMo. The resolution may provide that certain bonds
3 authorized shall be junior or subordinate in any or all respects
4 to other revenue bonds authorized concurrently with, prior to, or
5 after such bonds.

6 204.628. Any user fees or charges, connection fees, or
7 other charges levied by the reorganized common sewer district to
8 fund its general or special operations, maintenance, or payment
9 of bonded indebtedness or other indebtedness shall be due at such
10 time or times as specified by the reorganized common sewer
11 district, and shall, if not paid by the due date, become
12 delinquent and shall bear interest from the date of delinquency
13 until paid. In addition to and consistent with any other
14 provision of applicable law, if such fees or charges or other
15 amounts due become delinquent, there shall be a lien upon the
16 land, and a notice of delinquency shall be filed with the
17 recorder of deeds in the county where the land is situated. The
18 reorganized common sewer district shall file with the recorder of
19 deeds a similar notice of satisfaction of debt when the
20 delinquent amounts, plus interest and any recording fees or
21 attorneys' fees, have been paid in full. The lien created may be
22 enforced by foreclosure by power of sale vested in the
23 reorganized common sewer district if the reorganized common sewer
24 district adopts written rules for the exercise of power of sale
25 consistent with the provisions of sections 443.290 to 443.325,
26 RSMo, which are recorded in the land records of the office of the
27 recorder of deeds in each county in which the district is
28 located. Otherwise, such lien shall be enforced by suit in the

1 circuit court having jurisdiction against the property subject to
2 the lien for judicial foreclosure and sale by special execution.
3 Such suit may include a request for judgment against the persons
4 responsible for payment of such delinquency as well as the person
5 or persons owning the property to which services were provided,
6 if different, including post-sale deficiency, and as a part of
7 the relief, may include award of the district's reasonable
8 attorney's fees, court costs, and other expenses reasonably
9 incurred by the district for collection.

10 204.630. It shall be the mandatory duty of any reorganized
11 common sewer district issuing any general or special revenue
12 bonds under sections 204.600 to 204.640 to:

13 (1) Fix and maintain rates and make and collect charges for
14 the use and services of the system, for the benefit of which
15 revenue bonds were issued, sufficient to pay the cost of
16 maintenance and operation;

17 (2) Pay the principal of and the interest on all revenue
18 bonds issued by the reorganized common sewer district chargeable
19 to the revenues of the system; and

20 (3) Provide funds ample to meet all valid and reasonable
21 requirements of the resolution by which the revenue bonds have
22 been issued.

23 From time to time, the rates shall be revised to meet fully the
24 requirements of sections 204.600 to 204.640. As long as any bond
25 issued or the interest thereon shall remain outstanding and
26 unpaid, rates and charges sufficient to meet the requirements of
27 this section shall be maintained and collected by the reorganized
28 common sewer district that issued the bonds.

1 204.632. 1. Whenever any reorganized common sewer district
2 authorizes and issues revenue bonds under sections 204.600 to
3 204.640, an amount sufficient for the purpose of the net revenues
4 of the sewerage system for the benefit of which the bonds are
5 issued shall, by operation of sections 204.600 to 204.640, be
6 pledged to the payment of the principal of and the interest on
7 the bonds as the same shall mature and accrue.

8 2. The term "net revenues" means all income and revenues
9 derived from the ownership and operation of the system less the
10 actual and necessary expenses of operation and maintenance of the
11 system.

12 3. It shall be the mandatory duty of the treasurer of the
13 reorganized common sewer district to provide for the prompt
14 payment of the principal and interest on any revenue bonds as
15 they mature and accrue.

16 204.634. 1. The resolution of the board of trustees of the
17 reorganized common sewer district authorizing the issuance of
18 revenue bonds under the authority of sections 204.600 to 204.640
19 may provide that periodic allocations of the revenues to be
20 derived from the operation of the system for the benefit of which
21 the bonds are issued shall be made into such accounts, separate
22 and apart from any other accounts of the district, as shall be
23 deemed to be advisable to assure the proper operation and
24 maintenance of the system and the prompt payment of the
25 indebtedness chargeable to the revenues of the system. The
26 accounts may include, but shall not be limited to:

27 (1) An account to provide funds to operate and maintain the
28 system;

1 (2) An account to provide funds to pay principal and
2 interest on the bonds as they come due;

3 (3) An account to provide an adequate reserve for
4 depreciation, to be expended for replacements of the system;

5 (4) An account for the accumulation of a reserve to assure
6 the prompt payment of the bonds and the interest whenever and to
7 the extent that other funds are not available for that purpose;

8 (5) An account to provide funds for contingent expenses in
9 the operation of the system;

10 (6) An account to provide for the accumulation of funds for
11 the construction of extensions and improvements to the system;
12 and

13 (7) Such other accounts as may be desirable in the judgment
14 of the board of trustees.

15 2. The resolution also may establish such limitations as
16 may be expedient upon the issuance of additional bonds, payable
17 from the revenues of the system, or upon the rights of the
18 holders of such additional bonds. Such resolution may include
19 other agreements with the holders of the bonds or covenants or
20 restrictions necessary or desirable to safeguard the interests of
21 the bondholder and to secure the payment of the bonds and the
22 interest thereon.

23 204.636. For the purpose of refunding, extending, and
24 unifying the whole or any part of any valid outstanding bonded
25 indebtedness payable from the revenues of a sewerage system, any
26 reorganized common sewer district may issue refunding bonds not
27 exceeding in amount the principal of the outstanding indebtedness
28 to be refunded and the accrued interest to the date of the

1 refunding bonds. The board of trustees of the reorganized common
2 sewer district shall provide for the payment of interest which
3 shall not exceed the same rate and the principal of the refunding
4 bonds in the same manner and from the same source as was provided
5 for the payment of interest on and principal of the bonds to be
6 refunded.

7 204.638. The board of trustees of the reorganized common
8 sewer district may apply for and accept grants or funds and
9 material or labor from the state and federal government in the
10 construction of a sewerage system, as provided by sections
11 204.600 to 204.640, and may enter into such agreements as may be
12 required of the state or federal laws, or the rules and
13 regulations of any federal or state department, to which the
14 application is made, and where the assistance is granted.

15 204.640. It shall be the duty of the mayors of cities, the
16 circuit court, the governing bodies of counties, all political
17 subdivisions, and all assessors, sheriffs, collectors,
18 treasurers, and other officials in the state of Missouri to do
19 and perform all the acts and to render all the services necessary
20 to carry out the purposes of sections 204.600 to 204.640.

21 204.650. Sections 204.650 to 204.672 shall be known and may
22 be cited as the "Sanitary Sewer Improvement Area Act", and the
23 following words and terms, as used in these sections, mean:

24 (1) "Acquire", the acquisition of property or interests in
25 property by purchase, gift, condemnation, or other lawful means
26 and may include the acquisition of existing property and
27 improvements already owned by the district;

28 (2) "Assess or assessment", a unit of measure to allocate

1 the cost of an improvement among property or properties within a
2 sanitary sewer improvement area based on an equitable method of
3 determining benefits to any such property resulting from an
4 improvement;

5 (3) "Consultant", engineers, architects, planners,
6 attorneys, financial advisors, accountants, investment bankers,
7 and other persons deemed competent to advise and assist the
8 governing body of the district in planning and making
9 improvements;

10 (4) "Cost", all costs incurred in connection with an
11 improvement, including but not limited to costs incurred for the
12 preparation of preliminary reports, preparation of plans and
13 specifications, preparation and publication of notices of
14 hearings, resolutions, ordinances, and other proceedings, fees,
15 and expenses of consultants, interest accrued on borrowed money
16 during the period of construction, underwriting costs, and other
17 costs incurred in connection with the issuance of bonds or notes,
18 establishment of reasonably required reserve funds for bonds or
19 notes, the cost of land, materials, labor, and other lawful
20 expenses incurred in planning, acquiring, and doing any
21 improvement, reasonable construction contingencies, and work done
22 or services performed by the district in the administration and
23 supervision of the improvement;

24 (5) "District or common sewer district", any public
25 sanitary sewer district or reorganized common sewer district
26 established and existing under this chapter or chapter 249, RSMo,
27 and any metropolitan sewer district organized under the
28 constitution of this state;

1 (6) "Improve", to construct, reconstruct, maintain,
2 restore, replace, renew, repair, install, equip, extend, or to
3 otherwise perform any work that will provide a new sanitary sewer
4 facility or enhance, extend, or restore the value or utility of
5 an existing sanitary sewer facility;

6 (7) "Improvement", any one or more sanitary sewer
7 facilities or improvements that confer a benefit on property
8 within a definable area and may include or consist of a
9 reimprovement of a prior improvement. Improvements include but
10 are not limited to the following activities:

11 (a) To acquire property or interests in property when
12 necessary or desirable for any purpose authorized by sections
13 204.650 to 204.672;

14 (b) To improve sanitary sewers, wastewater treatment
15 plants, lagoons, septic tanks and systems, and any and all other
16 sanitary sewer and waste water collection and treatment systems
17 of any type, whether located on improved or unimproved public or
18 private property, the general object and nature of which will
19 either preserve, maintain, improve, or promote the general public
20 health, safety, and welfare, or the environment, regardless of
21 technology used;

22 (8) "Sanitary sewer improvement area", an area of a
23 district with defined limits and boundaries that is created by
24 petition under sections 204.650 to 204.672 and that is benefited
25 by an improvement and subject to assessments against the real
26 property for the cost of the improvement, provided that no such
27 improvement area shall include any real property within the
28 certificated boundaries of any sewer corporation providing

1 service under a certificate of convenience and necessity granted
2 by the public service commission;

3 (9) "User fee", a fee established and imposed by a district
4 to pay an assessment, in periodic installments, for improvements
5 made in a sanitary sewer improvement area that benefit the
6 property within such area that is subject to the assessment.

7 204.652. As an alternative to all other methods provided by
8 law or charter, the governing body of any sewer district or
9 reorganized sewer district organized and operated under this
10 chapter or chapter 249, RSMo, or any metropolitan sewer district
11 organized under the constitution of this state, may make, or
12 cause to be made, improvements that confer a benefit upon
13 property within a sanitary sewer improvement area under sections
14 204.650 to 204.672. The governing body of such district may
15 issue temporary notes and revenue bonds under sections 204.650 to
16 204.672 to pay for all or part of the cost of such improvements.

17 An improvement may be combined with one or more other
18 improvements for the purpose of issuing a single series of
19 revenue bonds to pay all or part of the cost of the sanitary
20 sewer improvement area's improvements, but separate funds or
21 accounts shall be established within the records of the district
22 for each improvement project as provided in sections 204.650 to
23 204.672. Such district shall make assessments and may impose
24 user fees on the property located within the sanitary sewer
25 improvement area, in addition to any other fees or charges
26 imposed by the district to provide services or pay debt. The
27 district shall use the moneys collected from such assessments and
28 user fees from a sanitary sewer improvement area to reimburse the

1 district for all amounts paid or to be paid by it as principal of
2 and interest on its temporary notes and revenue bonds issued for
3 the improvements made in the sanitary sewer improvement area.

4 204.654. 1. To establish a sanitary sewer improvement
5 area, the governing body of the sewer district shall comply with
6 the following procedure: the governing body of the district may
7 create a sanitary sewer improvement area when a proper petition
8 has been signed by the owners of record of four-sevenths of the
9 property within the proposed sanitary sewer improvement area.

10 The petition, in order to become effective, shall be filed with
11 the district. A proper petition for the creation of a sanitary
12 sewer improvement area shall set forth the project name for the
13 proposed improvement, the general nature of the proposed
14 improvement, the estimated cost of such improvement, the
15 boundaries of the proposed sanitary sewer improvement area, the
16 proposed method or methods of financing the project, including
17 the estimated amount of and method for imposing user fees against
18 the real property within the sanitary sewer improvement area to
19 pay for the cost of the improvements and any bonds issued, a
20 notice that the names of the signers may not be withdrawn later
21 than seven days after the petition is filed with the district,
22 and a notice that the final cost of such improvement and the
23 amount of revenue bonds issued shall not exceed the estimated
24 cost of such improvement, as stated in such petition, by more
25 than twenty-five percent.

26 2. Upon filing a proper petition with the district, the
27 governing body may, by resolution, determine the advisability of
28 the improvement and may order that the area be established and

1 that preliminary plans and specifications for the improvement be
2 made. Such resolution shall state and make findings as to the
3 project name for the proposed improvement, the nature of the
4 improvement, the estimated cost of such improvement, the
5 boundaries of the sanitary sewer improvement area, the proposed
6 method or methods of imposing assessments and, if known, proposed
7 estimated user fees within the district. The resolution also
8 shall state that the final cost of such improvement within the
9 sanitary sewer improvement area and the amount of revenue bonds
10 issued shall not, without a new petition, exceed the estimated
11 cost of such improvement by more than twenty-five percent.

12 3. The boundaries of the proposed area shall be described
13 by bounds, streets, or other sufficiently specific description.

14 204.656. The portion of the cost of any improvement to be
15 assessed or imposed against the real property in a sanitary sewer
16 improvement area shall be apportioned against such property in
17 accordance with the benefits accruing by reason of such
18 improvement. Subject to the provisions of the farmland
19 protection act, sections 262.800 to 262.810, RSMo, the cost may
20 be assessed equally by lot or tract against property within the
21 area, or by any other reasonable assessment plan determined by
22 the governing body of the district that results in imposing
23 substantially equal burdens or share of the cost upon property
24 similarly benefited. The governing body of the district may from
25 time to time determine and establish by resolution reasonable
26 general classifications and formula for the methods of assessing
27 or determining the benefits.

28 204.658. 1. After the governing body has made the findings

1 specified in sections 204.650 to 204.672 and plans and
2 specifications for the proposed improvements have been prepared,
3 the governing body shall by resolution order assessments to be
4 made against each parcel of real property deemed to be benefited
5 by an improvement based on the revised estimated cost of the
6 improvement or, if available, the final cost, and shall order a
7 proposed assessment roll to be prepared.

8 2. The plans and specifications for the improvement and the
9 proposed assessment roll shall be filed with the district and
10 shall be open for public inspection. Such district shall, at the
11 direction of the governing body, publish notice that the
12 governing body will conduct a hearing to consider the proposed
13 improvement and proposed assessments. Such notice shall be
14 published in a newspaper of general circulation at least once not
15 more than twenty days and not less than ten days before the
16 hearing and shall state the project name for the improvement, the
17 date, time, and place of such hearing, the general nature of the
18 improvement, the revised estimated cost or, if available, the
19 final cost of the improvement, the boundaries of the sanitary
20 sewer improvement area to be assessed, and that written or oral
21 objections will be considered at the hearing. Not less than ten
22 days before, the district shall mail to the owners of record of
23 the real property in the sanitary sewer improvement area, at
24 their last known post office address, a notice of the hearing and
25 a statement of the cost proposed to be assessed against the real
26 property so owned and assessed. The failure of any owner to
27 receive such notice shall not invalidate the proceedings.

28 204.660. 1. At the hearing to consider the proposed

1 improvements and assessments, the governing body shall hear and
2 pass upon all objections to the proposed improvements and
3 proposed assessments, if any, and may amend the proposed
4 improvements, and the plans and specifications, or assessments as
5 to any property, and thereupon by resolution, the governing body
6 shall order that the improvement be made and direct that
7 financing for the cost be obtained as provided in sections
8 204.650 to 204.672.

9 2. After the improvement has been completed in accordance
10 with the plans and specifications, the governing body shall
11 compute the final costs of the improvement and apportion the
12 costs among the property benefited by such improvement in such
13 equitable manner as the governing body shall determine, charging
14 each tract, lot, or parcel of property with its proportionate
15 share of the costs, and by resolution, assess the final cost of
16 the improvement, or the amount of revenue bonds issued or to be
17 issued to pay for the improvement, as special assessments against
18 the property described in the assessment roll.

19 3. After the passage or adoption of the resolution
20 assessing the special assessments, the district shall mail to
21 each property owner within the district a notice that sets forth
22 a description of each owners tract, lot, or parcel of real
23 property to be assessed, the assessment assigned to such
24 property, and a statement that the property owner may pay such
25 assessment in full, together with interest accrued from the
26 effective date of such resolution, on or before a specified date
27 determined by the effective date of the resolution, or may pay
28 such assessment in the form of user fees in periodic installments

1 as provided in subsection 4 of this section. Notice of each
2 assessment and imposition of the assessment lien, together with a
3 legal description for each property assessed within the area,
4 shall be filed with the recorder of deeds upon the effective date
5 of the resolution. However, failure to record any such notice in
6 a timely manner shall not affect the validity of the assessments
7 or liens. The district shall record written notice of release of
8 lien whenever an assessment is paid in full. The cost of
9 recording assessment notices and release of liens shall be
10 includable in the assessment.

11 4. The special assessments shall be assessed upon the
12 property within the area. Those not paid in full as provided in
13 subsection 3 of this section shall be payable in the form of user
14 fees payable in periodic and substantially equal installments, as
15 determined by the district, for a duration prescribed by the
16 resolution establishing the special assessments. All assessments
17 shall bear interest at such rate as the governing body
18 determines, not to exceed the rate permitted for bonds by section
19 108.170, RSMo. Interest on the assessment between the effective
20 date of the resolution assessing the special assessments and the
21 date the first installment of a user fee is payable shall be
22 added to the first installment or prorated among all scheduled
23 installments.

24 5. Assessments not paid in full shall be collected and paid
25 over to the district in the form of user fees in the same manner
26 as other district fees and charges are collected and paid, or by
27 any other reasonable method determined by the district.

28 204.662. No suit to set aside the assessments made under

1 sections 204.680 to 204.730, or to otherwise question the
2 validity of the proceedings, shall be brought after the
3 expiration of ninety days from the date the notice is mailed to
4 the last known owners of record of the assessments required by
5 subsection 3 of section 204.660.

6 204.664. 1. To correct omissions, errors, or mistakes in
7 the original assessment that relate to the total cost of an
8 improvement, the governing body of the district may, without a
9 notice or hearing, make supplemental or additional assessments on
10 property within a sanitary sewer improvement area, except that
11 such supplemental or additional assessments shall not, without a
12 new petition as provided in sections 204.650 to 204.672, exceed
13 twenty-five percent of the estimated cost of the improvement as
14 set forth in the petition under the provisions of sections
15 204.650 to 204.672.

16 2. When an assessment is, for any reason whatsoever, set
17 aside by a court of competent jurisdiction as to any property, or
18 in the event the governing body finds that the assessment or any
19 part thereof is excessive or determines on advice of counsel in
20 writing that it is or may be invalid for any reason, the
21 governing body may, upon notice and hearing as provided for the
22 original assessment, make a reassessment or a new assessment as
23 to such property.

24 204.666. An assessment authorized under sections 204.650 to
25 204.672, once determined and imposed, shall constitute a lien
26 against such property until paid in full and shall not be
27 affected by the existence or enforcement of any other liens or
28 encumbrances, nor shall enforcement of an assessment lien have

1 any effect on the validity or enforcement of any tax lien or lien
2 established by mortgage or deed of trust. An assessment lien
3 becomes delinquent when an assessment is not paid in full as
4 prescribed by sections 204.650 to 204.672, or when one or more
5 periodic installments imposed by the district for an assessment
6 remain unpaid for a period of thirty days or more after notice of
7 delinquency in payment is mailed to the last known owners of the
8 property subject to assessment by regular United States mail and
9 by certified mail, return receipt requested, at their last known
10 address, provided by such owners to the district and to the
11 occupant of property that is subject to assessment, if different
12 from that of the owners. In the event any such user fee remains
13 unpaid after thirty days of the mailing of any such notice, and
14 in addition to any other remedy the district may have by statute
15 or duly enacted regulation for the collection of delinquent
16 amounts owed to the district, the district shall be entitled to
17 petition the circuit court having jurisdiction to foreclose upon
18 the assessment lien by special execution sale of the property
19 subject to the assessment for the unpaid assessment plus
20 reasonable attorney's fees, court costs, and other reasonable
21 costs incurred by the district in collection. In any such suit,
22 the district shall name all parties appearing of record to have
23 or claim an interest in the property subject to the unpaid
24 assessment and shall file a notice of lis pendens in connection
25 with said action. In addition, the district may obtain a
26 judgment against last known owners of the property for any
27 deficiency in payment of the assessment and costs and fees made a
28 part of the court's judgment.

1 204.668. After an improvement has been authorized under
2 sections 204.650 to 204.672, the governing body of the district
3 may issue temporary notes of the district to pay the costs of
4 such improvement in an amount not to exceed the estimated cost of
5 such improvement. Such temporary notes may be issued in
6 anticipation of issuance of revenue bonds of the district. The
7 district may participate in any governmentally sponsored bond
8 pooling program or other bond program. Bonds may be issued and
9 made payable from special assessments paid in the form of user
10 fees under subsection 4 of section 204.660 and other revenues of
11 the district.

12 204.670. A separate fund or account shall be created by the
13 district for each improvement project, and each such fund or
14 account shall be identified by a suitable title. The proceeds
15 from the sale of bonds and temporary notes and any other moneys
16 appropriated thereto by the governing body of the district shall
17 be credited to such funds or accounts. Such funds or accounts
18 shall be used solely to pay the costs incurred in making each
19 respective improvement. Upon completion of an improvement, the
20 balance remaining in the fund or account established for such
21 improvement, if any, may be held as contingent funds for future
22 improvements or may be credited against the amount of the
23 original assessment of each parcel of property, on a pro rata
24 basis based on the amount of the original assessment, and with
25 respect to property owners that have prepaid their assessments in
26 accordance with sections 204.650 to 204.672, the amount of each
27 such credit shall be refunded to the appropriate property owner.
28 With respect to all other property owners, the amount of each

1 such credit shall be transferred and credited to the district
2 bond and interest fund to be used solely to pay the principal of
3 and interest on the bonds or temporary notes, and the assessments
4 shall be reduced accordingly by the amount of such credit.

5 204.672. Any public sanitary sewer district or reorganized
6 sewer district organized and operated under this chapter or
7 chapter 249, RSMo, and any metropolitan sewer district organized
8 under the constitution of this state, may enter into a
9 cooperative agreement with a city or county for the purpose of
10 constructing sanitary sewer system improvements under the
11 provisions of the neighborhood improvement district act, sections
12 67.453 to 67.475, RSMo. Any such cooperative agreement, if
13 approved by the governing bodies of the district and city or
14 county, may include provisions for joint administration of
15 projects for the issuance of temporary notes and general
16 obligation bonds by district, city, or county, separately or
17 jointly, and for the payment of such bonds by any source of funds
18 or user fees in addition to funds from special assessments as
19 provided for in sections 67.453 to 67.475, RSMo, and general ad
20 valorem taxes, so long as all terms, conditions, and covenants of
21 any applicable bond resolution or ordinance are complied with and
22 so long as said notes and bonds are issued in compliance with
23 general applicable law.

24 204.674. The provisions of sections 204.600 to 204.672
25 shall not apply to the provisions in section 204.472, any city
26 not within a county and any county with a charter form of
27 government and with more than one million inhabitants, any sewer
28 district created and organized under constitutional authority,

1 any sewer district located in any county with a charter form of
2 government and with more than six hundred thousand but fewer than
3 seven hundred thousand inhabitants that provides wholesale sewer
4 service.

5 205.563. 1. The governing body of any city of the fourth
6 classification with more than two hundred but fewer than three
7 hundred inhabitants and located in any county of the second
8 classification with more than forty-eight thousand two hundred
9 but fewer than forty-eight thousand three hundred inhabitants may
10 impose, by order or ordinance, an annual real property tax to
11 fund the construction, operation, and maintenance of a community
12 health center. The tax authorized in this section shall not
13 exceed thirty-five cents per year on each one hundred dollars of
14 assessed valuation on all taxable real property within the city.
15 Any such city may enter into an agreement or agreements with
16 taxing jurisdictions located at least partially within the
17 incorporated limits of such city to levy the tax authorized under
18 this section upon real property located within the jurisdiction
19 of such district, but outside the incorporated limits of such
20 city, provided that any taxing jurisdiction desiring to levy such
21 tax shall first receive voter approval of such measure in the
22 manner and form contained in this section. The tax authorized in
23 this section shall be in addition to all other property taxes
24 imposed by law, and shall be stated separately from all other
25 charges and taxes.

26 2. No order or ordinance adopted under this section shall
27 become effective unless the governing body of the city submits to
28 the voters residing within such city at a state general, primary,

1 or special election a proposal to authorize the city to impose a
2 tax under this section.

3 3. The question shall be submitted in substantially the
4 following form:

5 "Shall the city of and district
6 (if applicable) be authorized to impose a tax on owners of real
7 property in an amount equal to (insert amount not to
8 exceed thirty-five cents) per one hundred dollars assessed
9 valuation for the purpose of constructing, operating, and
10 maintaining a community health center?

11 YES NO

12
13 If you are in favor of the question, place an "X" in the box
14 opposite "YES". If you are opposed to the question, place an "X"
15 in the box opposite "NO".

16
17 If a majority of the votes cast on the question by the qualified
18 voters voting thereon are in favor of the question, then the tax
19 shall become effective in the tax year immediately following its
20 approval. If a majority of the votes cast on the question by the
21 qualified voters voting thereon are opposed to the question, then
22 the tax shall not become effective unless and until the question
23 is resubmitted under this section to the qualified voters and
24 such question is approved by a majority of the qualified voters
25 voting on the question.

26 4. The tax authorized under this section shall be levied
27 and collected in the same manner as other real property taxes are
28 levied and collected within the city.

1 5. The governing body of any city that has imposed a real
2 property tax under this section may submit the question of repeal
3 of the tax to the voters on any date available for elections for
4 the city. If a majority of the votes cast on the question by the
5 qualified voters voting thereon are in favor of repeal, that
6 repeal shall become effective on the first day of the tax year
7 immediately following its approval. If a majority of the votes
8 cast on the question by the qualified voters voting thereon are
9 opposed to the repeal, then the tax shall remain effective until
10 the question is resubmitted under this section to the qualified
11 voters and the repeal is approved by a majority of the qualified
12 voters voting on the question.

13 6. Whenever the governing body of any city that has imposed
14 a real property tax under this section receives a petition,
15 signed by a number of registered voters of the city equal to at
16 least two percent of the number of registered voters of the city
17 voting in the last gubernatorial election, calling for an
18 election to repeal the tax, the governing body shall submit to
19 the voters of such city a proposal to repeal the tax. If a
20 majority of the votes cast on the question by the qualified
21 voters voting thereon are in favor of the repeal, the repeal
22 shall become effective on the first day of the tax year
23 immediately following its approval. If a majority of the votes
24 cast on the question by the qualified voters voting thereon are
25 opposed to the repeal, then the tax shall remain effective until
26 the question is resubmitted under this section to the qualified
27 voters and the repeal is approved by a majority of the qualified
28 voters voting on the question.

1 7. If the real property tax authorized under this section
2 is repealed or terminated by any means, all funds collected under
3 the tax shall continue to be used solely for the designated
4 purposes.

5 206.090. 1. After the hospital district has been declared
6 organized, the declaring county commission shall divide the
7 district into six election districts as equal in population as
8 possible, and shall by lot number the districts from one to six
9 inclusive. The county commission shall cause an election to be
10 held in the hospital district within ninety days after the order
11 establishing the hospital district to elect hospital district
12 directors. Each voter shall vote for six directors, one from
13 each district, except in any county of the third classification
14 without a township form of government and with more than ten
15 thousand six hundred but fewer than ten thousand seven hundred
16 inhabitants, each voter shall vote for one director from the
17 hospital election district in which the voter resides. Directors
18 shall serve a term of six years or a lesser term of years as may
19 be established by the county commission. If directors are to
20 serve a term of six years, the initial term of the director
21 elected from district number one shall serve a term of one year,
22 the director elected from district number two shall serve a term
23 of two years, the director elected from district number three
24 shall serve a term of three years, the director elected from
25 district number four shall serve a term of four years, the
26 director elected from district number five shall serve a term of
27 five years, and the director elected from district number six
28 shall serve a term of six years; thereafter, the terms of all

1 directors shall be six years. If the county commission chooses
2 to establish a term of office of less than six years, the initial
3 election of directors shall be done in a manner established by
4 the county commission. All directors shall serve until their
5 successors are elected and qualified. Any vacancy shall be
6 filled by the remaining members of the board of directors who
7 shall appoint a person to serve as director until the next
8 municipal election.

9 2. Candidates for director of the hospital district shall
10 be citizens of the United States, voters of the hospital district
11 who have resided within the state for one year next preceding the
12 election and who are at least thirty years of age. All candidates
13 shall file their declaration of candidacy with the county
14 commission calling the election for the organizational election,
15 and for subsequent elections, with the secretary of the board of
16 directors of the district.

17 3. Notwithstanding any other provisions of law, if the
18 number of candidates for office of director is no greater than
19 the number of directors to be elected, no election shall be held,
20 and the candidates shall assume the responsibilities of their
21 offices at the same time and in the same manner as if they had
22 been elected.

23 4. Notwithstanding the provisions of subsections 1 to 3 of
24 this section, after the formation of the hospital district, the
25 hospital board of directors, by a majority vote of the directors
26 with the consent of a majority of the county commission on an
27 order of record, may abolish the six hospital districts' election
28 districts and cause the hospital district directors to be elected

1 from the hospital district at large. Upon opting to elect the
2 hospital district directors at large, the then serving hospital
3 district directors shall continue to serve the remainder of their
4 terms and any vacancies on the board, after the date of such
5 option, shall be filled by an election conducted at large in the
6 district.

7 221.040. 1. It shall be the duty of the sheriff and jailer
8 to receive, from constables and other officers, all persons who
9 shall be apprehended by such constable or other officers, for
10 offenses against this state, or who shall be committed to such
11 jail by any competent authority; and if any sheriff or jailer
12 shall refuse to receive any such person or persons, he or she
13 shall be adjudged guilty of a misdemeanor, and on conviction
14 shall be fined in the discretion of the court.

15 2. The sheriff and jailer shall not be required to receive
16 or detain a prisoner in custody under subsection 1 of this
17 section until the arresting constable or other officer has had
18 the prisoner examined by a physician or competent medical
19 personnel if the prisoner appears to be:

20 (1) Unconscious;

21 (2) Suffering from a serious illness;

22 (3) Suffering from a serious injury; or

23 (4) Seriously impaired by alcohol, a controlled substance
24 as defined in section 195.017, RSMo, a drug other than a
25 controlled substance, or a combination of alcohol, a controlled
26 substance, or drugs.

27 3. The cost of the examination and resulting treatment
28 under subsection 2 of this section is the financial

1 responsibility of the prisoner receiving the examination or
2 treatment.

3 226.527. 1. On and after August 13, 1976, no outdoor
4 advertising shall be erected or maintained beyond six hundred and
5 sixty feet of the right-of-way, located outside of urban areas,
6 visible from the main traveled way of the interstate or primary
7 system and erected with the purpose of its message being read
8 from such traveled way, except such outdoor advertising as is
9 defined in subdivisions (1) and (2) of section 226.520.

10 2. No compensation shall be paid for the removal of any
11 sign erected in violation of subsection 1 of this section unless
12 otherwise authorized or permitted by sections 226.501 to 226.580.
13 No sign erected prior to August 13, 1976, which would be in
14 violation of this section if it were erected or maintained after
15 August 13, 1976, shall be removed unless such removal is required
16 by the Secretary of Transportation and federal funds required to
17 be contributed to this state under section 131(g) of Title 23,
18 United States Code, to pay compensation for such removal have
19 been appropriated and allocated and are immediately available to
20 this state, and in such event, such sign shall be removed
21 pursuant to section 226.570.

22 3. In the event any portion of this chapter is found in
23 noncompliance with Title 23, United States Code, section 131, by
24 the Secretary of Transportation or his representative, and any
25 portion of federal-aid highway funds or funds authorized for
26 removal of outdoor advertising are withheld, or declared
27 forfeited by the Secretary of Transportation or his
28 representative, all removal of outdoor advertising by the

1 Missouri state highways and transportation commission pursuant to
2 this chapter shall cease, and shall not be resumed until such
3 funds are restored in full. Such cessation of removal shall not
4 be construed to affect compensation for outdoor advertising
5 removed or in the process of removal pursuant to this chapter.

6 4. In addition to any applicable regulations set forth in
7 sections 226.500 through 226.600, signs within an area subject to
8 control by a local zoning authority and wherever located within
9 such area shall be subject to reasonable regulations of that
10 local zoning authority relative to size, lighting, spacing, and
11 location; provided, however, that no local zoning authority shall
12 have authority to require any sign within its jurisdiction which
13 was lawfully erected and which is maintained in good repair to be
14 removed without the payment of just compensation.

15 5. When a legally erected billboard exists on a parcel of
16 property, a local zoning authority shall not adopt or enforce any
17 ordinance, order, rule, regulation or practice that eliminates
18 the ability of a property owner to build or develop property or
19 erect an on-premise sign solely because a legally erected
20 billboard exists on the property.

21 228.190. 1. All roads in this state that have been
22 established by any order of the county commission, and have been
23 used as public highways for a period of ten years or more, shall
24 be deemed legally established public roads; and all roads that
25 have been used as such by the public for ten years continuously,
26 and upon which there shall have been expended public money or
27 labor for such period, shall be deemed legally established roads;
28 and nonuse by the public for five years continuously of any

1 public road shall be deemed an abandonment and vacation of the
2 same.

3 2. From and after January 1, 1990, any road in any county
4 that has been identified as a county road for which the county
5 receives allocations of county aid road trust funds from or
6 through the department of transportation for a period of at least
7 five years shall be conclusively deemed to be a public county
8 road without further proof of the status of the road as a public
9 road. No such public road shall be abandoned or vacated except
10 through the actions of the county commission declaring such road
11 vacated after public hearing, or through the process set out in
12 section 228.110.

13 3. In any litigation where the subject of a public road is
14 at issue under this section, an exact location of the road is not
15 required to be proven. Once the public road is determined to
16 exist, the judge may order a survey to be conducted to determine
17 the exact location of the public road and charge the costs of the
18 survey to the party who asserted that the public road exists.

19 235.210. 1. The boundaries of any district organized under
20 the provisions of this law may be changed in the manner
21 prescribed in this section and in section 235.220, but any change
22 of boundaries of the district shall not impair or affect its
23 organization or its rights in or to property, or any of its
24 rights or privileges whatsoever; or shall it affect or impair or
25 discharge any contract, obligation, lien or charge for or upon
26 which it might be liable or chargeable had the change of
27 boundaries not been made.

28 2. [Two-thirds of the owners of real property in an area

1 contiguous with a street light maintenance district organized
2 under this law and not located within any municipality or another
3 street light maintenance district may file with the board a
4 petition in writing praying that the real property be included
5 within the district. The petition shall describe the property to
6 be annexed and shall be deemed to give assent of the petitioners
7 to the inclusion in the district of the property described in the
8 petition.

9 3. The secretary of the board shall cause notice of the
10 filing of the petition to be given and published in the county in
11 which the property is located, which notice shall recite the
12 filing of the petition, the names of the petitioners, the
13 descriptions of the lands sought to be included and the prayer of
14 the petitioners, giving notice to all persons interested to
15 appear at the office of the board at the time named in the notice
16 and show cause in writing, if any they have, why the petition
17 should not be granted.

18 4. The board shall at the time and place mentioned, or at
19 such time or times to which the hearing may be adjourned, proceed
20 to hear the petition and all objections thereto presented in
21 writing by any person showing cause why the petition should not
22 be granted. The failure of any person interested to show cause
23 in writing why the petition shall not be granted shall be deemed
24 and held and taken as an assent on his part to the inclusion of
25 the lands in the district as prayed for in the petition.

26 5. If the petition is granted, the board shall make an
27 order to that effect and file the same with the county clerk; and
28 upon the order of the county commission, the property shall be

1 included in the district, and thereafter a copy of the order of
2 the board and the order of the commission shall be filed with the
3 recorder. The county commission shall proceed to make the order
4 including such additional property within the district as is
5 provided in the order of the board, unless the commission shall
6 find that the order of the board was not authorized by law or
7 that the order of the board was not supported by competent and
8 substantial evidence.] A petition for annexation of real property
9 in an area contiguous with a street light maintenance district
10 organized under this chapter and not located within any
11 municipality or another street light maintenance district shall
12 be signed by property owners who own not less than ten percent of
13 the parcels of property within the area proposed for annexation.
14 The petition shall be filed with the county clerk in which the
15 district is situated and shall be addressed to the county
16 commission. A hearing shall be held regarding the proposed
17 annexation petition as soon as reasonably possible. If the
18 county commission finds at the hearing that the petition is in
19 compliance with the provisions of this section, they shall order
20 the question to be submitted to the voters within the proposed
21 area of annexation and within the district at a municipal,
22 primary, or general election.

23 3. The question shall be submitted in substantially the
24 following form:
25 "Shall.....(description of area) be annexed to thestreet
26 light maintenance district?

27 YES _____ NO

28 If you are in favor of the question, place an "X" in the box

1 opposite "Yes". If you are opposed to the question, place an "X"
2 in the box opposite "No".

3 4. If a majority of the votes cast on the question in the
4 district and in the area described in the petition, respectively,
5 are in favor of the annexation, the county commission shall by
6 order declare the area annexed and shall describe the altered
7 boundaries of the district. A copy of the order of the
8 commission shall be filed within the county recorder. If a
9 majority of the votes cast on the question in the district and in
10 the area described in the petition, respectively, are not in
11 favor of the annexation, such area shall not be declared annexed.
12 No such question shall be resubmitted to the voters sooner than
13 twelve months from the date of submission of the last question.

14 238.202. 1. As used in sections 238.200 to 238.275, the
15 following terms mean:

16 (1) "Board", the board of directors of a district;

17 (2) "Commission", the Missouri highways and transportation
18 commission;

19 (3) "District", a transportation development district
20 organized under sections 238.200 to 238.275;

21 (4) "Local transportation authority", a county, city, town,
22 village, county highway commission, special road district,
23 interstate compact agency, or any local public authority or
24 political subdivision having jurisdiction over any bridge,
25 street, highway, dock, wharf, ferry, lake or river port, airport,
26 railroad, light rail or other transit improvement or service;

27 (5) "Project" includes any bridge, street, road, highway,
28 access road, interchange, intersection, signing, signalization,

1 parking lot, bus stop, station, garage, terminal, hangar,
2 shelter, rest area, dock, wharf, lake or river port, airport,
3 railroad, light rail, or other mass transit and any similar or
4 related improvement or infrastructure.

5 2. For the purposes of sections 11(c), 16 and 22 of article
6 X of the Constitution of Missouri, section 137.073, RSMo, and as
7 used in sections 238.200 to 238.275, the following terms shall
8 have the meanings given:

9 (1) "Approval of the required majority" or "direct voter
10 approval", a simple majority;

11 (2) "Qualified electors", "qualified voters" or "voters",
12 [if] within the proposed or established district, any persons
13 [eligible to be registered voters reside within the proposed
14 district, such persons] residing therein who have registered to
15 vote pursuant to chapter 115, RSMo, [or if no persons eligible to
16 be registered voters reside within the proposed district,] and
17 the owners of real property [located within the proposed
18 district], who shall receive one vote per acre, provided that any
19 registered voter who also owns property must elect whether to
20 vote as an owner or a registered voter;

21 (3) "Registered voters", persons qualified and registered
22 to vote pursuant to chapter 115, RSMo.

23 238.207. 1. Whenever the creation of a district is
24 desired, not less than fifty registered voters from each county
25 partially or totally within the proposed district may file a
26 petition requesting the creation of a district. However, if no
27 persons eligible to be registered voters reside within the
28 district, the owners of record of all of the real property,

1 except public streets, located within the proposed district may
2 file a petition requesting the creation of a district. The
3 petition shall be filed in the circuit court of any county
4 partially or totally within the proposed district.

5 2. Alternatively, the governing body of any local
6 transportation authority within any county in which a proposed
7 project may be located may file a petition in the circuit court
8 of that county, requesting the creation of a district.

9 3. The proposed district area shall be contiguous and may
10 contain all or any portion of one or more municipalities and
11 counties; provided:

12 (1) Property separated only by public streets, easements or
13 rights-of-way shall be considered contiguous;

14 (2) In the case of a district formed pursuant to a petition
15 filed by the owners of record of all of the real property located
16 within the proposed district, the proposed district area need not
17 contain contiguous properties if:

18 (a) The petition provides that the only funding method for
19 project costs will be a sales tax;

20 (b) The court finds that all of the real property located
21 within the proposed district will benefit by the projects to be
22 undertaken by the district; and

23 (c) Each parcel within the district is within five miles of
24 every other parcel; and

25 (3) In the case of a district created pursuant to
26 subsection 5 of this section, property separated only by public
27 streets, easements, or rights-of-way or connected by a single
28 public street, easement, or right-of-way shall be considered

1 contiguous.

2 4. The petition shall set forth:

3 (1) The name, voting residence and county of residence of
4 each individual petitioner, or, if no persons eligible to be
5 registered voters reside within the proposed district, the name
6 and address of each owner of record of real property located
7 within the proposed district, or shall recite that the petitioner
8 is the governing body of a local transportation authority acting
9 in its official capacity;

10 (2) The name and address of each respondent. Respondents
11 must include the commission and each affected local
12 transportation authority within the proposed district, except a
13 petitioning local transportation authority;

14 (3) A specific description of the proposed district
15 boundaries including a map illustrating such boundaries;

16 (4) A general description of each project proposed to be
17 undertaken by that district, including a description of the
18 approximate location of each project;

19 (5) The estimated project costs and the anticipated
20 revenues to be collected from the project;

21 (6) The name of the proposed district;

22 [(6)] (7) The number of members of the board of directors
23 of the proposed district, which shall be not less than five or
24 more than fifteen;

25 [(7)] (8) A statement that the terms of office of initial
26 board members shall be staggered in approximately equal numbers
27 to expire in one, two or three years;

28 [(8)] (9) If the petition was filed by registered voters

1 or by a governing body, a request that the question be submitted
2 to the qualified voters within the limits of the proposed
3 district whether they will establish a transportation development
4 district to develop a specified project or projects;

5 [(9)] (10) A proposal for funding the district initially,
6 pursuant to the authority granted in sections 238.200 to 238.275,
7 together with a request that the funding proposal be submitted to
8 the qualified voters [residing] within the limits of the proposed
9 district; provided, however, the funding method of special
10 assessments may also be approved as provided in subsection 1 of
11 section 238.230; and

12 [(10)] (11) A statement that the proposed district shall
13 not be an undue burden on any owner of property within the
14 district and is not unjust or unreasonable.

15 5. (1) As an alternative to the methods described in
16 subsections 1 and 2 of this section, if two or more local
17 transportation authorities have adopted resolutions calling for
18 the joint establishment of a district, the governing body of any
19 one such local transportation authority may file a petition in
20 the circuit court of any county in which the proposed project is
21 located requesting the creation of a district.

22 (2) The proposed district area shall be contiguous and may
23 contain all or any portion of one or more municipalities and
24 counties. Property separated only by public streets, easements,
25 or rights-of-way or connected by a single public street,
26 easement, or right-of-way shall be considered contiguous.

27 (3) The petition shall set forth:

28 (a) That the petitioner is the governing body of a local

1 transportation authority acting in its official capacity;

2 (b) The name of each local transportation authority within
3 the proposed district. The resolution of the governing body of
4 each local transportation authority calling for the joint
5 establishment of the district shall be attached to the petition;

6 (c) The name and address of each respondent. Respondents
7 must include the commission and each affected local
8 transportation authority within the proposed district, except a
9 petitioning local transportation authority;

10 (d) A specific description of the proposed district
11 boundaries including a map illustrating such boundaries;

12 (e) A general description of each project proposed to be
13 undertaken by the district, including a description of the
14 approximate location of each project;

15 (f) The name of the proposed district;

16 (g) The number of members of the board of directors of the
17 proposed district;

18 (h) A request that the question be submitted to the
19 qualified voters within the limits of the proposed district
20 whether they will establish a transportation development district
21 to develop the projects described in the petition;

22 (i) A proposal for funding the district initially, pursuant
23 to the authority granted in sections 238.200 to 238.275, together
24 with a request that the imposition of the funding proposal be
25 submitted to the qualified voters residing within the limits of
26 the proposed district; provided, however, the funding method of
27 special assessments may also be approved as provided in
28 subsection 1 of section 238.230; and

1 (j) A statement that the proposed district shall not be an
2 undue burden on any owner of property within the district and is
3 not unjust or unreasonable.

4 238.208. 1. The owners of property adjacent to a
5 transportation district formed under the Missouri transportation
6 development district act may petition the court by unanimous
7 petition to add their property to the district. If the property
8 owners within the transportation development district unanimously
9 approve of the addition of property, the adjacent properties in
10 the petition shall be added to the district. Any property added
11 under this section shall be subject to all projects, taxes, and
12 special assessments in effect as of the date of the court order
13 adding the property to the district. The owners of the added
14 property shall be allowed to vote at the next election scheduled
15 for the district to fill vacancies on the board and on any other
16 question submitted to them by the board under this chapter. The
17 owners of property added under this section shall have one vote
18 per acre in the same manner as provided in subdivision (2) of
19 subsection 2 of section 238.220.

20 2. The owners of all of the property located in a
21 transportation development district formed under this chapter
22 may, by unanimous petition filed with the board of directors of
23 the district, remove any property from the district, so long as
24 such removal will not materially affect any obligations of the
25 district.

26 238.220. 1. Notwithstanding anything to the contrary
27 contained in section 238.216, if any persons eligible to be
28 registered voters reside within the district the following

1 procedures shall be followed:

2 (1) After the district has been declared organized, the
3 court shall upon petition of any interested person order the
4 county clerk to cause an election to be held in all areas of the
5 district within one hundred twenty days after the order
6 establishing the district, to elect the district board of
7 directors which shall be not less than five nor more than
8 fifteen;

9 (2) Candidates shall pay the sum of five dollars as a
10 filing fee to the county clerk and shall file with the election
11 authority of such county a statement under oath that he or she
12 possesses all of the qualifications set out in this section for a
13 director. Thereafter, such candidate shall have his or her name
14 placed on the ballot as a candidate for director;

15 (3) The director or directors to be elected shall be
16 elected at large. The candidate receiving the most votes from
17 qualified voters shall be elected to the position having the
18 longest term, the second highest total votes elected to the
19 position having the next longest term, and so forth. Each
20 initial director shall serve the one-, two- or three-year term to
21 which he or she was elected, and until a successor is duly
22 elected and qualified. Each successor director shall serve a
23 three-year term. The directors shall nominate and elect an
24 interim director to complete any unexpired term of a director
25 caused by resignation or disqualification; and

26 (4) Each director shall be a resident of the district.
27 Directors shall be registered voters at least twenty-one years of
28 age.

1 2. Notwithstanding anything to the contrary contained in
2 section 238.216, if no persons eligible to be registered voters
3 reside within the district, the following procedures shall apply:

4 (1) Within thirty days after the district has been declared
5 organized, the circuit clerk of the county in which the petition
6 was filed shall, upon giving notice by causing publication to be
7 made once a week for two consecutive weeks in a newspaper of
8 general circulation in the county, the last publication of which
9 shall be at least ten days before the day of the meeting required
10 by this section, call a meeting of the owners of real property
11 within the district at a day and hour specified in a public place
12 in the county in which the petition was filed for the purpose of
13 electing a board of not less than five and not more than fifteen
14 directors, to be composed of owners or representatives of owners
15 of real property in the district; provided that, if all the
16 owners of property in the district joined in the petition for
17 formation of the district, such meeting may be called by order of
18 the court without further publication. For the purposes of
19 determining board membership, the owner or owners of real
20 property within the district and their legally authorized
21 representative or representatives shall be deemed to be residents
22 of the district; for business organizations and other entities
23 owning real property within the district, the individual or
24 individuals legally authorized to represent the business
25 organizations or entities in regard to the district shall be
26 deemed to be a resident of the district;

27 (2) The property owners, when assembled, shall organize by
28 the election of a chairman and secretary of the meeting who shall

1 conduct the election. At the election, each acre of real
2 property within the district shall represent one share, and each
3 owner may have one vote in person or by proxy for every acre of
4 real property owned by such person within the district;

5 (3) The one-third of the initial board members receiving
6 the most votes shall be elected to positions having a term of
7 three years. The one-third of initial board members receiving
8 the next highest number of votes shall be elected to positions
9 having a term of two years. The lowest one-third of initial
10 board members receiving sufficient votes shall be elected to
11 positions having a term of one year. Each initial director shall
12 serve the term to which he or she was elected, and until a
13 successor is duly elected and qualified. Successor directors
14 shall be elected in the same manner as the initial directors at a
15 meeting of the real property owners called by the board. Each
16 successor director shall serve a three-year term. The directors
17 shall nominate and elect an interim director to complete any
18 unexpired term of a director caused by resignation or
19 disqualification;

20 (4) Directors shall be at least twenty-one years of age.

21 3. Notwithstanding any provision of section 238.216 and
22 this section to the contrary, if the petition for formation of
23 the district was filed pursuant to subsection 5 of section
24 238.207, the following procedures shall be followed:

25 (1) If the district is comprised of four or more local
26 transportation authorities, the board of directors shall consist
27 of the presiding officer of each local transportation authority
28 within the district. If the district is comprised of two or

1 three local transportation authorities, the board of directors
2 shall consist of the presiding officer of each local
3 transportation authority within the district and one person
4 designated by the governing body of each local transportation
5 authority within the district;

6 (2) Each director shall be at least twenty-one years of age
7 and a resident or property owner of the local transportation
8 authority the director represents. A director designated by the
9 governing body of a local transportation authority may be removed
10 by such governing body at any time with or without cause; and

11 (3) Upon the assumption of office of a new presiding
12 officer of a local transportation authority, such individual
13 shall automatically succeed his predecessor as a member of the
14 board of directors. Upon the removal, resignation or
15 disqualification of a director designated by the governing body
16 of a local transportation authority, such governing body shall
17 designate a successor director.

18 4. The commission shall appoint one or more advisors to the
19 board, who shall have no vote but shall have the authority to
20 participate in all board meetings and discussions, whether open
21 or closed, and shall have access to all records of the district
22 and its board of directors.

23 5. If the proposed project is not intended to be merged
24 into the state highways and transportation system under the
25 commission's jurisdiction, the local transportation authority
26 that will assume maintenance of the project shall appoint one or
27 more advisors to the board of directors who shall have the same
28 rights as advisors appointed by the commission.

1 6. Any county or counties located wholly or partially
2 within the district which is not a "local transportation
3 authority" pursuant to subdivision (4) of subsection 1 of section
4 238.202 may appoint one or more advisors to the board who shall
5 have the same rights as advisors appointed by the commission.

6 238.225. 1. Before construction or funding of any project,
7 the district shall submit the proposed project, [together with
8 the proposed plans and specifications,] to the commission for its
9 prior approval [of the project]. If the commission by minute
10 finds that the project will improve or is a necessary or
11 desirable extension of the state highways and transportation
12 system, the commission may preliminarily approve the project
13 subject to the district providing plans and specifications for
14 the proposed project and making any revisions in the plans and
15 specifications required by the commission and the district and
16 commission entering into a mutually satisfactory agreement
17 regarding development and future maintenance of the project.
18 After such preliminary approval, the district may impose and
19 collect such taxes and assessments as may be included in the
20 commission's preliminary approval. After the commission approves
21 the final construction plans and specifications, the district
22 shall obtain prior commission approval of any modification of
23 such plans or specifications.

24 2. If the proposed project is not intended to be merged
25 into the state highways and transportation system under the
26 commission's jurisdiction, the district shall also submit the
27 proposed project and proposed plans and specifications to the
28 local transportation authority that will become the owner of the

1 project for its prior approval.

2 3. In those instances where a local transportation
3 authority is required to approve a project and the commission
4 determines that it has no direct interest in that project, the
5 commission may decline to consider the project. Approval of the
6 project shall then vest exclusively with the local transportation
7 authority subject to the district making any revisions in the
8 plans and specifications required by the local transportation
9 authority and the district and the local transportation authority
10 entering into a mutually satisfactory agreement regarding
11 development and future maintenance of the project. After the
12 local transportation authority approves the final construction
13 plans and specifications, the district shall obtain prior
14 approval of the local transportation authority before modifying
15 such plans or specifications.

16 238.230. 1. If approved by:

17 (1) A majority of the qualified voters voting on the
18 question in the district; or

19 (2) The owners of record of all of the real property
20 located within the district who shall indicate their approval by
21 signing a special assessment petition;
22 the district may make one or more special assessments for those
23 project improvements which specially benefit the properties
24 within the district. Improvements which may confer special
25 benefits within a district include but are not limited to
26 improvements which are intended primarily to serve traffic
27 originating or ending within the district, to reduce local
28 traffic congestion or circuitry of travel, or to improve the

1 safety of motorists or pedestrians within the district.

2 2. The ballot question shall be substantially in the
3 following form:

4 Shall the Transportation Development
5 District be authorized to levy special assessments against
6 property benefited within the district for the purpose of
7 providing revenue for the development of a project (or projects)
8 in the district (insert general description of the project or
9 projects, if necessary), said special assessments to be levied
10 ratably against each tract, lot or parcel of property within the
11 district which is benefited by such project in proportion to the
12 (insert method of allocating special assessments), in an amount
13 not to exceed \$ per annum per (insert unit of
14 measurement)?

15 3. The special assessment petition shall be substantially
16 in the following form:

17 The Transportation
18 Development District shall be authorized to levy special
19 assessments against property benefited within the district for
20 the purpose of providing revenue for the development of a project
21 (or projects) in the district (insert general description of the
22 project or projects, if necessary), said special assessments to
23 be levied pro rata against each tract, lot or parcel or property
24 within the district which is benefited by such project in
25 proportion to the (insert method of allocating special
26 assessments), in an amount not to exceed \$..... per annum per
27 (insert unit of measurement).

28 4. If a proposal for making a special assessment fails, the

1 district board of directors may, with the prior approval of the
2 commission or the local transportation authority which will
3 assume ownership of the completed project, delete from the
4 project any portion which was to be funded by special assessment
5 and which is not otherwise required for project integrity.

6 5. A district may establish different classes or subclasses
7 of real property within the district for purposes of levying
8 differing rates of special assessments. The levy rate for
9 special assessments may vary for each class or subclass of real
10 property based on the level of benefit derived by each class or
11 subclass from projects funded by the district.

12 238.275. 1. Within six months after development and
13 initial maintenance costs of its completed project have been
14 paid, the district shall pursuant to contract transfer ownership
15 and control of the project to the commission or a local
16 transportation authority which shall be responsible for all
17 future maintenance costs pursuant to contract. Such transfer may
18 be made sooner with the consent of the recipient.

19 2. At such time as a district has completed its project and
20 has transferred ownership of the project to the commission or
21 other local transportation authority for maintenance, or at such
22 time as the board determines that it is unable to complete its
23 project due to lack of funding or for any other reason, the board
24 shall submit for a vote in an election held throughout the
25 district the question of whether the district should be
26 abolished. The question shall be submitted in substantially the
27 following form:

28 Shall the

1 Transportation Development District be abolished?

2 3. The district board shall not propose the question to
3 abolish the district while there are outstanding claims or causes
4 of action pending against the district, while the district
5 liabilities exceed its assets, or while the district is
6 insolvent, in receivership or under the jurisdiction of the
7 bankruptcy court. Prior to submitting the question to abolish
8 the district to a vote, the state auditor shall audit the
9 district to determine the financial status of the district, and
10 whether the district may be abolished pursuant to law.

11 4. While the district still exists, it shall continue to
12 accrue all revenues to which it is entitled at law.

13 5. Upon receipt of certification by the appropriate
14 election authorities that the majority of those voting within the
15 district have voted to abolish the district, and if the state
16 auditor has determined that the district's financial condition is
17 such that it may be abolished pursuant to law, then the board
18 shall:

19 (1) Sell any remaining district real or personal property
20 it wishes, and then transfer the proceeds and any other real or
21 personal property owned by the district, including revenues due
22 and owing the district, to the commission or any appropriate
23 local transportation authority assuming maintenance and control
24 of the project, for its further use and disposition;

25 (2) Terminate the employment of any remaining district
26 employees, and otherwise conclude its affairs;

27 (3) At a public meeting of the district, declare by a
28 majority vote that the district has been abolished effective that

1 date; and

2 (4) Cause copies of that resolution under seal to be filed
3 with the secretary of state, the director of revenue, the
4 commission, and with each local transportation authority affected
5 by the district. Upon the completion of the final act specified
6 in this subsection, the legal existence of the district shall
7 cease.

8 246.005. 1. Notwithstanding any other provision of law,
9 any drainage district, any levee district, or any drainage and
10 levee district organized under the provisions of sections 242.010
11 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which
12 has, prior to April 8, 1994, been granted an extension of the
13 time of corporate existence by the circuit court having
14 jurisdiction, shall be deemed to have fully complied with all
15 provisions of law relating to such extensions, including the time
16 within which application for the extension must be made, unless,
17 for good cause shown, the circuit court shall set aside such
18 extension within ninety days after April 8, 1994.

19 2. Notwithstanding any other provision of law, any drainage
20 district, any levee district, or any drainage and levee district
21 organized under the provisions of sections 242.010 to 242.690,
22 RSMo, or sections 245.010 to 245.280, RSMo, shall have [~~five~~] ten
23 years after the lapse of the corporate charter in which to
24 reinstate and extend the time of the corporate existence by the
25 circuit court having jurisdiction, and such circuit court
26 judgment entry and order shall be deemed to have fully complied
27 with all provisions of law relating to such extensions.

28 247.060. 1. The management of the business and affairs of

1 the district is hereby vested in a board of directors, who shall
2 have all the powers conferred upon the district except as herein
3 otherwise provided, who shall serve without pay. It shall be
4 composed of five members, each of whom shall be a voter of the
5 district and shall have resided in said district one whole year
6 immediately prior to his election. A member shall be at least
7 twenty-five years of age and shall not be delinquent in the
8 payment of taxes at the time of his election. Except as provided
9 in subsection 2 of this section, the term of office of a member
10 of the board shall be three years. The remaining members of the
11 board shall appoint a qualified person to fill any vacancy on the
12 board. If no qualified person who lives in the subdistrict for
13 which there is a vacancy is willing to serve on the board, the
14 board may appoint an otherwise qualified person, who lives in the
15 district but not in the subdistrict in which the vacancy exists
16 to fill such vacancy.

17 2. After notification by certified mail that he or she has
18 two consecutive unexcused absences, any member of the board
19 failing to attend the meetings of the board for three consecutive
20 regular meetings, unless excused by the board for reasons
21 satisfactory to the board, shall be deemed to have vacated the
22 seat, and the secretary of the board shall certify that fact to
23 the board. The vacancy shall be filled as other vacancies
24 occurring in the board.

25 3. The initial members of the board shall be appointed by
26 the circuit court and one shall serve until the immediately
27 following first Tuesday after the first Monday in June, two shall
28 serve until the first Tuesday after the first Monday in June on

1 the second year following their appointment and the remaining
2 appointees shall serve until the first Tuesday after the first
3 Monday in June on the third year following their appointment. On
4 the expiration of such terms and on the expiration of any
5 subsequent term, elections shall be held as otherwise provided by
6 law, and such elections shall be held in April pursuant to
7 section 247.180.

8 4. In 2008, 2009, and 2010, directors elected in such years
9 shall serve from the first Tuesday after the first Monday in June
10 until the first Tuesday in April of the third year following the
11 year of their election. All directors elected thereafter shall
12 serve from the first Tuesday in April until the first Tuesday in
13 April of the third year following the year of their election.

14 260.830. 1. Any county of the third classification or any
15 county of the second classification with more than forty-eight
16 thousand two hundred but less than forty-eight thousand three
17 hundred inhabitants or any county of the fourth classification
18 with more than forty-eight thousand two hundred but less than
19 forty-eight thousand three hundred inhabitants may or any county
20 of the first classification with more than one hundred four
21 thousand six hundred but fewer than one hundred four thousand
22 seven hundred inhabitants, by a majority vote of its governing
23 body, impose a landfill fee pursuant to this section and section
24 260.831, for the benefit of the county. No order or ordinance
25 enacted pursuant to the authority granted by this section shall
26 be effective unless the governing body of the county submits to
27 the qualified voters of the county, at a public election, a
28 proposal to authorize the governing body of the county to impose

1 a fee under the provisions of this section. The ballot of
2 submission shall be in substantially the following form:

3 Shall the county of (insert name of
4 county) impose a landfill fee of (insert
5 amount of fee per ton or volumetric equivalent of solid waste)?

6 YES NO

7

8 If a majority of the votes cast on the proposal by the qualified
9 voters voting thereon are in favor of the proposal, then the
10 order or ordinance and any amendments thereto shall become
11 effective on the first day of the calendar quarter immediately
12 after such election results are certified. If a majority of the
13 votes cast by the qualified voters voting are opposed to the
14 proposal, then the governing body of the county shall have no
15 power to impose the fee authorized by this section unless and
16 until the governing body of the county shall again have submitted
17 another proposal to authorize the governing body of the county to
18 impose such fee, and the proposal is approved by a majority of
19 the qualified voters voting thereon. If an economic development
20 authority does not exist in a county at the time that a landfill
21 fee is adopted by such county under this section, then the
22 governing body of such county shall establish an economic
23 development authority in the county.

24 2. The landfill fee authorized by such an election may not
25 exceed one dollar and fifty cents per ton or its volumetric
26 equivalent of solid waste accepted, which charge may be in
27 addition to any such fee currently imposed pursuant to the
28 provisions of section 260.330.

1 260.831. 1. Each operator of a solid waste sanitary or
2 demolition landfill in any county wherein a landfill fee has been
3 approved by the voters pursuant to section 260.830 shall collect
4 a charge equal to the charge authorized by the voters in such
5 election, not to exceed one dollar and fifty cents per ton or its
6 volumetric equivalent of solid waste accepted. Such fee shall be
7 collected in addition to any fee authorized or imposed pursuant
8 to the provisions of section 260.330, and shall be paid to such
9 operator by all political subdivisions, municipalities,
10 corporations, entities or persons disposing of solid waste or
11 demolition waste, whether pursuant to contract or otherwise, and
12 notwithstanding that any such contract may provide for
13 collection, transportation and disposal of such waste at a fixed
14 fee. Any such contract providing for collections, transportation
15 and disposal of such waste at a fixed fee which is in force on
16 August 28, [2003] 2007, shall be renegotiated by the parties to
17 the contract to include the additional fee imposed by this
18 section. Each such operator shall submit the charge, less
19 collection costs, to the governing body of the county, which
20 shall dedicate such funds for use by the industrial development
21 authority within the county and such funds shall be used by the
22 county commission or authority for economic development within
23 the county. Collection costs shall be the same as established by
24 the department of natural resources pursuant to section 260.330,
25 and shall not exceed two percent of the amount collected pursuant
26 to this section.

27 2. The charges established in this section shall be
28 enumerated separately from any disposal fee charged by the

1 landfill. After January 1, 1994, the fee authorized under
2 section 260.830 and this section shall be stated as a separate
3 surcharge on each individual solid waste collection customer's
4 invoice and shall also indicate whether the county commission or
5 economic development authority receives the funds. Moneys
6 transmitted to the governing body of the county shall be no less
7 than the amount collected less collection costs and in a form,
8 manner and frequency as the governing body may prescribe.
9 Failure to collect such charge shall not relieve the operator
10 from responsibility for transmitting an amount equal to the
11 charge to the governing body.

12 302.010. Except where otherwise provided, when used in this
13 chapter, the following words and phrases mean:

14 (1) "Circuit court", each circuit court in the state;

15 (2) "Commercial motor vehicle", a motor vehicle designed or
16 regularly used for carrying freight and merchandise, or more than
17 fifteen passengers;

18 (3) "Conviction", any final conviction; also a forfeiture
19 of bail or collateral deposited to secure a defendant's
20 appearance in court, which forfeiture has not been vacated, shall
21 be equivalent to a conviction, except that when any conviction as
22 a result of which points are assessed pursuant to section 302.302
23 is appealed, the term "conviction" means the original judgment of
24 conviction for the purpose of determining the assessment of
25 points, and the date of final judgment affirming the conviction
26 shall be the date determining the beginning of any license
27 suspension or revocation pursuant to section 302.304;

28 (4) "Director", the director of revenue acting directly or

1 through the director's authorized officers and agents;

2 (5) "Farm tractor", every motor vehicle designed and used
3 primarily as a farm implement for drawing plows, mowing machines
4 and other implements of husbandry;

5 (6) "Highway", any public thoroughfare for vehicles,
6 including state roads, county roads and public streets, avenues,
7 boulevards, parkways, or alleys in any municipality;

8 (7) "Incompetent to drive a motor vehicle", a person who
9 has become physically incapable of meeting the prescribed
10 requirements of an examination for an operator's license, or who
11 has been adjudged by a probate division of the circuit court in a
12 capacity hearing of being incapacitated;

13 (8) "License", a license issued by a state to a person
14 which authorizes a person to operate a motor vehicle;

15 (9) "Motor vehicle", any self-propelled vehicle not
16 operated exclusively upon tracks except motorized bicycles, as
17 defined in section 307.180, RSMo;

18 (10) "Motorcycle", a motor vehicle operated on two wheels;
19 however, this definition shall not include motorized bicycles as
20 defined in section 301.010, RSMo;

21 (11) "Motortricycle", a motor vehicle operated on three
22 wheels, including a motorcycle operated with any conveyance,
23 temporary or otherwise, requiring the use of a third wheel;

24 (12) "Moving violation", that character of traffic
25 violation where at the time of violation the motor vehicle
26 involved is in motion, except that the term does not include the
27 driving of a motor vehicle without a valid motor vehicle
28 registration license, or violations of sections 304.170 to

1 304.240, RSMo, inclusive, relating to sizes and weights of
2 vehicles;

3 (13) "Municipal court", every division of the circuit court
4 having original jurisdiction to try persons for violations of
5 city ordinances;

6 (14) "Nonresident", every person who is not a resident of
7 this state;

8 (15) "Operator", every person who is in actual physical
9 control of a motor vehicle upon a highway;

10 (16) "Owner", a person who holds the legal title of a
11 vehicle or in the event a vehicle is the subject of an agreement
12 for the conditional sale or lease thereof with the right of
13 purchase upon performance of the conditions stated in the
14 agreement and with an immediate right of possession vested in the
15 conditional vendee or lessee, or in the event a mortgagor of a
16 vehicle is entitled to possession, then such conditional vendee
17 or lessee or mortgagor shall be deemed the owner for the purpose
18 of sections 302.010 to 302.540;

19 (17) "Record" includes, but is not limited to, papers,
20 documents, facsimile information, microphotographic process,
21 electronically generated or electronically recorded information,
22 digitized images, deposited or filed with the department of
23 revenue;

24 (18) "Residence address", residence, or resident address
25 shall be the location at which a person has been physically
26 present, and that the person regards as home. A residence
27 address is a person's true, fixed, principal, and permanent home,
28 to which a person intends to return and remain, even though

1 currently residing elsewhere;

2 (19) "Restricted driving privilege", a driving privilege
3 issued by the director of revenue following a suspension of
4 driving privileges for the limited purpose of driving in
5 connection with the driver's business, occupation, employment,
6 formal program of secondary, postsecondary or higher education,
7 or for an alcohol education or treatment program;

8 [(19)] (20) "School bus", when used in sections 302.010 to
9 302.540, means any motor vehicle, either publicly or privately
10 owned, used to transport students to and from school, or to
11 transport pupils properly chaperoned to and from any place within
12 the state for educational purposes. The term "school bus" shall
13 not include a bus operated by a public utility, municipal
14 corporation or common carrier authorized to conduct local or
15 interstate transportation of passengers when such bus is not
16 traveling a specific school bus route but is:

17 (a) On a regularly scheduled route for the transportation
18 of fare-paying passengers; or

19 (b) Furnishing charter service for the transportation of
20 persons enrolled as students on field trips or other special
21 trips or in connection with other special events;

22 [(20)] (21) "School bus operator", an operator who
23 operates a school bus as defined in subdivision [(19)] (20) of
24 this section in the transportation of any schoolchildren and who
25 receives compensation for such service. The term "school bus
26 operator" shall not include any person who transports
27 schoolchildren as an incident to employment with a school or
28 school district, such as a teacher, coach, administrator,

1 secretary, school nurse, or janitor unless such person is under
2 contract with or employed by a school or school district as a
3 school bus operator;

4 [(21)] (22) "Signature", any method determined by the
5 director of revenue for the signing, subscribing or verifying of
6 a record, report, application, driver's license, or other related
7 document that shall have the same validity and consequences as
8 the actual signing by the person providing the record, report,
9 application, driver's license or related document;

10 [(22)] (23) "Substance abuse traffic offender program", a
11 program certified by the division of alcohol and drug abuse of
12 the department of mental health to provide education or
13 rehabilitation services pursuant to a professional assessment
14 screening to identify the individual needs of the person who has
15 been referred to the program as the result of an alcohol- or
16 drug-related traffic offense. Successful completion of such a
17 program includes participation in any education or rehabilitation
18 program required to meet the needs identified in the assessment
19 screening. The assignment recommendations based upon such
20 assessment shall be subject to judicial review as provided in
21 subsection 13 of section 302.304 and subsections 1 and 5 of
22 section 302.540;

23 [(23)] (24) "Vehicle", any mechanical device on wheels,
24 designed primarily for use, or used on highways, except motorized
25 bicycles, vehicles propelled or drawn by horses or human power,
26 or vehicles used exclusively on fixed rails or tracks, or cotton
27 trailers or motorized wheelchairs operated by handicapped
28 persons.

1 320.097. 1. As used in this section, "fire department"
2 means any agency or organization that provides fire suppression
3 and related activities, including but not limited to fire
4 prevention, rescue, emergency medical services, hazardous
5 material response, dispatching, or special operations to a
6 population within a fixed and legally recorded geographical area.

7 2. Upon approval of the board of aldermen, no employee of a
8 fire department shall, as a condition of employment, be required
9 to reside within a fixed and legally recorded geographical area
10 of the fire department if the only public school district
11 available to the employee within such fire department's
12 geographical area is a public school district that is or has been
13 unaccredited or provisionally accredited in the last five years
14 of such employee's employment. No charter school shall be deemed
15 a public school for purposes of this section.

16 3. No employee of a fire department who has not resided in
17 such fire department's fixed and legally recorded geographical
18 area, or who has changed such employee's residency because of
19 conditions described in subsection 2 of this section, shall as a
20 condition of employment be required to reside within the fixed
21 and legally recorded geographical area of the fire department if
22 such school district subsequently becomes fully accredited.

23 4. Unless the voters of a city not within a county vote to
24 supersede this section by the same majority needed to change the
25 charter of said city by September 1, 2008, this section shall be
26 in force for the city not within a county. In addition, any
27 employee who resides outside the city will forfeit one percent of
28 his or her salary for the time the employee is not living in the

1 city to offset any lost revenue to the city.

2 5. The ballot of submission for this authorization shall be
3 in substantially the following form:

4 Shall (insert name of city) be allowed to prevent
5 fire department employees from paying one percent of their
6 salaries to the city in order to reside outside the city limits
7 when the public school system is or has been unaccredited or
8 provisionally accredited?

9 YES NO

10 If you are in favor of the question, place an "X" in the box
11 opposite "YES"> If you are opposed to the question, place an "X"
12 in the box opposite "NO".

13 320.106. As used in sections 320.106 to 320.161, unless
14 clearly indicated otherwise, the following terms mean:

15 (1) "American Pyrotechnics Association (APA), Standard
16 87-1", or subsequent standard which may amend or supersede this
17 standard for manufacturers, importers and distributors of
18 fireworks;

19 (2) "Chemical composition", all pyrotechnic and explosive
20 composition contained in fireworks devices as defined in American
21 Pyrotechnics Association (APA), Standard 87-1;

22 (3) "Consumer fireworks", explosive devices designed
23 primarily to produce visible or audible effects by combustion and
24 includes aerial devices and ground devices, all of which are
25 classified as fireworks, UN0336, 1.4G by regulation of the United
26 States Department of Transportation, as amended from time to
27 time, and which were formerly classified as class C common
28 fireworks by regulation of the United States Department of

1 Transportation;

2 (4) "Discharge site", the area immediately surrounding the
3 fireworks mortars used for an outdoor fireworks display;

4 (5) "Dispenser", a device designed for the measurement and
5 delivery of liquids as fuel;

6 (6) "Display fireworks", explosive devices designed
7 primarily to produce visible or audible effects by combustion,
8 deflagration or detonation. This term includes devices
9 containing more than two grains (130 mg) of explosive composition
10 intended for public display. These devices are classified as
11 fireworks, UN0335, 1.3G by regulation of the United States
12 Department of Transportation, as amended from time to time, and
13 which were formerly classified as class B display fireworks by
14 regulation of the United States Department of Transportation;

15 [(6)] (7) "Display site", the immediate area where a
16 fireworks display is conducted, including the discharge site, the
17 fallout area, and the required separation distance from mortars
18 to spectator viewing areas, but not spectator viewing areas or
19 vehicle parking areas;

20 [(7)] (8) "Distributor", any person engaged in the business
21 of selling fireworks to wholesalers, jobbers, seasonal retailers,
22 other persons, or governmental bodies that possess the necessary
23 permits as specified in sections 320.106 to 320.161, including
24 any person that imports any fireworks of any kind in any manner
25 into the state of Missouri;

26 [(8)] (9) "Fireworks", any composition or device for
27 producing a visible, audible, or both visible and audible effect
28 by combustion, deflagration, or detonation and that meets the

1 definition of consumer, proximate, or display fireworks as set
2 forth by 49 CFR Part 171 to end, United States Department of
3 Transportation hazardous materials regulations, and American
4 Pyrotechnics Association 87-1 standards;

5 [(9)] (10) "Fireworks season", the period beginning on the
6 twentieth day of June and continuing through the tenth day of
7 July of the same year and the period beginning on the twentieth
8 day of December and continuing through the second day of January
9 of the next year, which shall be the only periods of time that
10 seasonal retailers may be permitted to sell consumer fireworks;

11 [(10)] (11) "Jobber", any person engaged in the business of
12 making sales of consumer fireworks at wholesale or retail within
13 the state of Missouri to nonlicensed buyers for use and
14 distribution outside the state of Missouri during a calendar year
15 from the first day of January through the thirty-first day of
16 December;

17 [(11)] (12) "Licensed operator", any person who supervises,
18 manages, or directs the discharge of outdoor display fireworks,
19 either by manual or electrical means; who has met additional
20 requirements established by promulgated rule and has successfully
21 completed a display fireworks training course recognized and
22 approved by the state fire marshal;

23 [(12)] (13) "Manufacturer", any person engaged in the
24 making, manufacture, assembly or construction of fireworks of any
25 kind within the state of Missouri;

26 [(13)] (14) "NFPA", National Fire Protection Association,
27 an international codes and standards organization;

28 [(14)] (15) "Permanent structure", buildings and structures

1 with permanent foundations other than tents, mobile homes, and
2 trailers;

3 [(15)] (16) "Permit", the written authority of the state
4 fire marshal issued pursuant to sections 320.106 to 320.161 to
5 sell, possess, manufacture, discharge, or distribute fireworks;

6 [(16)] (17) "Person", any corporation, association,
7 partnership or individual or group thereof;

8 [(17)] (18) "Proximate fireworks", a chemical mixture used
9 in the entertainment industry to produce visible or audible
10 effects by combustion, deflagration, or detonation, as defined by
11 the most current edition of the American Pyrotechnics Association
12 (APA), Standard 87-1, section 3.8, specific requirements for
13 theatrical pyrotechnics;

14 [(18)] (19) "Pyrotechnic operator" or "special effects
15 operator", an individual who has responsibility for pyrotechnic
16 safety and who controls, initiates, or otherwise creates special
17 effects for proximate fireworks and who has met additional
18 requirements established by promulgated rules and has
19 successfully completed a proximate fireworks training course
20 recognized and approved by the state fire marshal;

21 [(19)] (20) "Sale", an exchange of articles of fireworks
22 for money, including barter, exchange, gift or offer thereof, and
23 each such transaction made by any person, whether as a principal
24 proprietor, salesman, agent, association, copartnership or one or
25 more individuals;

26 [(20)] (21) "Seasonal retailer", any person within the
27 state of Missouri engaged in the business of making sales of
28 consumer fireworks in Missouri only during a fireworks season as

1 defined by subdivision (9) of this section;

2 [(21)] (22) "Wholesaler", any person engaged in the
3 business of making sales of consumer fireworks to any other
4 person engaged in the business of making sales of consumer
5 fireworks at retail within the state of Missouri.

6 320.146. 1. It shall be unlawful to expose fireworks to
7 direct sunlight through glass to the merchandise displayed,
8 except where the fireworks are in the original package. All
9 fireworks which the public may examine shall be kept for sale in
10 original packages, except where an attendant is on duty at all
11 times where fireworks are offered for sale. Fireworks shall be
12 kept in showcases out of the reach of the public when an
13 attendant is not on duty. One or more signs reading,
14 "FIREWORKS--NO SMOKING" shall be displayed at all places where
15 fireworks are stored or sold in letters not less than four inches
16 in height.

17 2. Fireworks shall not be manufactured, stored, kept or
18 sold within fifty feet of any [gasoline pump, gasoline filling
19 station] motor vehicle fuel dispensing station dispenser, retail
20 propane dispensing station dispenser, compressed natural gas
21 dispensing station dispenser, gasoline or propane bulk station,
22 or any building in which gasoline or volatile liquids are sold in
23 quantities in excess of one gallon. The provisions of this
24 subsection shall not apply to stores where cleaners, paints, and
25 oils are sold in the original containers to consumers.

26 3. It shall be unlawful to permit the presence of lighted
27 cigars, cigarettes, pipes, or any other open flame within
28 twenty-five feet of where fireworks are manufactured, stored,

1 kept, or offered for sale.

2 [4. Fireworks shall not be manufactured, stored, kept or
3 sold within one hundred feet of any dispensing unit for ignitable
4 liquids or gases.]

5 320.200. As used in sections 320.200 to [320.270] 320.271,
6 unless the context requires otherwise, the following terms mean:

7 (1) "Division", the division of fire safety created in
8 section 320.202;

9 (2) "Dwelling unit", one or more rooms arranged for the use
10 of one or more individuals living together as a single
11 housekeeping unit, with cooking, living, sanitary, and sleeping
12 facilities;

13 (3) "Fire department", an agency or organization that
14 provides fire suppression and related activities, including but
15 not limited to, fire prevention, rescue, emergency medical
16 services, hazardous material response, or special operation to a
17 population within a fixed and legally recorded geographical area.
18 The term "fire department" shall include any municipal fire
19 department or any fire protection district as defined in section
20 321.010, RSMo, or voluntary fire protection association as
21 defined in section 320.300, engaging in this type of activity;

22 (4) "Fire loss", loss of or damage to property, or the loss
23 of life or of personal injury, by fire, lightning, or explosion;

24 [(4)] (5) "Investigator", the supervising investigators and
25 investigators appointed under sections 320.200 to 320.270;

26 [(5)] (6) "Owner", any person who owns, occupies, or has
27 charge of any property;

28 [(6)] (7) "Privately occupied dwelling", a building

1 occupied exclusively for residential purposes and having not more
2 than two dwelling units;

3 [(7)] (8) "Property", property of all types, both real and
4 personal, movable and immovable;

5 [(8)] (9) "State fire marshal", the state fire marshal
6 selected under the provisions of sections 320.200 to 320.270.

7 320.271. All fire protection districts, fire departments,
8 and all volunteer fire protection associations as defined in
9 section 320.300 shall complete and file with the state fire
10 marshal within sixty days after [August 13, 1988] January 1,
11 2008, and annually thereafter, [the name and address of the fire
12 protection district, fire department, or volunteer fire
13 protection association.] a fire department registration form
14 provided by the state fire marshal. The state fire marshal may
15 issue a fire department identification number to each registered
16 fire protection district, fire department, or volunteer fire
17 protection association based upon such registration. The state
18 fire marshal may conduct periodic reviews of the information
19 provided on each fire department registration form, and may deny
20 or revoke a fire department identification number based upon the
21 information provided.

22 320.310. 1. All volunteer fire protection associations
23 [may] as defined in section 320.300 shall identify the
24 association's boundaries and file the same with the county
25 administrative body.

26 2. Except as provided in section 320.090 and section
27 44.090, RSMo, and except for state agencies that engage in fire
28 suppression and related activities, those fire protection

1 districts, municipal fire departments, and volunteer fire
2 protection associations, as defined in section 320.300, shall be
3 the sole provider of fire suppression and related activities.
4 For the purposes of this subsection, the term "related
5 activities" shall mean only fire prevention, rescue, hazardous
6 material response, or special operation within their legally
7 defined boundaries.

8 3. Only upon approval by the governing body of a municipal
9 fire department, fire protection district, or volunteer fire
10 association registered with the office of the state fire marshal,
11 as required by section 320.271, shall any other association,
12 organization, group, or political subdivision be authorized to
13 provide the fire suppression response and related activities
14 referenced in subsection 2 of this section within the legally
15 defined boundaries of any municipal fire department, fire
16 protection district, or volunteer fire association.

17 4. Any such association, group, or political subdivision
18 denied approval to operate within the established boundaries of a
19 fire department or volunteer fire association may appeal that
20 decision within thirty days of the decision to the circuit court
21 having jurisdiction for a trial de novo.

22 5. Notwithstanding the provisions of subsections 2 and 3 of
23 this section, ambulance services and districts which are or will
24 be licensed, formed, or operated under chapter 190, RSMo, may
25 provide emergency medical services and nonemergency medical
26 transport within the geographic boundaries of a fire department.
27 Nothing in this section shall supersede the provisions set forth
28 in section 67.300, RSMo, chapter 190, RSMo, or chapter 321, RSMo.

1 321.130. 1. A person, to be qualified to serve as a
2 director, shall be a voter of the district at least one year
3 before the election or appointment and be over the age of
4 twenty-five years; except as provided in subsections 2 and 3 of
5 this section. The person shall also be a resident of such fire
6 protection district. In the event the person is no longer a
7 resident of the district, the person's office shall be vacated,
8 and the vacancy shall be filled as provided in section 321.200.
9 Nominations and declarations of candidacy shall be filed at the
10 headquarters of the fire protection district by paying a ten
11 dollar filing fee and filing a statement under oath that such
12 person possesses the required qualifications.

13 2. In any fire protection district located in more than one
14 county one of which is a first class county without a charter
15 form of government having a population of more than one hundred
16 ninety-eight thousand and not adjoining any other first class
17 county or located wholly within a first class county as described
18 herein, a resident shall have been a resident of the district for
19 more than one year to be qualified to serve as a director.

20 3. In any fire protection district located in a county of
21 the third or fourth classification, a person to be qualified to
22 serve as a director shall be over the age of twenty-five years
23 and shall be a voter of the district for more than one year
24 before the election or appointment, except that for the first
25 board of directors in such district, a person need only be a
26 voter of the district for one year before the election or
27 appointment.

28 4. A person desiring to become a candidate for the first

1 board of directors of the proposed district shall pay the sum of
2 five dollars as a filing fee to the treasurer of the county and
3 shall file with the election authority a statement under oath
4 that such person possesses all of the qualifications set out in
5 this chapter for a director of a fire protection district.
6 Thereafter, such candidate shall have the candidate's name placed
7 on the ballot as a candidate for director.

8 321.162. 1. All members of the board of directors of a
9 fire protection district first elected on or after January 1,
10 2008, shall attend and complete an educational seminar or
11 conference or other suitable training on the role and duties of a
12 board member of a fire protection district. The training
13 required under this section shall be conducted by an entity
14 approved by the office of the state fire marshal. The office of
15 the state fire marshal shall determine the content of the
16 training to fulfill the requirements of this section. Such
17 training shall include, at a minimum:

18 (1) Information relating to the roles and duties of a fire
19 protection district director;

20 (2) A review of all state statutes and regulations relevant
21 to fire protection districts;

22 (3) State ethics laws;

23 (4) State sunshine laws, chapter 610, RSMo;

24 (5) Financial and fiduciary responsibility;

25 (6) State laws relating to the setting of tax rates; and

26 (7) State laws relating to revenue limitations.

27 2. If any fire protection district board member fails to
28 attend a training session within twelve months after taking

1 office, the board member shall not be compensated for attendance
2 at meetings thereafter until the board member has completed such
3 training session.

4 321.688. 1. The board of directors of any fire protection
5 districts located wholly within any county of the first
6 classification may consolidate with each other upon the passage
7 of a joint resolution by each board desiring to consolidate. The
8 joint resolution shall not become effective unless each board
9 submits to the voters residing within the fire protection
10 districts at a state general, primary, or special election a
11 proposal to authorize the consolidation under this section.

12 2. The ballot of submission for the consolidation
13 authorized in this section shall be in substantially the
14 following form:

15 Shall (insert the name of the fire protection
16 districts) be consolidated into one fire protection district, to
17 be known as the (insert name of proposed consolidated fire
18 protection district)?

19 YES NO

20
21 If you are in favor of the question, place an "X" in the box
22 opposite "YES". If you are opposed to the question, place an "X"
23 in the box opposite "NO".

24
25 If a majority of the votes cast on the question by the qualified
26 voters voting thereon in each existing fire protection district
27 are in favor of the question, then the consolidation shall become
28 effective on January first of the year immediately following the

1 approval of the consolidation, unless the consolidation is
2 approved at a November election, in which case the consolidation
3 shall become effective on January first of the second year
4 following the approval of the consolidation.

5 3. The board of directors of any consolidated fire
6 protection district created under this section shall consist of
7 the existing board members of the fire protection districts that
8 were consolidated. Upon the occurrence of a vacancy in the
9 membership of the board, the number of members on the board may
10 be reduced upon approval by a majority of the remaining board
11 members, but the number of seats shall not be reduced to fewer
12 than five. The terms of office for board members shall be
13 identical to the terms of office the board members were
14 originally elected to serve before the consolidation.

15 4. Upon the approval of consolidation under this section,
16 the consolidated district shall be a political subdivision of
17 this state and a body corporate, with all the powers of like or
18 similar corporations, and with all the powers, privileges, and
19 duties of fire protection districts under this chapter. All
20 properties, rights, assets, and liabilities of the fire
21 protection districts which are consolidated, including
22 outstanding bonds thereof if any, shall become the properties,
23 rights, assets, and liabilities of the consolidated fire
24 protection district.

25 5. The consolidated fire protection district shall levy the
26 same taxes as levied in the fire protection district with the
27 lowest tax levy before the consolidation unless a tax levy is
28 specifically set forth in the ballot language approved by the

1 voters of the consolidating districts, except that the tax levy
2 of the consolidated district shall not exceed the highest tax
3 levy of the consolidating districts.

4 392.410. 1. A telecommunications company not possessing a
5 certificate of public convenience and necessity from the
6 commission at the time this section goes into effect shall have
7 not more than ninety days in which to apply for a certificate of
8 service authority from the commission pursuant to this chapter
9 unless a company holds a state charter issued in or prior to the
10 year 1913 which charter authorizes a company to engage in the
11 telephone business. No telecommunications company not exempt
12 from this subsection shall transact any business in this state
13 until it shall have obtained a certificate of service authority
14 from the commission pursuant to the provisions of this chapter,
15 except that any telecommunications company which is providing
16 telecommunications service on September 28, 1987, and which has
17 not been granted or denied a certificate of public convenience
18 and necessity prior to September 28, 1987, may continue to
19 provide that service exempt from all other requirements of this
20 chapter until a certificate of service authority is granted or
21 denied by the commission so long as the telecommunications
22 company applies for a certificate of service authority within
23 ninety days from September 28, 1987.

24 2. No telecommunications company offering or providing, or
25 seeking to offer or provide, any interexchange telecommunications
26 service shall do so until it has applied for and received a
27 certificate of interexchange service authority pursuant to the
28 provisions of subsection 1 of this section. No

1 telecommunications company offering or providing, or seeking to
2 offer or provide, any local exchange telecommunications service
3 shall do so until it has applied for and received a certificate
4 of local exchange service authority pursuant to the provisions of
5 section 392.420.

6 3. No certificate of service authority issued by the
7 commission shall be construed as granting a monopoly or exclusive
8 privilege, immunity or franchise. The issuance of a certificate
9 of service authority to any telecommunications company shall not
10 preclude the commission from issuing additional certificates of
11 service authority to another telecommunications company providing
12 the same or equivalent service or serving the same geographical
13 area or customers as any previously certified company, except to
14 the extent otherwise provided by section 392.450.

15 4. Any certificate of public convenience and necessity
16 granted by the commission to a telecommunications company prior
17 to September 28, 1987, shall remain in full force and effect
18 unless modified by the commission, and such companies need not
19 apply for a certificate of service authority in order to continue
20 offering or providing service to the extent authorized in such
21 certificate of public convenience and necessity. Any such
22 carrier, however, prior to substantially altering the nature or
23 scope of services provided under a certificate of public
24 convenience and necessity, or adding or expanding services beyond
25 the authority contained in such certificate, shall apply for a
26 certificate of service authority for such alterations or
27 additions pursuant to the provisions of this section.

28 5. The commission may review and modify the terms of any

1 certificate of public convenience and necessity issued to a
2 telecommunications company prior to September 28, 1987, in order
3 to ensure its conformity with the requirements and policies of
4 this chapter. Any certificate of service authority may be
5 altered or modified by the commission after notice and hearing,
6 upon its own motion or upon application of the person or company
7 affected. Unless exercised within a period of one year from the
8 issuance thereof, authority conferred by a certificate of service
9 authority or a certificate of public convenience and necessity
10 shall be null and void.

11 6. The commission may issue a temporary certificate which
12 shall remain in force not to exceed one year to assure
13 maintenance of adequate service or to serve particular customers,
14 without notice and hearing, pending the determination of an
15 application for a certificate.

16 7. No political subdivision of this state shall provide or
17 offer for sale, either to the public or to a telecommunications
18 provider, a telecommunications service or telecommunications
19 facility used to provide a telecommunications service for which a
20 certificate of service authority is required pursuant to this
21 section. Nothing in this subsection shall be construed to
22 restrict a political subdivision from allowing the
23 nondiscriminatory use of its rights-of-way including its poles,
24 conduits, ducts and similar support structures by
25 telecommunications providers or from providing to
26 telecommunications providers, within the geographic area in which
27 it lawfully operates as a municipal utility, telecommunications
28 services or telecommunications facilities on a nondiscriminatory,

1 competitively neutral basis, and at a price which covers cost,
2 including imputed costs that the political subdivision would
3 incur if it were a for-profit business. Nothing in this
4 subsection shall restrict a political subdivision from providing
5 telecommunications services or facilities:

- 6 (1) For its own use;
- 7 (2) For 911, E-911 or other emergency services;
- 8 (3) For medical or educational purposes;
- 9 (4) To students by an educational institution; or
- 10 (5) Internet-type services.

11
12 [The provisions of this subsection shall expire on August 28,
13 2007.]

14 8. The public service commission shall annually study the
15 economic impact of the provisions of this section and prepare and
16 submit a report to the general assembly by December thirty-first
17 of each year.

18 393.705. As used in sections 393.700 to 393.770, the
19 following terms shall, unless the context clearly indicates
20 otherwise, have the following meanings:

21 (1) "Bond" or "bonds", any bonds, interim certificates,
22 notes, debentures or other obligations of a commission issued
23 pursuant to sections 393.700 to 393.770;

24 (2) "Commission", any joint municipal utility commission
25 established by a joint contract pursuant to sections 393.700 to
26 393.770;

27 (3) "Contracting municipality", each municipality which is
28 a party to a joint contract establishing a commission pursuant to

1 sections 393.700 to 393.770, a water supply district formed
2 pursuant to the provisions of chapter 247, RSMo, or a sewer
3 district formed pursuant to the provisions of chapter 204, RSMo,
4 or chapter 249, RSMo;

5 (4) "Joint contract", the contract entered into among or by
6 and between two or more of the following contracting entities for
7 the purpose of establishing a commission:

8 (a) Municipalities;

9 (b) Public water supply districts;

10 (c) Sewer districts;

11 (d) Nonprofit water companies; [or]

12 (e) Nonprofit sewer companies;

13 (f) Joint municipal utility commissions;

14 (5) "Participating municipality", a municipality, public
15 water supply district, or sewer district acting in concert with a
16 commission in the development of a project but providing separate
17 financing to acquire an individual interest in the project;

18 (6) "Person", a natural person, cooperative or private
19 corporation, association, firm, partnership, or business trust of
20 any nature whatsoever, organized and existing pursuant to the
21 laws of any state or of the United States and any municipality or
22 other municipal corporation, governmental unit, or public
23 corporation created under the laws of any state or the United
24 States, and any person, board, or other body declared by the laws
25 of any state or the United States to be a department, agency or
26 instrumentality thereof;

27 (7) "Project", the purchasing, construction, extending or
28 improving of any utility facility or property including without

1 limitation revenue-producing water, sewage, gas or electric light
2 works, heating or power plants, transmission and distribution
3 systems, and all other types of utilities and revenue-producing
4 facilities as deemed appropriate by the governing bodies of the
5 contracting or participating municipalities, including all real
6 and personal property of any nature whatsoever to be used in
7 connection therewith, together with all parts thereof and
8 appurtenances thereto, or any interest therein or right to
9 capacity thereof and the acquisition of fuel of any kind for any
10 such purposes.

11 393.710. 1. Municipalities, joint municipal utility
12 commissions, public water supply districts, and sewer districts
13 may, by joint contract, establish a governmental entity to be
14 known as a joint municipal utility commission, to effect the
15 joint development of a project or projects in whole or in part
16 for the benefit of the inhabitants of such municipalities, public
17 water supply districts and sewer districts.

18 2. Any joint contract establishing a commission under this
19 section shall specify:

20 (1) The name and purpose of the commission and the
21 functions or services to be provided by the commission;

22 (2) The establishment and organization of a governing body
23 of a commission which shall be a board of directors in which all
24 powers of the commission are vested. The joint contract may
25 provide for the creation by the board of an executive committee
26 of the board to which the powers and duties of the board may be
27 delegated as the board or state statute shall specify;

28 (3) The number of directors, the manner of their

1 appointment, terms of office and compensation, if any, and the
2 procedure for filling vacancies on the board. Each contracting
3 municipality, public water supply district, and sewer district
4 shall have the power to appoint one member and an alternate to
5 the board of directors and shall be entitled to remove that
6 member and alternate at will;

7 (4) The manner of selection of the officers of the
8 commission and their duties;

9 (5) The voting requirements for action by the board, but,
10 unless specifically provided otherwise, a majority of directors
11 shall constitute a quorum and a majority of the quorum shall be
12 necessary for any action taken by the board;

13 (6) The duties of the board which shall include the
14 obligation to comply or to cause compliance with this section and
15 the laws of the state and, in addition, with each and every term,
16 provision and covenant in the joint contract creating the
17 commission on its part to be kept or performed;

18 (7) The manner in which additional municipalities, public
19 water supply districts, and sewer districts may become parties to
20 the joint contract;

21 (8) The manner of financing the commission and of
22 establishing and maintaining a budget and annual audit for the
23 commission;

24 (9) The ownership interests of the contracting municipality
25 electric cooperative associations, municipally owned or public
26 utilities in a project or the manner of determining such
27 ownership interest, which ownership interest shall be subject to
28 any mortgage of a project pursuant to section 393.735;

1 (10) Provisions for the disposition, division or
2 distribution of any property or assets of the commission on
3 dissolution; and

4 (11) The term of the joint contract, which may be a
5 definite period or until rescinded or terminated, and the method,
6 if any, by which the joint contract may be rescinded or
7 terminated so long as the commission has no bonds outstanding,
8 unless provision for full payment of such bonds, by escrow or
9 otherwise, has been made pursuant to the terms of the bonds or
10 the resolution, trust indenture or security instrument securing
11 the bonds.

12 3. A commission shall, if the joint contract so provides,
13 be the successor to any nonprofit corporation, agency, or another
14 entity theretofore organized by the contracting municipalities to
15 provide the same function, service or facility, and the
16 commission shall be entitled to all rights and privileges and
17 shall assume all obligations and liabilities of such other entity
18 under existing contracts to which such other entity is a party.

19 393.715. 1. The general powers of a commission to the
20 extent provided in section 393.710 to be exercised for the
21 benefit of its contracting members shall include the power to:

22 (1) Plan, develop, acquire, construct, reconstruct,
23 operate, manage, dispose of, participate in, maintain, repair,
24 extend or improve one or more projects, either exclusively or
25 jointly or by participation with electric cooperative
26 associations, municipally owned or public utilities or acquire
27 any interest in or any rights to capacity of a project, within or
28 outside the state, and act as an agent, or designate one or more

1 other persons participating in a project to act as its agent, in
2 connection with the planning, acquisition, construction,
3 operation, maintenance, repair, extension or improvement of such
4 project;

5 (2) Acquire, sell, distribute and process fuels necessary
6 to the production of electric power and energy; provided,
7 however, the commission shall not have the power or authority to
8 erect, own, use or maintain a transmission line which is parallel
9 or generally parallel to another transmission line in place
10 within a distance of two miles, which serves the same general
11 area sought to be served by the commission unless the public
12 service commission finds that it is not feasible to utilize the
13 transmission line which is in place;

14 (3) Acquire by purchase or lease, construct, install, and
15 operate reservoirs, pipelines, wells, check dams, pumping
16 stations, water purification plants, and other facilities for the
17 production, wholesale distribution, and utilization of water and
18 to own and hold such real and personal property as may be
19 necessary to carry out the purposes of its organization;
20 provided, however, that a commission shall not sell or distribute
21 water, at retail or wholesale, within the certificated area of a
22 water corporation which is subject to the jurisdiction of the
23 public service commission unless the sale or distribution of
24 water is within the boundaries of a public water supply district
25 or municipality which is a contracting municipality in the
26 commission and the commission has obtained the approval of the
27 public service commission prior to commencing such said sale or
28 distribution of water;

1 (4) Acquire by purchase or lease, construct, install, and
2 operate lagoons, pipelines, wells, pumping stations, sewage
3 treatment plants and other facilities for the treatment and
4 transportation of sewage and to own and hold such real and
5 personal property as may be necessary to carry out the purposes
6 of its organization;

7 (5) Enter into operating, franchises, exchange,
8 interchange, pooling, wheeling, transmission and other similar
9 agreements with any person;

10 (6) Make and execute contracts and other instruments
11 necessary or convenient to the exercise of the powers of the
12 commission;

13 (7) Employ agents and employees;

14 (8) Contract with any person, within or outside the state,
15 for the construction of any project or for any interest therein
16 or any right to capacity thereof, without advertising for bids,
17 preparing final plans and specifications in advance of
18 construction, or securing performance and payment of bonds,
19 except to the extent and on such terms as its board of directors
20 or executive committee shall determine. Any contract entered
21 into pursuant to this subdivision shall contain a provision that
22 the requirements of sections 290.210 to 290.340, RSMo, shall
23 apply;

24 (9) Purchase, sell, exchange, transmit, treat, dispose or
25 distribute water, sewage, gas, heat or electric power and energy,
26 or any by-product resulting therefrom, within and outside the
27 state, in such amounts as it shall determine to be necessary and
28 appropriate to make the most effective use of its powers and to

1 meet its responsibilities, and to enter into agreements with any
2 person with respect to such purchase, sale, exchange, treatment,
3 disposal or transmission, on such terms and for such period of
4 time as its board of directors or executive committee shall
5 determine. A commission may not sell or distribute water, gas,
6 heat or power and energy, or sell sewage service at retail to
7 ultimate customers outside the boundary limits of its contracting
8 municipalities except pursuant to subsection 2 or 3 of this
9 section;

10 (10) Acquire, own, hold, use, lease, as lessor or lessee,
11 sell or otherwise dispose of, mortgage, pledge, or grant a
12 security interest in any real or personal property, commodity or
13 service or interest therein;

14 (11) Exercise the powers of eminent domain for public use
15 as provided in chapter 523, RSMo, except that the power of
16 eminent domain shall not be exercised against any electric
17 cooperative association, municipally owned or public utility;

18 (12) Incur debts, liabilities or obligations including the
19 issuance of bonds pursuant to the authority granted in section 27
20 of article VI of the Missouri Constitution;

21 (13) Sue and be sued in its own name;

22 (14) Have and use a corporate seal;

23 (15) Fix, maintain and revise fees, rates, rents and
24 charges for functions, services, facilities or commodities
25 provided by the commission. The powers enumerated in this
26 subdivision shall constitute the power to tax for purposes of
27 article X, section 15 of the Missouri Constitution;

28 (16) Make, and from time to time, amend and repeal, bylaws,

1 rules and regulations not inconsistent with this section to carry
2 into effect the powers and purposes of the commission;

3 (17) Notwithstanding the provisions of any other law,
4 invest any funds held in reserve or sinking funds, or any funds
5 not required for immediate disbursement, including the proceeds
6 from the sale of any bonds, in such obligations, securities and
7 other investments as the commission deems proper;

8 (18) Join organizations, membership in which is deemed by
9 the board of directors or its executive committee to be
10 beneficial to accomplishment of the commission's purposes;

11 (19) Exercise any other powers which are deemed necessary
12 and convenient by the commission to effectuate the purposes of
13 the commission; and

14 (20) Do and perform any acts and things authorized by this
15 section under, through or by means of an agent or by contracts
16 with any person.

17 2. When a municipality purchases a privately owned water
18 utility and a commission is created pursuant to sections 393.700
19 to 393.770, the commission may continue to serve those locations
20 previously receiving water from the private utility even though
21 the location receives such service outside the geographical area
22 of the municipalities forming the commission. New water service
23 may be provided in such areas if the site to receive such service
24 is located within one-fourth of a mile from a site serviced by
25 the privately owned water utility.

26 3. When a commission created by any of the contracting
27 entities listed in subdivision (4) of section 393.705 becomes a
28 successor to any nonprofit water corporation, nonprofit sewer

1 corporation or other nonprofit agency or entity organized to
2 provide water or sewer service, the commission may continue to
3 serve, as well as provide new service to, those locations and
4 areas previously receiving water or sewer service from such
5 nonprofit entity, regardless of whether or not such location
6 receives such service outside the geographical service area of
7 the contracting entities forming such commission; provided that
8 such locations and areas previously receiving water and sewer
9 service from such nonprofit entity are not located within:

10 (1) Any county of the first classification with a
11 population of more than six hundred thousand and less than nine
12 hundred thousand;

13 (2) The boundaries of any sewer district established
14 pursuant to article VI, section 30(a) of the Missouri
15 Constitution; or

16 (3) The certificated area of a water or sewer corporation
17 that is subject to the jurisdiction of the public service
18 commission.

19 393.720. Any commission established by joint contract under
20 sections 393.700 to 393.770 shall constitute a body public and
21 corporate of the state, exercising public powers for the benefit
22 of its contracting members and in order to carry out the public
23 purposes and the public functions of its contracting members. It
24 shall have the duties, privileges, immunities, rights,
25 liabilities and disabilities of its contracting members and as a
26 public body politic and corporate, including the power to tax,
27 but shall not have any additional taxing power separate from that
28 of its members nor shall it have the benefit of the doctrine of

1 sovereign immunity.

2 393.740. 1. All bonds issued pursuant to sections 393.700
3 to 393.770 and all income or interest thereon shall be exempt
4 from all state taxes, except estate and transfer taxes.

5 2. All property, real and tangible personal, except for
6 properties acquired exclusively for water supply districts and
7 water supply commissions, acquired by the bonds issued pursuant
8 to sections 393.700 and 393.770 or otherwise acquired by a
9 commission shall be subject to taxation for state, county, and
10 municipal and other local purposes only to the same extent as if
11 such property was owned directly by each contracting or
12 participating municipality in such proportion or manner as
13 specified by contract among all contracting or participating
14 municipalities party to a project or if not specified in
15 proportion to the percentage of each municipality's interest or
16 participation in the facility or property.

17 393.825. 1. Nonprofit, membership corporations may be
18 organized under sections 393.825 to 393.861 and section 393.175
19 only for the purpose of supplying wastewater disposal and
20 treatment services within the state of Missouri. Corporations
21 which become subject to sections 393.825 to 393.861 and section
22 393.175 in the manner herein provided are herein referred to as
23 "nonprofit sewer companies". Five or more persons may organize a
24 nonprofit sewer company pursuant to sections 393.825 to 393.861
25 and section 393.175.

26 2. The articles of incorporation of a nonprofit sewer
27 company shall recite in the caption that they are executed
28 pursuant to sections 393.825 to 393.861 and section 393.175,

1 shall be signed and acknowledged in duplicate by at least five of
2 the incorporators and shall state:

3 (1) The name of the company;

4 (2) The address of its principal office;

5 (3) The names and addresses of the incorporators;

6 (4) The number of years the company is to continue, which
7 may be any number including perpetuity;

8 (5) The names and addresses of the persons who shall
9 constitute its first board of directors;

10 (6) Whether the company chooses to operate under the
11 provisions of chapter 347, RSMo, or chapter 355, RSMo; and

12 (7) Any provisions not inconsistent with sections 393.825
13 to 393.861 and section 393.175 deemed necessary or advisable for
14 the conduct of its business and affairs. Such articles of
15 incorporation shall be submitted to the secretary of state for
16 filing.

17 3. (1) Prior to obtaining a permit to provide service, a
18 nonprofit sewer company shall provide a copy of the articles of
19 incorporation and company bylaws to the department of natural
20 resources to ensure compliance with all statutory requirements.
21 The department shall review the documents and provide the
22 nonprofit sewer company authorization to provide service if all
23 statutory requirements are met. If all statutory requirements
24 have not been met, the department shall inform the nonprofit
25 sewer company of all deficiencies and assist such company in
26 curing the deficiencies.

27 (2) All nonprofit sewer companies shall provide a copy of
28 all subsequent modifications of the articles of incorporation and

1 company bylaws to the department to ensure continued compliance.
2 If statutory requirements are no longer being met, the department
3 shall inform the nonprofit sewer company of all deficiencies and
4 provide a period of thirty days to cure such deficiencies. If
5 such deficiencies are not cured within thirty days, the
6 department may suspend or revoke the nonprofit sewer company's
7 authority to provide service until such time that the
8 deficiencies are cured.

9 393.847. 1. Every nonprofit sewer company constructing,
10 maintaining and operating its wastewater lines and treatment
11 facilities shall construct, maintain and operate such lines and
12 facilities in conformity with the rules and regulations relating
13 to the manner and methods of construction, maintenance and
14 operation and as to safety of the public with other lines and
15 facilities now or hereafter from time to time prescribed by the
16 department of natural resources for the construction, maintenance
17 and operation of such lines or systems. The jurisdiction,
18 supervision, powers and duties of the department of natural
19 resources shall extend to every such nonprofit sewer company and
20 every nonprofit sewer company shall be supervised and regulated
21 by the department of natural resources to the same extent and in
22 the same manner as any other nonprofit corporation engaged in
23 whole or in part in the collection or treatment of wastewater.

24 2. Notwithstanding any provision of sections 393.825 to
25 393.861 to the contrary, a nonprofit sewer company shall not be
26 eligible to obtain a construction or operating permit unless a
27 waiver from all affected political subdivisions is obtained for a
28 site where:

1 (1) A municipality, county, public sewer district, or
2 public water supply district operates a wastewater treatment
3 system; or

4 (2) A connection to a wastewater treatment system is
5 required by a municipal or county ordinance.

6 3. The public service commission shall not have
7 jurisdiction over the construction, maintenance or operation of
8 the wastewater facilities, service, rates, financing, accounting
9 or management of any nonprofit sewer company.

10 393.900. 1. Nonprofit, membership corporations may be
11 organized pursuant to sections 393.900 to 393.951 only for the
12 purpose of supplying water for distribution, wholesale and
13 treatment services within the state of Missouri. Corporations
14 which become subject to sections 393.900 to 393.951 are referred
15 to in sections 393.900 to 393.951 as nonprofit water companies.
16 Five or more persons may organize a nonprofit water company
17 pursuant to sections 393.900 to 393.951.

18 2. The articles of incorporation of a nonprofit water
19 company shall recite in the caption that they are executed
20 pursuant to sections 393.900 to 393.951, shall be signed and
21 acknowledged in duplicate by at least five of the incorporators
22 and shall state:

23 (1) The name of the company;

24 (2) The address of its principal office;

25 (3) The names and addresses of the incorporators;

26 (4) The number of years the company is to continue, which
27 may be any number including perpetuity;

28 (5) The legal description of the territory in which the

1 company intends to operate;

2 (6) The names and addresses of the persons who shall
3 constitute its first board of directors;

4 (7) Whether the company chooses to operate pursuant to
5 chapter 347, RSMo, or chapter 355, RSMo;

6 (8) The method chosen for distributing the assets of the
7 company upon dissolution; and

8 (9) Any provisions not inconsistent with sections 393.900
9 to 393.951 deemed necessary or advisable for the conduct of its
10 business and affairs. Such articles of incorporation shall be
11 submitted to the secretary of state for filing.

12 3. (1) Prior to obtaining a permit to provide service, a
13 nonprofit water company shall provide a copy of the articles of
14 incorporation and company bylaws to the department of natural
15 resources to ensure compliance with all statutory requirements.
16 The department shall review the documents and provide the
17 nonprofit water company authorization to provide service if all
18 statutory requirements are met. If all statutory requirements
19 have not been met, the department shall inform the nonprofit
20 water company of all deficiencies and assist such company in
21 curing the deficiencies.

22 (2) All nonprofit water companies shall provide a copy of
23 all subsequent modifications of the articles of incorporation and
24 company bylaws to the department to ensure continued compliance.
25 If statutory requirements are no longer being met, the department
26 shall inform the nonprofit water company of all deficiencies and
27 provide a period of thirty days to cure such deficiencies. If
28 such deficiencies are not cured within thirty days, the

1 department may suspend or revoke the nonprofit water company's
2 authority to provide service until such time that the
3 deficiencies are cured.

4 393.933. 1. Every nonprofit water company constructing,
5 maintaining and operating its water lines and treatment
6 facilities shall construct, maintain and operate such lines and
7 facilities in conformity with the rules and regulations relating
8 to the manner and methods of construction, maintenance and
9 operation and as to safety of the public with other lines and
10 facilities now or hereafter from time to time prescribed by the
11 department of natural resources or by law for the construction,
12 maintenance and operation of such lines or systems. The
13 jurisdiction, supervision, powers and duties of the department of
14 natural resources shall extend to every such nonprofit water
15 company so far as it concerns the construction, maintenance and
16 operation of the physical equipment of such company to the extent
17 of providing for the safety of employees and the general public.

18 2. Notwithstanding any provision of sections 393.900 to
19 393.954 to the contrary, a nonprofit water company shall not be
20 eligible to obtain a construction permit or a permit to dispense
21 unless a waiver from all affected political subdivisions is
22 obtained for a site where:

23 (1) A municipality, county, or public water supply district
24 operates a water system; or

25 (2) A connection to a water system is required by a
26 municipal or county ordinance.

27 3. The public service commission shall not have
28 jurisdiction over the construction, maintenance or operation of

1 the water facilities, service, rates, financing, accounting or
2 management of any nonprofit water company; except that, the
3 public service commission shall have authority to approve the
4 reorganization of any existing company regulated by the public
5 service commission.

6 409.107. No investment firm, legal firm offering bond
7 counsel services, or any persons having an interest in any such
8 firms shall be involved in [any manner in] the issuance of bonds
9 authorized by an election in which the firm or person made any
10 direct or indirect financial contribution [of any kind
11 whatsoever] to any campaign in support of the bond election. For
12 the purposes of this section, direct or indirect financial
13 contribution shall not include services with respect to providing
14 factual information relating to the prospective bond issuance,
15 responding to questions and making presentations at public forums
16 relative to prospective bond issuance, or participation in any
17 meeting subject to the open meetings law.

18 432.070. No county, city, town, village, school township,
19 school district or other municipal corporation shall make any
20 contract, unless the same shall be within the scope of its powers
21 or be expressly authorized by law, nor unless such contract be
22 made upon a consideration wholly to be performed or executed
23 subsequent to the making of the contract; and such contract,
24 including the consideration, shall be in writing and dated when
25 made, and shall be subscribed by the parties thereto, or their
26 agents authorized by law and duly appointed and authorized in
27 writing. [Notwithstanding the foregoing, any home rule city with
28 more than sixty thousand three hundred but fewer than sixty

1 thousand four hundred inhabitants which after January 1, 2003,
2 has committed or agreed in writing to provide sewer service or
3 has in fact directly or indirectly provided such service to any
4 homes within a subdivision shall give its customers two years
5 prior written notice of its intent to discontinue service and
6 during such two-year period shall continue to connect and provide
7 sanitary sewer service to all homes constructed in such
8 subdivision. In no event shall any sewer service connected prior
9 to the expiration of such two-year period be discontinued.]

10 451.040. 1. Previous to any marriage in this state, a
11 license for that purpose shall be obtained from the officer
12 authorized to issue the same, and no marriage contracted shall be
13 recognized as valid unless the license has been previously
14 obtained, and unless the marriage is solemnized by a person
15 authorized by law to solemnize marriages.

16 2. Before applicants for a marriage license shall receive a
17 license, and before the recorder of deeds shall be authorized to
18 issue a license, the parties to the marriage shall present an
19 application for the license, duly executed and signed in the
20 presence of the recorder of deeds or their deputy. Each
21 application for a license shall contain the Social Security
22 number of the applicant, provided that the applicant in fact has
23 a Social Security number, or the applicant shall sign a statement
24 provided by the recorder that the applicant does not have a
25 Social Security number. The Social Security number contained in
26 an application for a marriage license shall be exempt from
27 examination and copying pursuant to section 610.024, RSMo. [Upon
28 the expiration of three days] After the receipt of the

1 application the recorder of deeds shall issue the license, unless
2 one of the parties withdraws the application. The license shall
3 be void after thirty days from the date of issuance.

4 3. [Provided, however, that such license may be issued on
5 order of a circuit or associate circuit judge of the county in
6 which the license is applied for, without waiting three days,
7 such license being issued only for good cause shown and by reason
8 of such unusual conditions as to make such marriage advisable.

9 4.] Any person violating the provisions of this section
10 shall be deemed guilty of a misdemeanor.

11 [5.] 4. Common-law marriages shall be null and void.

12 [6.] 5. Provided, however, that no marriage shall be deemed
13 or adjudged invalid, nor shall the validity be in any way
14 affected for want of authority in any person so solemnizing the
15 marriage pursuant to section 451.100, if consummated with the
16 full belief on the part of the persons, so married, or either of
17 them, that they were lawfully joined in marriage.

18 473.743. It shall be the duty of the public administrator
19 to take into his or her charge and custody the estates of all
20 deceased persons, and the person and estates of all minors, and
21 the estates or person and estate of all incapacitated persons in
22 his or her county, in the following cases:

23 (1) When a stranger dies intestate in the county without
24 relations, or dies leaving a will, and the personal
25 representative named is absent, or fails to qualify;

26 (2) When persons die intestate without any known heirs;

27 (3) When persons unknown die or are found dead in the
28 county;

1 (4) When money, property, papers or other estate are left
2 in a situation exposed to loss or damage, and no other person
3 administers on the same;

4 (5) When any estate of any person who dies intestate
5 therein, or elsewhere, is left in the county liable to be
6 injured, wasted or lost, when the intestate does not leave a
7 known husband, widow or heirs in this state;

8 (6) The persons of all minors under the age of fourteen
9 years, whose parents are dead, and who have no legal guardian or
10 conservator;

11 (7) The estates of all minors whose parents are dead, or,
12 if living, refuse or neglect to qualify as conservator, or,
13 having qualified have been removed, or are, from any cause,
14 incompetent to act as such conservator, and who have no one
15 authorized by law to take care of and manage their estate;

16 (8) The estates or person and estate of all disabled or
17 incapacitated persons in his or her county who have no legal
18 guardian or conservator, and no one competent to take charge of
19 such estate, or to act as such guardian or conservator, can be
20 found, or is known to the court having jurisdiction, who will
21 qualify;

22 (9) Where from any other good cause, the court shall order
23 him to take possession of any estate to prevent its being
24 injured, wasted, purloined or lost;

25 (10) When moneys are delivered to the public administrator
26 from the county coroner.

27 479.010. Violations of municipal ordinances shall be
28 [tried] heard and determined only before divisions of the circuit

1 court as hereinafter provided in this chapter. "Heard and
2 determined", for purposes of this chapter, shall mean any process
3 under which the court in question retains the final authority to
4 make factual determinations pertaining to allegations of a
5 municipal ordinance violation, including but not limited to the
6 use of a system of administrative adjudication as provided in
7 section 479.011, preliminary to a determination by appeal to the
8 court in question.

9 479.011. 1. Any city not within a county or any home rule
10 city with more than four hundred thousand inhabitants and located
11 in more than one county may establish, by order or ordinance, an
12 administrative system for adjudicating parking and other civil,
13 nonmoving municipal code violations consistent with applicable
14 state law. Such administrative adjudication system shall be
15 subject to practice, procedure, and pleading rules established by
16 the state supreme court, circuit court, or municipal court. This
17 section shall not be construed to affect the validity of other
18 administrative adjudication systems authorized by state law and
19 created before August 28, 2004.

20 2. The order or ordinance creating the administrative
21 adjudication system shall designate the administrative tribunal
22 and its jurisdiction, including the code violations to be
23 reviewed. The administrative tribunal may operate under the
24 supervision of the municipal court, parking commission, or other
25 entity designated by order or ordinance and in a manner
26 consistent with state law. The administrative tribunal shall
27 adopt policies and procedures for administrative hearings, and
28 filing and notification requirements for appeals to the municipal

1 or circuit court, subject to the approval of the municipal or
2 circuit court.

3 3. The administrative adjudication process authorized in
4 this section shall ensure a fair and impartial review of
5 contested municipal code violations, and shall afford the parties
6 due process of law. The formal rules of evidence shall not apply
7 in any administrative review or hearing authorized in this
8 section. Evidence, including hearsay, may be admitted only if it
9 is the type of evidence commonly relied upon by reasonably
10 prudent persons in the conduct of their affairs. The code
11 violation notice, property record, and related documentation in
12 the proper form, or a copy thereof, shall be prima facie evidence
13 of the municipal code violation. The officer who issued the code
14 violation citation need not be present.

15 4. An administrative tribunal may not impose incarceration
16 or any fine in excess of the amount allowed by law. Any
17 sanction, fine or costs, or part of any fine, other sanction, or
18 costs, remaining unpaid after the exhaustion of, or the failure
19 to exhaust, judicial review procedures under chapter 536, RSMo,
20 shall be a debt due and owing the city, and may be collected in
21 accordance with applicable law.

22 5. Any final decision or disposition of a code violation by
23 an administrative tribunal shall constitute a final determination
24 for purposes of judicial review[,]. Such determination is
25 subject to review under chapter 536, RSMo, or, at the request of
26 the defendant made within ten days, a trial de novo in the
27 circuit court. After expiration of the judicial review period
28 under chapter 536, RSMo, unless stayed by a court of competent

1 jurisdiction, the administrative tribunal's decisions, findings,
2 rules, and orders may be enforced in the same manner as a
3 judgment entered by a court of competent jurisdiction. Upon
4 being recorded in the manner required by state law or the uniform
5 commercial code, a lien may be imposed on the real or personal
6 property of any defendant entering a plea of nolo contendere,
7 pleading guilty to, or found guilty of a municipal code violation
8 in the amount of any debt due the city under this section and
9 enforced in the same manner as a judgment lien under a judgment
10 of a court of competent jurisdiction.

11 644.597. In addition to those sums authorized prior to
12 August 28, 2007, the board of fund commissioners of the state of
13 Missouri, as authorized by section 37(e) of article III of the
14 Constitution of the state of Missouri, may borrow on the credit
15 of this state the sum of ten million dollars in the manner
16 described, and for the purposes set out, in chapter 640, RSMo,
17 and in this chapter.

18 644.598. In addition to those sums authorized prior to
19 August 28, 2007, the board of fund commissioners of the state of
20 Missouri, as authorized by section 37(g) of article III of the
21 Constitution of the state of Missouri, may borrow on the credit
22 of this state the sum of ten million dollars in the manner
23 described, and for the purposes set out, in chapter 640, RSMo,
24 and in this chapter.

25 644.599. In addition to those sums authorized prior to
26 August 28, 2007, the board of fund commissioners of the state of
27 Missouri, as authorized by section 37(h) of article III of the
28 Constitution of the state of Missouri, may borrow on the credit

1 of this state the sum of twenty million dollars in the manner
2 described, and for the purposes set out, in chapter 640, RSMo,
3 and in this chapter.

4 650.340. 1. The provisions of this section may be cited
5 and shall be known as the "911 Training and Standards Act".

6 2. Initial training requirements for telecommunicators who
7 answer 911 calls that come to public safety answering points
8 shall be as follows:

- 9 (1) Police telecommunicator 16 hours;
- 10 (2) Fire telecommunicator 16 hours;
- 11 (3) Emergency medical services telecommunicator 16 hours;
- 12 (4) Joint communication center telecommunicator 40 hours.

13 3. All persons employed as a telecommunicator in this state
14 shall be required to complete ongoing training so long as such
15 person engages in the occupation as a telecommunicator. Such
16 persons shall complete at least [~~sixteen~~] twenty-four hours of
17 ongoing training every [~~two~~] three years by such persons or
18 organizations as provided in subsection 6 of this section. The
19 reporting period for the ongoing training under this subsection
20 shall run concurrent with the existing continuing education
21 reporting periods for Missouri peace officers pursuant to chapter
22 590, RSMo.

23 4. Any person employed as a telecommunicator on August 28,
24 1999, shall not be required to complete the training requirement
25 as provided in subsection 2 of this section. Any person hired as
26 a telecommunicator after August 28, 1999, shall complete the
27 training requirements as provided in subsection 2 of this section
28 within twelve months of the date such person is employed as a

1 telecommunicator.

2 5. The training requirements as provided in subsection 2 of
3 this section shall be waived for any person who furnishes proof
4 to the committee that such person has completed training in
5 another state which are at least as stringent as the training
6 requirements of subsection 2 of this section.

7 6. The department of public safety shall determine by
8 administrative rule the persons or organizations authorized to
9 conduct the training as required by subsection 2 of this section.

10 7. This section shall not apply to an emergency medical
11 dispatcher or agency as defined in section 190.100, RSMo, or a
12 person trained by an entity accredited or certified under section
13 190.131, RSMo, or a person who provides prearrival medical
14 instructions who works for an agency which meets the requirements
15 set forth in section 190.134, RSMo.

16 Section 1. The cities of Rogersville and Springfield shall
17 abide by the terms and conditions of the November 15, 2005,
18 settlement agreement, as amended, relating to involuntary
19 annexation of certain real property located between the two
20 cities.

21 Section 2. 1. In any county with a population of more than
22 one hundred eighty thousand inhabitants that adjoins a county
23 with a charter form of government with a population of more than
24 nine hundred thousand inhabitants, all trucks registered for a
25 gross weight of more than twenty-four thousand pounds, as of
26 January 1, 2008, shall not be driven in the far left lane upon an
27 interstate highway having at least three lanes proceeding in the
28 same direction, within three miles of where an interstate highway

1 and a three-digit numbered Missouri route intersects with an
2 average daily traffic count on the interstate highway of at least
3 one hundred thirty thousand vehicles at such point. The Missouri
4 department of transportation shall design, manufacture, and
5 install any informational and directional signs at the
6 appropriate locations. Such restriction shall not apply when:

7 (1) It is reasonably necessary for the operation of the
8 truck to respond to emergency conditions; or

9 (2) The right or a center lane of a roadway is closed to
10 traffic while under construction, maintenance, or repair.

11 2. As used in this section, "truck" means any vehicle,
12 machine, tractor trailer, or semitrailer, or any combination
13 thereof, propelled or drawn by mechanical power and designed for
14 or used in the transportation of property upon the highways.

15 3. A violation of this section is an infraction unless such
16 violation causes an immediate threat of an accident, in which
17 case such violation shall be deemed a class C misdemeanor, or
18 unless an accident results from such violation, in which case
19 such violation is a class A misdemeanor.

20 Section 3. 1. The governor is hereby authorized and
21 empowered to sell, transfer, grant, and convey all interest in
22 the following described real property owned by the state in
23 Jackson County to the city of Kansas City:

24 Parcel # 12-840-27-08-00-0-00-000

25 JOHNSON'S SUB OF O T LANDS

26 BEG 460 W 185' S NE CE S SW 1/4 SE 1/4 TH SW 250' SE

27 220' NE 250' NW 220' TO POB

28 Parcel # 12-840-26-02-00-0-00-000

29 EAST KANSAS

30 LOT 1 & N 10 FT OF LOT 2 BL K 53

31
32 Parcel # 12-840-26-03-00-0-00-000

1 EAST KANSAS

2 ALL OF LOT 2 (EX N 10') & ALL OF LOT 3 & N 10' OF LOT 4

3 BLK 53

4
5 2. The commissioner of administration shall set the terms
6 and conditions for the sale as the commissioner deems reasonable.
7 Such terms and conditions may include, but not be limited to, the
8 number of appraisals required, and the time, place, and terms of
9 the sale.

10 3. The attorney general shall approve as to form the
11 instrument of conveyance.

12 Section 4. In each transportation development district in
13 which a sales tax has been imposed or increased under section
14 238.235, RSMo, every retailer shall prominently display the rate
15 of the sales tax imposed or increased at the cash register area.

16 Section 5. 1. In any county of the third classification
17 without a township form of government and with more than thirteen
18 thousand seventy-five but fewer than thirteen thousand one
19 hundred seventy-five inhabitants, the governing body of any fire
20 protection district may impose a sales tax in an amount up to one
21 percent on all retail sales made in such fire protection district
22 which are subject to taxation pursuant to the provisions of
23 sections 144.010 to 144.525, RSMo, provided that such sales tax
24 shall be accompanied by a reduction in the district's tax rate as
25 defined in section 137.073, RSMo. The tax authorized by this
26 section shall be in addition to any and all other sales taxes
27 allowed by law, except that no sales tax imposed pursuant to the
28 provisions of this section shall be effective unless the
29 governing body of the fire protection district submits to the
30 voters of such fire protection district, at a municipal or state

1 general, primary or special election, a proposal to authorize the
2 governing body of the fire protection district to impose a tax
3 pursuant to this section.

4 2. The ballot of submission shall contain, but need not be
5 limited to, the following language:

6 "Shall.....(insert name of fire protection
7 district) impose a sales tax of(insert
8 amount up to one) percent for the purpose of providing revenues
9 for the operation of the(insert name of fire
10 protection district) and the total property tax levy on
11 properties in the(insert name of the
12 fire protection district) shall be reduced annually by an amount
13 which reduces property tax revenues by an amount equal to fifty
14 percent of the previous year's revenue collected from this sales
15 tax?

16 YES NO

17 If you are favor of the question, plan an "X" in the box opposite
18 "Yes". If you are opposed to the question, place an "X" in the
19 box opposite "No".

20 3. If a majority of the votes cast on the proposal by the
21 qualified voters voting thereon are in favor of the proposal,
22 then the sales tax authorized in this section shall be in effect
23 and the governing body of the fire protection district shall
24 lower the level of its tax rate by an amount which reduces
25 property tax revenues by an amount equal to fifty percent of the
26 amount of sales tax collected in the preceding year. If a
27 majority of the votes cast by the qualified voters voting are
28 opposed to the proposal, then the governing body of the fire

1 protection district shall not impose the sales tax authorized in
2 this section unless and until the governing body of such fire
3 protection district resubmits a proposal to authorize the
4 governing body of the fire protection district to impose the
5 sales tax authorized by this section and such proposal is
6 approved by a majority of the qualified voters voting thereon.

7 4. All revenue received by a district from the tax
8 authorized pursuant to this section shall be deposited in two
9 special trust funds, and be used solely for the purposes
10 specified in the proposal submitted pursuant to this section for
11 so long as the tax shall remain in effect.

12 5. Ninety-five percent of the sales taxes collected by the
13 director of revenue pursuant to this section, less one percent
14 for cost of collection which shall be deposited in the state's
15 general revenue fund after payment of premiums for surety bonds
16 as provided in section 32.087, RSMo, shall be deposited into the
17 "Ambulance or Fire Protection District Sales Tax Trust Fund"
18 pursuant to section 321.552, RSMo. The remaining five percent of
19 the sales taxes collected by the director of revenue pursuant to
20 this section shall be deposited in a special trust fund, which is
21 hereby created, to be known as the "Distressed Fire Protection
22 District Fund". The moneys in the distressed fire protection
23 district fund shall not be deemed to be state funds and shall not
24 be commingled with any funds of the state. The director of
25 revenue shall keep accurate records of the amount of money in the
26 trust and the amount collected in each district imposing a sales
27 tax pursuant to this section, and the records shall be open to
28 inspection by officers of the county and to the public. Not

1 later than the tenth day of each month the director of revenue
2 shall distribute all moneys deposited in the trust fund during
3 the preceding month in equal parts to the governing body of any
4 fire protection district located within any county with a charter
5 form of government and with more than one million inhabitants,
6 with a median household income of seventy percent or less of the
7 median household income for the county in which such fire
8 protection is located; such funds shall be deposited with the
9 board treasurer of each such district.

10 6. The director of revenue may make refunds from the
11 amounts in the trust fund and credit any district for erroneous
12 payments and overpayments made, and may redeem dishonored checks
13 and drafts deposited to the credit of such district. If any
14 district abolishes the tax, the district shall notify the
15 director of revenue of the action at least ninety days prior to
16 the effective date of the repeal and the director of revenue may
17 order retention in the trust fund, for a period of one year, of
18 two percent of the amount collected after receipt of such notice
19 to cover possible refunds or overpayment of the tax and to redeem
20 dishonored checks and drafts deposited to the credit of such
21 accounts. After one year has elapsed after the effective date of
22 abolition of the tax in such district, the director of revenue
23 shall remit the balance in the account to the district and close
24 the account of that district. The director of revenue shall
25 notify each district of each instance of any amount refunded or
26 any check redeemed from receipts due the district.

27 7. Except as modified in this section, all provisions of
28 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed

1 pursuant to this section.

2 [58.510. If the money in the treasury be demanded
3 within five years by the legal representatives of
4 deceased, the treasurer shall pay it to them, after
5 deducting all fees and expenses.]
6

7 [105.971. 1. Any person who for valuable
8 consideration acts in a representative capacity for the
9 purpose of attempting to influence the decisions of any
10 elected official or member of any commission, board, or
11 committee of any city with a population of at least
12 four hundred thousand shall advise the city clerk of
13 his contact with or his intention to contact such
14 official or member for the purpose of attempting to
15 influence the decision of such elected official or
16 member within ten working days of such contact.

17 2. The requirements of subsection 1 of this
18 section shall be satisfied by sending a letter to the
19 clerk of such city, containing the person's name and
20 business address; the name and address of the person,
21 business, association, partnership or corporation for
22 whom he is attempting to obtain a decision and the
23 department of city government which he is attempting to
24 influence.

25 3. The city clerk shall, upon receipt, make such
26 letters open for public inspection during normal
27 business hours.

28 4. Representatives of the news media engaged in
29 the exercise or expression of any editorial opinion are
30 exempt from this section.

31 5. Violation of this section is an infraction.]
32

33 Section B. Because immediate action is necessary for
34 effective and efficient city management and to allow the citizens
35 of Missouri to operate and maintain sewer systems, the repeal and
36 reenactment of sections 67.1360 and 78.610 and the enactment of
37 sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610,
38 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624,
39 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638,
40 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660,
41 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674,
42 and 246.005 of section A of this act is deemed necessary for the

1 immediate preservation of the public health, welfare, peace, and
2 safety, and is hereby declared to be an emergency act within the
3 meaning of the constitution, and the repeal and reenactment of
4 sections 67.1360 and 78.610, and the enactment of sections
5 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612,
6 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626,
7 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640,
8 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662,
9 204.664, 204.666, 204.668, 204.670, 204.672, 204.674, and 246.005
10 of section A of this act shall be in full force and effect upon
11 its passage and approval.

12 ✓
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14

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16
17
18 _____
19 John Griesheimer

Vicki Schneider