

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 142**  
**96TH GENERAL ASSEMBLY**

0720L.04T

2011

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**AN ACT**

To repeal sections 55.030, 67.1521, 90.101, 475.115, and 479.011, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 55.030, 67.1521, 90.101, 475.115, and 479.011, RSMo, are repealed  
2 and seven new sections enacted in lieu thereof, to be known as sections 55.030, 67.319, 67.451,  
3 67.1521, 90.101, 475.115, and 479.011, to read as follows:

55.030. The county auditor of a county [of the first class] having a charter form of  
2 government shall prescribe, with the approval of the governing body of the county and the state  
3 auditor, the accounting system of the county. He shall keep accounts of all appropriations and  
4 expenditures made by the governing body of the county; and no warrant shall be drawn or  
5 obligation incurred without his certification that an unencumbered balance, sufficient to pay the  
6 same, remains in the appropriation account against which such warrant or obligation is to be  
7 charged. He shall audit and examine all accounts, demands, and claims of every kind and  
8 character presented for payment against such county, and shall approve to the governing body  
9 of the county all lawful, true, and just accounts, demands, and claims of every kind and character  
10 payable out of the county revenue or out of any county funds before the same shall be allowed  
11 and a warrant issued therefor. Whenever the county auditor deems it necessary to the proper  
12 examination of any account, demand, or claim, he may examine the parties, witnesses, and others  
13 on oath or affirmation touching any matter or circumstance in the examination of such account,  
14 demand, or claim. At the direction of the governing body of the county, he shall audit the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 accounts of all officers and employees of the county and upon their retirement from office and  
 16 shall keep a correct account between the county and all county officers; and he shall examine all  
 17 records and settlements made by them for and with the governing body of the county or with  
 18 each other; and the county auditor shall, at all reasonable times, have access to all books, county  
 19 records, or papers kept by any county or township officer, employee, or road overseer. He may  
 20 keep an inventory of all county property under the control and management of the various  
 21 officers and departments and shall annually take an inventory of any such property at an original  
 22 value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and  
 23 estimated value thereof. He shall perform such other duties in relation to the fiscal  
 24 administration of the county as the governing body of the county shall from time to time  
 25 prescribe. The county auditor shall not be personally liable for any costs for any proceeding  
 26 instituted against him in his official capacity.

**67.319. 1. If approved by a majority of the voters voting on the proposal, any city,  
 2 town, village, sewer district, or water supply district located within this state may, by  
 3 ordinance, levy and impose annually, upon water service lines providing water service to  
 4 residential property having four or fewer dwelling units within the jurisdiction of such city,  
 5 town, village, sewer district, or water supply district a fee not to exceed one dollar per  
 6 month or twelve dollars annually.**

7 **2. The ballot of submission shall be in substantially the following form:**

8 **For the purpose of repair or replacement of water lines extending from the water  
 9 main to a residential dwelling due to failure of the line, shall ..... (city, town, village,  
 10 sewer district, or water supply district) be authorized to impose a fee not to exceed one  
 11 dollar per month or twelve dollars annually on residential property for each water service  
 12 line providing water service within the (city, town, village, sewer district, or water supply  
 13 district) to residential property having four or fewer dwelling units for the purpose of  
 14 paying for the costs of necessary water service line repairs or replacements?**

15  **YES**  **NO**

16 **3. For the purpose of this section, a water service line may be defined by local  
 17 ordinance, but may not include the water meter or exceed that portion of water piping and  
 18 related valves and connectors which extends from the water mains owned by the utility or  
 19 municipality distributing public water supply to the first opportunity for a connection or  
 20 joint beyond the point of entry into the premises receiving water service, and may not  
 21 include facilities owned by the utility or municipality distributing public water supply. For  
 22 purposes of this section, repair may be defined and limited by local ordinance, and may  
 23 include replacement or repairs.**

24           **4. If a majority of the voters voting thereon approve the proposal authorized in**  
25 **subsection 1 of this section, the governing body of the city, town, village, sewer district, or**  
26 **water supply district may enact an ordinance for the collection of such fee. The funds**  
27 **collected under such ordinance shall be deposited in a special account to be used solely for**  
28 **the purpose of paying for the reasonable costs associated with and necessary to administer**  
29 **and carry out the water service line repairs as defined in the ordinance and to reimburse**  
30 **the necessary costs of water service line repair or replacement. All interest generated on**  
31 **deposited funds shall be accrued to the special account established for the repair of water**  
32 **service lines.**

33           **5. The city, town, village, sewer district, or water supply district may establish, as**  
34 **provided in the ordinance, regulations necessary for the administration of collections,**  
35 **claims, repairs, replacements and all other activities necessary and convenient for the**  
36 **implementation of any ordinance adopted and approved under this section. The city, town,**  
37 **village, sewer district, or water supply district may administer the program or may**  
38 **contract with one or more persons, through a competitive process, to provide for**  
39 **administration of any portion of implementation activities of any ordinance adopted and**  
40 **approved under this section, and reasonable costs of administering the program may be**  
41 **paid from the special account established under this section.**

42           **6. Notwithstanding any other provision of law to the contrary, the collector in any**  
43 **city, town, village, sewer district, or water supply district or county that adopts an**  
44 **ordinance under this section, who now or hereafter collects any fee to provide for, ensure**  
45 **or guarantee the repair of water service lines, may add such fee to the general tax levy bills**  
46 **of property owners within the city, town, village, sewer district, or water supply district or**  
47 **unincorporated area of the county. All revenues received on such combined bill which are**  
48 **for the purpose of providing for, ensuring or guaranteeing the repair of water service lines,**  
49 **shall be separated from all other revenues so collected and credited to the appropriate fund**  
50 **or account of the city, town, village, sewer district, or water supply district or county. The**  
51 **collector of the city, town, village, sewer district, or water supply district or county may**  
52 **collect such fee in the same manner and to the same extent as the collector now or hereafter**  
53 **may collect delinquent real estate taxes and tax bills.**

**67.451. Any city in which voters have approved fees to recover costs associated with**  
2 **enforcement of municipal housing, property maintenance, or nuisance ordinances may**  
3 **issue a special tax bill against the property where such ordinance violations existed. The**  
4 **officer in charge of finance shall cause the amount of unrecovered costs to be included in**  
5 **a special tax bill or added to the annual real estate tax bill for the property at the collecting**  
6 **official's option, and the costs shall be collected by the city collector or other official**

7 **collecting taxes in the same manner and procedure for collecting real estate taxes. If the**  
 8 **cost is not paid, the tax bill shall be considered delinquent, and the collection of the**  
 9 **delinquent bill shall be governed by laws governing delinquent and back taxes. The tax**  
 10 **bill shall be deemed a personal debt against the owner from the date of issuance, and shall**  
 11 **also be a lien on the property until paid. Notwithstanding any provision of the city's**  
 12 **charter to the contrary, the city may provide, by ordinance, that the city may discharge the**  
 13 **special tax bill upon a determination by the city that a public benefit will be gained by such**  
 14 **discharge, and such discharge shall include any costs of tax collection, accrued interest, or**  
 15 **attorney fees related to the special tax bill.**

67.1521. 1. A district may levy by resolution one or more special assessments against  
 2 real property within its boundaries, upon receipt of and in accordance with a petition signed by:

3 (1) Owners of real property collectively owning more than fifty percent by assessed value  
 4 of real property within the boundaries of the district; and

5 (2) More than fifty percent per capita of the owners of all real property within the  
 6 boundaries of the district.

7 2. The special assessment petition shall be in substantially the following form:

8 The ..... (insert name of district) Community Improvement District  
 9 ("District") shall be authorized to levy special assessments against real property benefited within  
 10 the District for the purpose of providing revenue for ..... (insert general description of  
 11 specific service and/or projects) in the district, such special assessments to be levied against each  
 12 tract, lot or parcel of real property listed below within the district which receives special benefit  
 13 as a result of such service and/or projects, the cost of which shall be allocated among this  
 14 property by ..... (insert method of allocation, e.g., per square foot of property, per  
 15 square foot on each square foot of improvement, or by abutting foot of property abutting streets,  
 16 roads, highways, parks or other improvements, or any other reasonable method) in an amount  
 17 not to exceed ..... dollars per (insert unit of measure). Such authorization to levy the special  
 18 assessment shall expire on ..... (insert date). The tracts of land located in the district  
 19 which will receive special benefit from this service and/or projects are: ..... (list of  
 20 properties by common addresses and legal descriptions).

21 3. The method for allocating such special assessments set forth in the petition may be  
 22 any reasonable method which results in imposing assessments upon real property benefited in  
 23 relation to the benefit conferred upon each respective tract, lot or parcel of real property and the  
 24 cost to provide such benefit.

25 4. By resolution of the board, the district may levy a special assessment rate lower than  
 26 the rate ceiling set forth in the petition authorizing the special assessment and may increase such  
 27 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set

28 forth in the petition without further approval of the real property owners; provided that a district  
29 imposing a special assessment pursuant to this section may not repeal or amend such special  
30 assessment or lower the rate of such special assessment if such repeal, amendment or lower rate  
31 will impair the district's ability to pay any liabilities that it has incurred, money that it has  
32 borrowed or obligations that it has issued.

33         5. Each special assessment which is due and owing shall constitute a perpetual lien  
34 against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed  
35 in the same manner as any other special assessment lien as provided in section 88.861.  
36 **Notwithstanding the provisions of this subsection and section 67.1541 to the contrary, in**  
37 **any county of the first classification with more than one hundred thirty-five thousand four**  
38 **hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, the**  
39 **county collector may, upon certification by the district for collection, add each special**  
40 **assessment to the annual real estate tax bill for the property and collect the assessment in**  
41 **the same manner the collector uses for real estate taxes. In said counties, each special**  
42 **assessment remaining unpaid on the first day of January annually is delinquent and**  
43 **enforcement of collection of the delinquent bill by the county collector shall be governed**  
44 **by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same**  
45 **manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to**  
46 **that county, chapter 141.**

47         6. A separate fund or account shall be created by the district for each special assessment  
48 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such  
49 assessments shall be credited to such fund or account. Such fund or account shall be used solely  
50 to pay the costs incurred in undertaking the specified service or project.

51         7. Upon completion of the specified service or project or both, the balance remaining in  
52 the fund or account established for such specified service or project or both shall be returned or  
53 credited against the amount of the original assessment of each parcel of property pro rata based  
54 on the method of assessment of such special assessment.

55         8. Any funds in a fund or account created pursuant to this section which are not needed  
56 for current expenditures may be invested by the board in accordance with applicable laws  
57 relating to the investment of funds of the city in which the district is located.

58         9. The authority of the district to levy special assessments shall be independent of the  
59 limitations and authorities of the municipality in which it is located; specifically, the provisions  
60 of section 88.812 shall not apply to any district.

90.101. **1. Notwithstanding any law to the contrary, the board of commissioners**  
2 **of Tower Grove Park shall have the authority to adjust the size of its membership,**

3 **provided that any such adjustment shall be approved by a majority vote of the board**  
4 **members.**

5         **2.** Notwithstanding any law to the contrary, in case of any vacancy occurring in the  
6 membership of the board of commissioners of Tower Grove Park from death, resignation, or  
7 disqualification to act, the vacancy shall be filled by appointment from the remaining members  
8 of the board, or a majority of them, for the balance of the term then vacant, and all vacancies  
9 caused by the expiration of the term of office shall be filled by appointment from the judges of  
10 the supreme court of the state of Missouri, or a majority of them or if said judges are unable or  
11 unwilling to so act, which shall be presumed by their failure to act within thirty days following  
12 delivery to the court of a slate of appointees, by the majority vote of the remaining board  
13 members.

       475.115. **1.** When a guardian or conservator dies, is removed by order of the court, or  
2 resigns and his **or her** resignation is accepted by the court, the court shall have the same  
3 authority as it has in like cases over personal representatives and their sureties and may appoint  
4 another guardian or conservator in the same manner and subject to the same requirements as are  
5 herein provided for an original appointment of a guardian or conservator.

6         **2. A public administrator may request transfer of any case to the jurisdiction of**  
7 **another county by filing a petition for transfer. If the receiving county meets the venue**  
8 **requirements of section 475.035 and the public administrator of the receiving county**  
9 **consents to the transfer, the court shall transfer the case. The court with jurisdiction over**  
10 **the receiving county shall, without the necessity of any hearing as required by section**  
11 **475.075, appoint the public administrator of the receiving county as successor guardian**  
12 **and/or successor conservator and issue letters therein. In the case of a conservatorship, the**  
13 **final settlement of the public administrator's conservatorship shall be filed within thirty**  
14 **days of the court's transfer of the case, in the court with jurisdiction over the original**  
15 **conservatorship, and forwarded to the receiving county upon audit and approval.**

       479.011. **1. (1) The following cities may establish an administrative adjudication**  
2 **system under this section:**

3         **(a)** Any city not within a county [or] ;

4         **(b)** Any home rule city with more than four hundred thousand inhabitants and located  
5 in more than one county; **and**

6         **(c) Any home rule city with more than seventy-three thousand but fewer than**  
7 **seventy-five thousand inhabitants.**

8         **(2) The cities listed in subdivision (1) of this subsection** may establish, by order or  
9 ordinance, an administrative system for adjudicating **housing, property maintenance, nuisance,**  
10 **parking, and other civil, nonmoving municipal code violations consistent with applicable state**

11 law. Such administrative adjudication system shall be subject to practice, procedure, and  
12 pleading rules established by the state supreme court, circuit court, or municipal court. This  
13 section shall not be construed to affect the validity of other administrative adjudication systems  
14 authorized by state law and created before August 28, 2004.

15         2. The order or ordinance creating the administrative adjudication system shall designate  
16 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The  
17 administrative tribunal may operate under the supervision of the municipal court, parking  
18 commission, or other entity designated by order or ordinance and in a manner consistent with  
19 state law. The administrative tribunal shall adopt policies and procedures for administrative  
20 hearings, and filing and notification requirements for appeals to the municipal or circuit court,  
21 subject to the approval of the municipal or circuit court.

22         3. The administrative adjudication process authorized in this section shall ensure a fair  
23 and impartial review of contested municipal code violations, and shall afford the parties due  
24 process of law. The formal rules of evidence shall not apply in any administrative review or  
25 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the  
26 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their  
27 affairs. The code violation notice, property record, and related documentation in the proper  
28 form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The  
29 officer who issued the code violation citation need not be present.

30         4. An administrative tribunal may not impose incarceration or any fine in excess of the  
31 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,  
32 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures  
33 under chapter 536 shall be a debt due and owing the city, and may be collected in accordance  
34 with applicable law.

35         5. Any final decision or disposition of a code violation by an administrative tribunal shall  
36 constitute a final determination for purposes of judicial review. Such determination is subject  
37 to review under chapter 536 or, at the request of the defendant made within ten days, a trial de  
38 novo in the circuit court. After expiration of the judicial review period under chapter 536, unless  
39 stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings,  
40 rules, and orders may be enforced in the same manner as a judgment entered by a court of  
41 competent jurisdiction. Upon being recorded in the manner required by state law or the uniform  
42 commercial code, a lien may be imposed on the real or personal property of any defendant  
43 entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code  
44 violation in the amount of any debt due the city under this section and enforced in the same  
45 manner as a judgment lien under a judgment of a court of competent jurisdiction. **The city may**

46 **also issue a special tax bill to collect fines issued for housing, property maintenance, and**  
47 **nuisance code violations.**

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