

SECOND REGULAR SESSION

HOUSE BILL NO. 2052

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CURTMAN (Sponsor), KOENIG,
POGUE AND JUSTUS (Co-sponsors).

6036L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.231, 34.010, 34.040, 34.042, 34.378, 37.900, 49.278, 50.760, 67.797, 67.1769, 67.5038, 70.100, 71.290, 88.520, 88.657, 88.700, 88.787, 88.880, 88.887, 88.940, 91.640, 100.170, 172.320, 182.270, 231.250, 231.370, 231.410, 233.270, 233.405, 233.515, 238.252, 242.330, 245.150, 245.370, 249.330, 249.340, 305.310, 305.525, 313.270, and 313.560, RSMo, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof forty-one new sections relating to bidding on certain projects, with penalty provisions.

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

Section A. Sections 8.231, 34.010, 34.040, 34.042, 34.378, 37.900, 49.278, 50.760,
2 67.797, 67.1769, 67.5038, 70.100, 71.290, 88.520, 88.657, 88.700, 88.787, 88.880, 88.887,
3 88.940, 91.640, 100.170, 172.320, 182.270, 231.250, 231.370, 231.410, 233.270, 233.405,
4 233.515, 238.252, 242.330, 245.150, 245.370, 249.330, 249.340, 305.310, 305.525, 313.270, and
5 313.560, RSMo, and section 476.055 as enacted by senate committee substitute for house bill
6 no. 1460 merged with conference committee substitute for house committee substitute for senate
7 bill no. 628, ninety-sixth general assembly, second regular session, and section 476.055 as
8 enacted by conference committee substitute for house committee substitute for senate bill no.
9 636, ninety-sixth general assembly, second regular session, are repealed and forty-one new

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.

10 sections enacted in lieu thereof, to be known as sections 8.231, 34.010, 34.040, 34.042, 34.378,
11 37.900, 49.278, 50.760, 67.797, 67.1769, 67.5038, 70.100, 71.290, 88.520, 88.657, 88.700,
12 88.787, 88.880, 88.887, 88.940, 91.640, 100.170, 172.320, 182.270, 231.250, 231.370, 231.410,
13 233.270, 233.405, 233.515, 238.252, 242.330, 245.150, 245.370, 249.330, 249.340, 305.310,
14 305.525, 313.270, 313.560, and 476.055, to read as follows:

8.231. 1. For purposes of this section, the following terms shall mean:

- 2 (1) "Energy cost savings measure", a training program or facility alteration designed to
3 reduce energy consumption or operating costs, and may include one or more of the following:
4 (a) Insulation of the building structure or systems within the building;
5 (b) Storm windows or doors, caulking or weather stripping, multiglazed windows or
6 doors, heat absorbing or heat reflective glazed and coated window or door systems, additional
7 glazing reductions in glass area, or other window and door system modifications that reduce
8 energy consumption;
9 (c) Automated or computerized energy control system;
10 (d) Heating, ventilating or air conditioning system modifications or replacements;
11 (e) Replacement or modification of lighting fixtures to increase the energy efficiency of
12 the lighting system without increasing the overall illumination of a facility, unless an increase
13 in illumination is necessary to conform to the applicable state or local building code for the
14 lighting system after the proposed modifications are made;
15 (f) Indoor air quality improvements to increase air quality that conforms to the applicable
16 state or local building code requirements;
17 (g) Energy recovery systems;
18 (h) Cogeneration systems that produce steam or forms of energy such as heat, as well as
19 electricity, for use primarily within a building or complex of buildings;
20 (i) Any life safety measures that provide long-term operating cost reductions and are in
21 compliance with state and local codes;
22 (j) Building operation programs that reduce the operating costs; or
23 (k) Any life safety measures related to compliance with the Americans With Disabilities
24 Act, 42 U.S.C. Section 12101, et seq., that provide long-term operating cost reductions and are
25 in compliance with state and local codes;
26 (2) "Governmental unit", a state government agency, department, institution, college,
27 university, technical school, legislative body or other establishment or official of the executive,
28 judicial or legislative branches of this state authorized by law to enter into contracts, including
29 all local political subdivisions such as counties, municipalities, public school districts or public
30 service or special purpose districts;

31 (3) "Guaranteed energy cost savings contract", a contract for the implementation of one
32 or more such measures. The contract shall provide that all payments, except obligations on
33 termination of the contract before its expiration, are to be made over time and the energy cost
34 savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed
35 energy cost savings contracts shall be considered public works contracts to the extent that they
36 provide for capital improvements to existing facilities;

37 (4) "Operational savings", expenses eliminated and future replacement expenditures
38 avoided as a result of new equipment installed or services performed;

39 (5) "Qualified provider", a person or business experienced in the design, implementation
40 and installation of energy cost savings measures;

41 (6) "Request for proposals" or "RFP", a negotiated procurement.

42 2. No governmental unit shall enter into a guaranteed energy cost savings contract until
43 competitive proposals therefor have been solicited by the means most likely to reach those
44 contractors interested in offering the required services, including but not limited to direct mail
45 solicitation, electronic mail and public announcement on bulletin boards, physical or electronic.
46 The request for proposal shall include the following:

47 (1) The name and address of the governmental unit;

48 (2) The name, address, title and phone number of a contact person;

49 (3) The date, time and place where proposals shall be received;

50 (4) The evaluation criteria for assessing the proposals; and

51 (5) Any other stipulations and clarifications the governmental unit may require.

52 3. The governmental unit shall award a contract to the qualified provider that provides
53 the [lowest and best proposal] **best value as defined in section 34.010** which meets the needs
54 of the unit if it finds that the amount it would spend on the energy cost savings measures
55 recommended in the proposal would not exceed the amount of energy or operational savings, or
56 both, within a fifteen-year period from the date installation is complete, if the recommendations
57 in the proposal are followed. The governmental unit shall have the right to reject any and all
58 bids.

59 4. The guaranteed energy cost savings contract shall include a written guarantee of the
60 qualified provider that either the energy or operational cost savings, or both, will meet or exceed
61 the costs of the energy cost savings measures, adjusted for inflation, within fifteen years. The
62 qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy
63 cost savings on an annual basis. The guaranteed energy cost savings contract may provide for
64 payments over a period of time, not to exceed fifteen years, subject to appropriation of funds
65 therefor.

66 5. The governmental unit shall include in its annual budget and appropriations measures
67 for each fiscal year any amounts payable under guaranteed energy savings contracts during that
68 fiscal year.

69 6. A governmental unit may use designated funds for any guaranteed energy cost savings
70 contract including purchases using installment payment contracts or lease purchase agreements,
71 so long as that use is consistent with the purpose of the appropriation.

72 7. Notwithstanding any provision of this section to the contrary, a not-for-profit
73 corporation incorporated pursuant to chapter 355 and operating primarily for educational
74 purposes in cooperation with public or private schools shall be exempt from the provisions of
75 this section.

34.010. 1. The term "department" as used in this chapter shall be deemed to mean
2 department, office, board, commission, bureau, institution, or any other agency of the state,
3 except the legislative and judicial departments.

4 2. The term ["lowest and best" in determining the lowest and best award, cost, and other
5 factors are to be considered in] **"best value" shall mean the following as it relates to the**
6 evaluation process[. Factors may include, but are not limited to, value, performance, and quality
7 of a product] **of bids:**

8 **(1) Price;**

9 **(2) The general reputation, industry experience, and financial capacity of the**
10 **bidder;**

11 **(3) The possibility for accelerated selection, review, and documentation time lines;**

12 **(4) Local citizen and government comments;**

13 **(5) Benefits to the public;**

14 **(6) The bidder's plans to employ local contractors and residents; and**

15 **(7) Other criteria that is deemed appropriate.**

16 3. The term "Missouri product" refers to goods or commodities which are manufactured,
17 mined, produced, or grown by companies in Missouri, or services provided by such companies.

18 4. The term "negotiation" as used in this chapter means the process of selecting a
19 contractor by the competitive methods described in this chapter, whereby the commissioner of
20 administration can establish any and all terms and conditions of a procurement contract by
21 discussion with one or more prospective contractors.

22 5. The term "purchase" as used in this chapter shall include the rental or leasing of any
23 equipment, articles or things.

24 6. The term "supplies" used in this chapter shall be deemed to mean supplies, materials,
25 equipment, contractual services and any and all articles or things, except for utility services
26 regulated under chapter 393 or as in this chapter otherwise provided.

27 7. The term "value" includes but is not limited to price, performance, and quality. In
28 assessing value, the state purchaser may consider the economic impact to the state of Missouri
29 for Missouri products versus the economic impact of products generated from out of state. This
30 economic impact may include the revenues returned to the state through tax revenue obligations.

 34.040. 1. All purchases in excess of three thousand dollars shall be based on
2 competitive bids, except as otherwise provided in this chapter.

3 2. On any purchase where the estimated expenditure shall be twenty-five thousand
4 dollars or over, except as provided in subsection 5 of this section, the commissioner of
5 administration shall:

6 (1) Advertise for bids in at least two daily newspapers of general circulation in such
7 places as are most likely to reach prospective bidders and may advertise in at least two weekly
8 minority newspapers and may provide such information through an electronic medium available
9 to the general public at least five days before bids for such purchases are to be opened. Other
10 methods of advertisement, which may include minority business purchase councils, however,
11 may be adopted by the commissioner of administration when such other methods are deemed
12 more advantageous for the supplies to be purchased;

13 (2) Post a notice of the proposed purchase in his or her office; and

14 (3) Solicit bids by mail or other reasonable method generally available to the public from
15 prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the
16 commissioner of administration so as to reach such office before the time set for opening bids.

17 3. The contract shall be let to the [lowest and best] bidder **with the best value, as**
18 **defined in section 34.010.** The commissioner of administration shall have the right to reject any
19 or all bids and advertise for new bids, or purchase the required supplies on the open market if
20 they can be so purchased at a better price. When bids received pursuant to this section are
21 unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds
22 available funds and it is determined in writing by the commissioner of administration that time
23 or other circumstances will not permit the delay required to resolicit competitive bids, a contract
24 may be negotiated pursuant to this section, provided that each responsible bidder who submitted
25 such bid under the original solicitation is notified of the determination and is given a reasonable
26 opportunity to modify their bid and submit a best and final bid to the state. In cases where the
27 bids received are noncompetitive or the low bid exceeds available funds, the negotiated price
28 shall be lower than the lowest rejected bid of any responsible bidder under the original
29 solicitation.

30 4. All bids shall be based on standard specifications wherever such specifications have
31 been approved by the commissioner of administration. The commissioner of administration shall
32 make rules governing the delivery, inspection, storage and distribution of all supplies so

33 purchased and governing the manner in which all claims for supplies delivered shall be
34 submitted, examined, approved and paid. The commissioner shall determine the amount of bond
35 or deposit and the character thereof which shall accompany bids or contracts.

36 5. The department of natural resources may, without the approval of the commissioner
37 of administration required pursuant to this section, enter into contracts of up to five hundred
38 thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director
39 of the department determines that urgent action is needed to protect public health, safety, natural
40 resources or the environment. The department shall follow bidding procedures pursuant to this
41 section and may promulgate rules necessary to establish such procedures. Any rule or portion
42 of a rule, as that term is defined in section 536.010, that is created under the authority delegated
43 in this section shall become effective only if it complies with and is subject to all of the
44 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
45 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
46 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
48 August 28, 1999, shall be invalid and void.

49 6. The commissioner of administration and other agencies to which the state purchasing
50 law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of
51 the vendor makes sales at retail of tangible personal property or for the purpose of storage, use,
52 or consumption in this state but fails to collect and properly pay the tax as provided in chapter
53 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity
54 that is controlled by or is under common control with the vendor, whether through stock
55 ownership or otherwise.

34.042. 1. When the commissioner of administration determines that the use of
2 competitive bidding is either not practicable or not advantageous to the state, supplies may be
3 procured by competitive proposals. The commissioner shall state the reasons for such
4 determination, and a report containing those reasons shall be maintained with the vouchers or
5 files pertaining to such purchases. All purchases in excess of five thousand dollars to be made
6 under this section shall be based on competitive proposals.

7 2. On any purchase where the estimated expenditure shall be twenty-five thousand
8 dollars or over, the commissioner of administration shall:

9 (1) Advertise for proposals in at least two daily newspapers of general circulation in such
10 places as are most likely to reach prospective offerors and may advertise in at least two weekly
11 minority newspapers and may provide such information through an electronic medium available
12 to the general public at least five days before proposals for such purchases are to be opened.
13 Other methods of advertisement, however, may be adopted by the commissioner of

14 administration when such other methods are deemed more advantageous for the supplies to be
15 purchased;

16 (2) Post notice of the proposed purchase; and

17 (3) Solicit proposals by mail or other reasonable method generally available to the public
18 from prospective offerors. All proposals for such supplies shall be mailed or delivered to the
19 office of the commissioner of administration so as to reach such office before the time set for
20 opening proposals. Proposals shall be opened in a manner to avoid disclosure of contents to
21 competing offerors during the process of negotiation.

22 3. The contract shall be let to the [lowest and best] offeror **with the best value, as**
23 **defined in section 34.010**, as determined by the evaluation criteria established in the request for
24 proposal and any subsequent negotiations conducted pursuant to this subsection. In determining
25 the [lowest and best] offeror **with the best value, as defined in section 34.010**, as provided in
26 the request for proposals and under rules promulgated by the commissioner of administration,
27 negotiations may be conducted with responsible offerors who submit proposals selected by the
28 commissioner of administration on the basis of reasonable criteria for the purpose of clarifying
29 and assuring full understanding of and responsiveness to the solicitation requirements. Those
30 offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation
31 and subsequent revision of proposals. Revisions may be permitted after submission and before
32 award for the purpose of obtaining best and final offers. In conducting negotiations there shall
33 be no disclosure of any information derived from proposals submitted by competing offerors.
34 The commissioner of administration shall have the right to reject any or all proposals and
35 advertise for new proposals or purchase the required supplies on the open market if they can be
36 so purchased at a better price.

37 4. The commissioner shall make available, upon request, to any members of the general
38 assembly, information pertaining to competitive proposals, including the names of bidders and
39 the amount of each bidder's offering for each contract.

34.378. 1. The state shall not enter into a contingency fee contract with a private
2 attorney unless the attorney general makes a written determination prior to entering into such a
3 contract that contingency fee representation is both cost effective and in the public interest. Any
4 written determination shall include specific findings for each of the following factors:

5 (1) Whether there exists sufficient and appropriate legal and financial resources within
6 the attorney general's office to handle the matter;

7 (2) The time and labor required; the novelty, complexity, and difficulty of the questions
8 involved; and the skill requisite to perform the attorney services properly;

9 (3) The geographic area where the attorney services are to be provided; and

10 (4) The amount of experience desired for the particular kind of attorney services to be
11 provided and the nature of the private attorney's experience with similar issues or cases.

12 2. If the attorney general makes the determination described in subsection 1 of this
13 section, the attorney general shall request written proposals from private attorneys to represent
14 the state, unless the attorney general determines that requesting proposals is not feasible under
15 the circumstances and sets forth the basis for this determination in writing. If a request for
16 proposals is issued, the attorney general shall choose the [lowest and best] bid **with the best**
17 **value, as defined in section 34.010**, or request **that** the office of administration establish an
18 independent panel to evaluate the proposals and choose the [lowest and best] bid **with the best**
19 **value, as defined in section 34.010**.

20 3. The state shall not enter into a contract for contingency fee attorney services unless
21 the following requirements are met throughout the contract period and any extensions to the
22 contract:

23 (1) The government attorneys shall retain complete control over the course and conduct
24 of the case;

25 (2) A government attorney with supervisory authority shall oversee the litigation;

26 (3) The government attorneys shall retain veto power over any decisions made by outside
27 counsel;

28 (4) A government attorney with supervisory authority for the case shall attend all
29 settlement conferences; and

30 (5) Decisions regarding settlement of the case shall be reserved exclusively to the
31 discretion of the attorney general.

32 4. The attorney general shall develop a standard addendum to every contract for
33 contingent fee attorney services that shall be used in all cases, describing in detail what is
34 expected of both the contracted private attorney and the state, including, without limitation, the
35 requirements listed in subsection 3 of this section.

36 5. Copies of any executed contingency fee contract and the attorney general's written
37 determination to enter into a contingency fee contract with the private attorney shall be posted
38 on the attorney general's website for public inspection within five business days after the date
39 the contract is executed and shall remain posted on the website for the duration of the
40 contingency fee contract, including any extensions or amendments to the contract. Any payment
41 of contingency fees shall be posted on the attorney general's website within fifteen days after the
42 payment of such contingency fees to the private attorney and shall remain posted on the website
43 for at least three hundred sixty-five days.

44 6. Any private attorney under contract to provide services to the state on a contingency
45 fee basis shall, from the inception of the contract until at least four years after the contract

46 expires or is terminated, maintain detailed current records, including documentation of all
47 expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial
48 transactions that concern the provision of such attorney services. The private attorney shall
49 maintain detailed contemporaneous time records for the attorneys and paralegals working on the
50 matter in increments of no greater than one-tenth of an hour and shall promptly provide these
51 records to the attorney general, upon request. Any request under chapter 610 for inspection and
52 copying of such records shall be served upon and responded to by the attorney general's office.

53 7. By February first of each year, the attorney general shall submit a report to the
54 president pro tem of the senate and the speaker of the house of representatives describing the use
55 of contingency fee contracts with private attorneys in the preceding calendar year. At a
56 minimum, the report shall:

57 (1) Identify all new contingency fee contracts entered into during the year and all
58 previously executed contingency fee contracts that remain current during any part of the year,
59 and for each contract describe:

60 (a) The name of the private attorney with whom the department has contracted, including
61 the name of the attorney's law firm;

62 (b) The nature and status of the legal matter;

63 (c) The name of the parties to the legal matter;

64 (d) The amount of any recovery; and

65 (e) The amount of any contingency fee paid;

66 (2) Include copies of any written determinations made under subsections 1 and 2 of this
67 section.

37.900. 1. Any statewide elected official may request the office of administration to
2 determine the [lowest and best] bidder **with the best value, as defined in section 34.010**, with
3 respect to any contract for purchasing, printing, or services for which the official has the
4 authority to contract.

5 2. The official shall submit the original request for proposal and any pertinent
6 information explaining the evaluation criteria established in the request and any additional
7 information the official deems necessary.

8 3. The office of administration shall not be required to inquire of or negotiate with any
9 offeror submitting a bid and shall only be required to reply to the elected official within forty-five
10 days after the submission of the request by naming the offeror the office of administration
11 determines to be the [lowest and best] bidder **with the best value, as defined in section 34.010**,
12 based on all submitted documents.

49.278. 1. The county governing body in all counties may contribute to the cost of a
2 plan, including a plan underwritten by insurance, for furnishing all or a part of hospitalization

3 or medical expenses, life insurance, or similar benefits for elected officials and their employees,
4 and to appropriate and utilize its revenues and other available funds for these purposes.

5 2. No contract shall be entered into by the county to purchase any insurance policy or
6 policies pursuant to the terms of this section unless such contract shall have been submitted to
7 competitive bidding and such contract be awarded to the [lowest and best] bidder **with the best**
8 **value, as defined in section 34.010.**

9 3. The governing authority of all counties may provide, in addition to any other programs
10 or plans, workers' compensation, health insurance, life insurance, and retirement plans for all
11 county employees.

50.760. 1. It shall be the duty of the commissioners of the county commission in all
2 counties of the second class, and in all counties of the first class not having a charter form of
3 government, if there is no purchasing agent appointed pursuant to section 50.753, on or before
4 the first day of February of each year, to estimate the kind and quantity of supplies, including any
5 advertising or printing which the county may be required to do, required by law to be paid for
6 out of the county funds, which will be necessary for the use of the several officers of such county
7 for the following year, and to advertise for sealed bids and contract with the [lowest and best]
8 bidder **with the best value** for such supplies. Before letting any such contract or contracts the
9 commission shall cause notice that it will receive sealed bids for such supplies to be given by
10 advertisement in some newspaper of general circulation published in the county, such notice to
11 be published once per week for three consecutive weeks, the last insertion of which shall not be
12 less than ten days before the date in said advertisement fixed for the letting of such contract or
13 contracts, which shall be let on the first Monday in March, or on such other day and date as the
14 commission may fix between the first Monday of March and the first Saturday after the second
15 Monday in March next following the publication of such notice; except that if by the nature or
16 quantity of any article or thing needed for any county officer in any county of this state to which
17 sections 50.760 to 50.790 apply, the same may not be included in such contract at a saving to
18 such county, then such article or thing may be purchased for such officer upon an order of the
19 county commission first being made and entered as provided in sections 50.760 to 50.790; and
20 except further, that if any supplies not included in such contract are required by any such officer
21 or if the supplies included in such contract are exhausted then such article or thing may be
22 purchased for such officer upon order of the county commission first being made and entered of
23 record as provided in sections 50.760 to 50.790.

24 2. The county commission may authorize the purchase of supplies, not including for
25 contractual services, at any public auction held.

26 3. No contract for a purchase under this section shall arise until the commission has
27 approved a purchase order for the supplies for which the bids were advertised and submitted
28 under this section.

67.797. 1. When a regional recreational district is organized in only one county, the
2 executive, as that term is defined in subdivision (4) of section 67.750, with the advice and
3 consent of the governing body of the county shall appoint a board of directors for the district
4 consisting of seven persons, chosen from the residents of the district. Where the district is in
5 more than one county, the executives, as defined in subdivision (4) of section 67.750, of the
6 counties in the district, with the advice and consent of the governing bodies of each county shall,
7 as nearly as practicable, evenly appoint such members and allocate staggered terms pursuant to
8 subsection 2 of this section, with the county having the largest area within the district appointing
9 a greater number of directors if the directors cannot be appointed evenly. No member of the
10 governing body of the county or official of any municipal government located within the district
11 shall be a member of the board and no director shall receive compensation for performance of
12 duties as a director. Members of the board of directors shall be citizens of the United States and
13 they shall reside within the district. No board member shall be interested directly or indirectly
14 in any contract entered into pursuant to sections 67.792 to 67.799.

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

30 3. Notwithstanding any other provision of sections 67.750 to 67.799 to the contrary, after
31 August 28, 2004, in any district located in whole or in part in any county of the first classification
32 with more than one hundred eighty-four thousand but less than one hundred eighty-eight
33 thousand inhabitants, upon the expiration of such initial terms of appointment and on the

34 expiration of any subsequent term, the resulting vacancies shall be filled by election at the next
35 regularly scheduled election date throughout the district. In the event that a vacancy exists before
36 the expiration of a term, the governing body of the county shall appoint a member for the
37 remainder of the unexpired term. Board members shall be elected for terms of three years. Such
38 elections shall be held according to this section and the applicable laws of this state. If no person
39 files as a candidate for election to the vacant office within the applicable deadline for filing as
40 a candidate, then the governing body of any such county shall appoint a person to be a member
41 of the board for a term of three years. Any appointed board members shall be eligible to run for
42 office.

43 4. Directors shall immediately after their appointment meet and organize by the election
44 of one of their number president, and by the election of such other officers as they may deem
45 necessary. The directors shall make and adopt such bylaws, rules and regulations for their
46 guidance and for the government of the parks, neighborhood trails and recreational grounds and
47 facilities as may be expedient, not inconsistent with sections 67.792 to 67.799. They shall have
48 the exclusive control of the expenditures of all money collected to the credit of the regional
49 recreational fund and of the supervision, improvement, care and custody of public parks,
50 neighborhood trails, recreational facilities and grounds owned, maintained or managed by the
51 district. All moneys received for such purposes shall be deposited in the treasury of the county
52 containing the largest portion of the district to the credit of the regional recreational fund and
53 shall be kept separate and apart from the other moneys of such county. Such board shall have
54 power to purchase or otherwise secure ground to be used for such parks, neighborhood trails,
55 recreational grounds and facilities, shall have power to appoint suitable persons to maintain such
56 parks, neighborhood trails and recreational facilities and administer recreational programs and
57 fix their compensation, and shall have power to remove such appointees.

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

59 6. If a county, or a portion of a county, not previously part of any district, shall enter a
60 district, the executives of the new member county and any previous member counties shall
61 promptly meet to apportion the board seats among the counties participating in the enlarged
62 district. All purchases in excess of ten thousand dollars used in the construction or maintenance
63 of any public park, neighborhood trail or recreational facility in the regional recreation district
64 shall be made pursuant to the [lowest and] best **value** bid standard as provided in section 34.040
65 or pursuant to the [lowest and] best **value** proposal standard as provided in section 34.042. The
66 board of the district shall have the same discretion, powers and duties as the commissioner of
67 administration has in sections 34.040 and 34.042.

68 7. Notwithstanding any other provisions in this section to the contrary, when a regional
69 recreational district is organized in only one county on land owned solely by the county, the

70 governing body of the county shall have exclusive control of the expenditures of all moneys
71 collected to the credit of the regional recreational fund, and of the supervision, improvement,
72 care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned,
73 maintained, or managed by the county within the district.

67.1769. All purchases in excess of ten thousand dollars used in the construction or
2 maintenance of any public recreational facility, park or public recreational ground in the
3 metropolitan district shall be made pursuant to the [lowest and] best **value** bid standard as
4 provided in section 34.040, or pursuant to the [lowest and] best **value** proposal standard as
5 provided in section 34.042. The board of the district shall have the same discretion, powers and
6 duties as the commissioner of administration has in sections 34.040 and 34.042.

67.5038. All purchases by a district in excess of ten thousand dollars used in the
2 construction or maintenance of any public recreational facility, trail, park, or greenway in that
3 district shall be made pursuant to the [lowest and] best **value** bid standard as provided in section
4 34.040 or pursuant to the [lowest and] best **value** proposal standard as provided in section
5 34.042. The board of any district shall have the same discretion, powers and duties as granted
6 to the commissioner of administration by sections 34.040 and 34.042.

70.100. That any municipality or political subdivision of this state may enter into
2 contracts with the United States of America, or with any department or agency thereof, for the
3 purpose of accepting gifts and for the purchase, sale, exchange, lease, or transfer of any
4 equipment, supplies, materials, or other property for cash, credit, or other property, with or
5 without warranty, and upon such other terms and conditions as the federal government, or the
6 department or agency thereof, deems proper, without regard to the provisions of law or any
7 municipal charter or ordinance which may require, among other things, the following:

- 8 (1) Posting of notices or public advertising for bids or of expenditures;
- 9 (2) Inviting or receiving of competitive bids;
- 10 (3) The making of purchases from the [lowest and best] bidder **with the best value, as**
11 **defined in section 34.010;**
- 12 (4) The delivery of purchases before payment.

71.290. Whenever any city, town, village, county, special road district, sewer district or
2 drainage district or other improvement district by its charter or by the laws of this state applicable
3 thereto is now or shall hereafter be empowered to construct any public improvement, such city,
4 town, village, county or district shall have power to pay for the labor and materials or any portion
5 of both or either out of its general revenue, and to accept, use, and apply in whole or in part
6 payment for the same any grant from the state or the government of the United States or any
7 agency of either, and such city, town, village, county or district shall have power to accept a grant
8 or assistance of labor for such improvement or portion thereof furnished by those employed by

9 any state or federal agency for making such improvement, subject to the conditions, if any,
10 imposed by such agency of the state or federal government. The balance of the cost of such
11 improvement not paid out by the general revenue of such city, town, village, county or district,
12 or not paid out of any grant of funds, or not represented by the furnishing of labor and materials
13 by the state or United States government or any agency thereof, shall be levied as a special tax
14 against the same property and in the same proportion upon which the whole of the cost of such
15 improvement would have been levied as now provided by the charter of any such city, town,
16 village, county or district, or the present laws of this state applicable thereto, except for such
17 payment or grant. The proceedings in each instance providing for the construction of such
18 improvements from their initiation to the awarding of the contract to the successful bidder and
19 the rights and privileges of citizens and of each property owner affected thereby shall be the same
20 as that now provided by the charter and law governing such city, town, village, county or district
21 where the entire cost of such improvement is to be paid for in special tax bills or special
22 assessments against property; provided, however, that the plans, specifications and the estimate
23 of cost for such improvement now required to be prepared and filed according to law shall
24 specify what portion of the material and labor or either it is estimated will be assessed against
25 benefitted property. In letting contracts pursuant to this section the awarding authority shall
26 require bidders to separately state the amount bid on that portion of such improvement for which
27 payment is to be made by special tax bills or benefit assessments. Where any portion of the labor
28 and materials on any such improvement shall be furnished in kind by the state or the United
29 States government or any bureau or agency thereof in lieu of a cash grant the proceedings shall
30 so state and bids shall be required only for the balance of the labor and materials and the contract
31 shall be awarded to the [lowest and best bidder or lowest responsible] bidder **with the best value**
32 on the balance of said labor and materials.

88.520. 1. Before the city council shall be authorized, under the provisions of sections
2 88.507 and 88.510, to grade or pave any alley, or to grade, pave or gutter the roadway part of any
3 street, when the improvement is to be paid for with special tax bills, they shall, by resolution,
4 declare that they deem such improvement necessary to be made, and shall cause such resolution
5 to be published in some newspaper printed and published in the city, for two consecutive
6 insertions in a weekly paper, or seven consecutive insertions in a daily paper, and if a majority
7 of the resident owners of the lands that would be liable for the cost of the improvement, at the
8 date of the passage of the resolution, who shall own a majority of the front feet owned by
9 residents of the city, abutting on the street or part of street proposed to be improved, shall not
10 within ten days after the date of the last publication file with the city clerk their protest against
11 such improvement, then the council shall have the power to cause the improvement to be made;
12 and if the council shall find and declare by ordinance that no such majority have so filed such

13 protest, such finding and declaration shall be conclusive, after the execution of the contract for
14 the making of the improvement, and thereafter no special tax bill shall be held invalid for the
15 reason that a protest sufficiently signed was filed with the clerk.

16 2. The council shall have full power to make all provisions deemed necessary for the
17 making of contracts by the city, for the doing of all the work necessary in making the
18 improvements herein specified, but all such contracts shall be let to the [lowest and best] bidder
19 **with the best value, as defined in section 34.010**, upon advertisement for bids, published by
20 two consecutive insertions in a weekly paper or seven consecutive insertions in a daily paper in
21 some newspaper published in the city.

22 3. But before the city shall make any contract for any of said improvements excepting
23 repairs, an estimate of the cost thereof shall be made by the city engineer, and in case there be
24 no city engineer, such estimate shall be made by some other person designated by ordinance.
25 Such estimate shall be filed with the city clerk and no contract shall be made for a price
26 exceeding such estimate.

27 4. The council shall have the power to require any contractor doing work to guarantee
28 that an improvement will last for a specified term of years, and during such term will be kept in
29 repair, and to require the contractor to give to the city approved bonds for the faithful
30 performance of any obligation.

31 5. The council shall have the power to repair any sidewalk, curbing, guttering or paving
32 without letting any contract for such work, but can have such work done in such manner as may
33 be provided for by ordinance. When such work is done by the city, not through a contractor, the
34 tax bills shall be issued to the city and the city shall have the same power to collect such tax bills
35 as other owners of tax bills.

88.657. The ordinance shall provide that after the publication thereof, the owners of the
2 property affected by the improvement shall have thirty days from the date of the publication to
3 make and complete the improvement provided for in the ordinance under direction of the city
4 engineer and in conformity with the plans and specifications filed as provided for in section
5 88.653. At the end of said thirty days the owners of the land affected by the improvement shall
6 cease to have a right to make the improvement by private contract and the council or other
7 legislative body shall have power to cause a contract for said work to be let to the [lowest and
8 best] bidder **with the best value, as defined in section 34.010**, on the plans and specifications
9 filed as aforesaid with the city clerk by the city engineer or other proper officer, not less than one
10 week's advertisement for bids thereon being made in some newspaper published in the city.
11 Where the bids for said work are above the estimates, or no bids are presented, or where bids
12 presented are for any reason rejected, or where the contractor to whom the contract is awarded
13 fails to enter into a written contract for the performance of said contract, or to execute the bonds

14 required by ordinance within the time provided therefor, the council or other legislative body
15 shall direct the clerk to readvertise for bids. All county or other public property, cemeteries or
16 railroad rights-of-way shall be subject to assessments as provided for by sections 88.787 and
17 88.790, relating to such lands.

88.700. When the board of aldermen shall deem it necessary to pave, macadamize,
2 gutter, curb (when such is set out in the street beyond the sidewalk) or otherwise improve any
3 street, avenue, alley or other highway, or any part thereof, within the limits of the city for which
4 a special tax is to be levied as herein provided, the board of aldermen shall, by resolution, declare
5 the work or improvements necessary to be done, and cause the resolutions to be published in
6 some newspaper published in the city for seven consecutive insertions in a daily paper or two
7 consecutive insertions in a weekly paper. If a majority of the owners of the property liable to
8 taxation therefor, residing in the city at the date of the passage of such resolution, shall not,
9 within ten days from the date of the last insertion of the resolution, file with the city clerk their
10 protest against, then the board of aldermen may cause the improvements to be made, and to
11 contract therefor, and to levy the tax as herein provided. The findings of the board that a
12 majority of such owners have not filed protest shall be conclusive and final.

13 No publication shall be necessary for the making of any sidewalks, but upon the petition of any
14 ten citizens of the city the board of aldermen may make contracts for the construction of
15 sidewalks, including grading therefor, with or without curbing, along any street, avenue or other
16 public highway, or any part thereof whatever. The contract shall be let to the [lowest and best]
17 bidder **with the best value, as defined in section 34.010**, upon plans and specifications filed
18 therefor by the city engineer or other officer designated by the board of aldermen, with the city
19 clerk, not less than one week's advertisement for bids thereupon being made in some newspaper
20 published in the city. When upon proper advertisement no bid is received, the board of aldermen
21 may proceed as provided in section 88.826.

88.787. When the council of any city having less than thirty thousand inhabitants and
2 having a special charter shall deem it necessary to pave, macadamize, gutter, curb, grade or
3 otherwise improve the roadway of any street, avenue or alley, or other highway, or any part
4 thereof, within the limits of the city, for which a special tax is to be levied as provided in section
5 88.777, the council shall, by resolution, declare such work or improvements necessary to be
6 done, and shall cause plans and specifications for such work and improvements, together with
7 an estimate of the cost thereof, to be prepared by the city engineer or other proper officer, and
8 filed with the city clerk of such city, subject to the inspection of the public, and shall cause such
9 resolution to be published in some newspaper printed in the city for two consecutive insertions
10 in a weekly paper or seven consecutive insertions in a daily paper and if a majority of the resident
11 owners of the property liable to taxation therefor, at the date of the passage of such resolution,

12 who shall own a majority of the front feet owned by residents of the city abutting on the street,
13 avenue or alley proposed to be improved, shall not, within ten days thereafter, file with the clerk
14 of the city, their protest against such improvements, then the council shall have power to cause
15 a contract for said work to be let to the [lowest and best] bidder **with the best value, as defined**
16 **in section 34.010**, on the plans and specifications filed as aforesaid with the city clerk by the city
17 engineer or other proper officer, not less than one week's advertisement for bids thereon being
18 made in some newspaper published in the city. Where the bids for said work are above the
19 estimates, or no bids are presented, or where the bids presented are for any reason rejected, or
20 where the contractor to whom the contract is awarded fails to enter into a written contract for the
21 performance of said contract, or to execute the bonds required by ordinance within the time
22 provided therefor, the council may readvertise for bids. When the council shall by ordinance find
23 and declare that a majority of the resident owners of the property liable to taxation therefor, who
24 shall also own a majority of the front feet owned by residents of the city abutting on the street
25 or alley, proposed to be improved, have not filed with the city clerk a protest against such
26 improvement, such finding and declaration shall be conclusive after the execution of the contract
27 for said improvement, and no special tax bill shall be held invalid for the reason that a protest
28 sufficiently signed was filed with the city clerk.

88.880. 1. The city council may, by ordinance, provide for the building of any sidewalk
2 or for the rebuilding and reconstruction of the same, including grading and filling therefor, and
3 including the removal of any obstructions, and including approaches (as defined in section
4 88.867) at corner lots, and including the grading or parking of that portion of the street lying
5 between the property line and the street curb line, by contract, and levy a special assessment
6 against each lot or tract along which such work is done, for the cost thereof, as provided in
7 section 88.890; provided, however, that no such contract shall be let until the plans and
8 specifications for said work have been adopted by ordinance (provided that such adoption may
9 be by reference to general plans and specifications, which have already been adopted by
10 ordinance by said city).

11 2. And no contract shall be let until an advertisement for bids for the doing of said work
12 has been published in at least one issue of a weekly newspaper or at least two consecutive issues
13 of a daily newspaper, published in said city, or if there be no paper published in said city, in
14 some newspaper published in the county in which said city is located, and the date for the
15 opening of said bids shall be at least ten days after the date of the first publication of said
16 advertisement for bids; and provided further, that before the said bids are opened, the city
17 engineer, or other proper person designated by ordinance by the city council, shall prepare and
18 file an estimate showing the estimated quantities of grading, filling and of the various materials
19 required for the sidewalk in front of each separate lot, tract or parcel of ground, and an estimate

20 of the cost of said work per cubic yard or per square yard, as the case may be, and an estimate
21 of the cost of the removal of any obstruction; and no contract shall be let for a price in excess of
22 the said estimate of the cost.

23 3. After the bids are opened by the city council, the said city council shall let the contract
24 for said work to the [lowest and best responsible] bidder **with the best value**, and in case there
25 are no bids received, or that all bids are rejected for any reason, the city council may readvertise
26 for bids for said work, or may, by ordinance, order and require the city engineer or other proper
27 person to build and construct said sidewalk or do the other work as herein contemplated,
28 according to the specifications adopted therefor (provided, however, that the cost of said work
29 shall not exceed the estimate of the city engineer previously filed), keeping an accurate account
30 of the cost of the separate items thereof, and the city council shall pay for the labor and material
31 and all other costs of said work out of any funds which they may have on hand available for such
32 purpose; and at the completion of said work (either by contract or by the city, as last provided)
33 shall levy the cost thereof as a special assessment against the lot, tract or parcel of ground along
34 which each of said sidewalks or other improvements is made in the manner as provided in
35 section 88.890.

88.887. 1. The city council of any city coming within the purview of sections 88.863
2 to 88.913 may, when deemed necessary or expedient, divide said city or any portion thereof into
3 sidewalk districts, by ordinance, and may adopt plans and specifications for the building of all
4 sidewalks within said district or districts, and may advertise for bids and award a contract to the
5 [lowest and best responsible] bidder **with the best value** for the building and construction of all
6 sidewalks which may be ordered built by the city council within said district for the next ensuing
7 year. Said advertisement for bids shall be published in at least one issue of a weekly newspaper
8 or at least two consecutive issues of a daily newspaper published in said city, or if there be no
9 newspaper published in said city, may be published in any newspaper within such county in
10 which said city is located.

11 2. And before the bids are opened or any contract let, the city engineer, or other proper
12 person designated by the city council, by ordinance, shall prepare and submit to the city council
13 an estimate of the cost of said sidewalk, including approaches, grading and parking, material,
14 etc., which estimate shall be the price per cubic yard or square yard, as the case may be, for the
15 finished improvement; and no contract shall be let for a price in excess of said estimate. And
16 the cost of all sidewalks, approaches, parking or other improvement herein contemplated shall
17 be, on their completion, levied as a special assessment against the lot, tract or parcel of ground
18 along and in front of which said improvement is made, as provided in section 88.890.

88.940. All city improvements of whatever kind or character, including the erection of
2 all public buildings made or to be erected at the expense of any constitutional charter city having

3 more than seventy-five thousand and less than eighty thousand inhabitants, except where
4 otherwise provided herein, shall be let by contract to the [lowest and best] bidder **with the best**
5 **value, as defined in section 34.010**, and shall be prescribed by ordinance; provided, that nothing
6 in this section shall be so construed as to prevent the repair, by day's work, of boulevards, streets,
7 sewers, culverts, buildings or other city property, so far as may be necessary for the preservation
8 thereof; and provided that nothing in this section shall be construed to prevent the city from
9 specifying by ordinance the kind and character of materials and the kind and character of labor
10 to be used by contractors making city improvements and the maximum hours that the labor shall
11 work thereon and the minimum wages that shall be paid the labor.

91.640. 1. In addition to the powers which it may now have, any municipality as herein
2 defined shall have power, under sections 91.620 to 91.770

3 (1) To lease as herein provided, to acquire by gift, purchase or the exercise of the right
4 of eminent domain, to construct, to reconstruct, to improve, to better, and to extend any
5 undertaking, wholly within, or wholly without the municipality, or partially within and partially
6 without the municipality, and to acquire by gift, purchase or the exercise of the right of eminent
7 domain, lands, easements, rights in lands and water rights in connection therewith;

8 (2) To operate and maintain any undertaking for its own use and for the use of public and
9 private consumers, and users within and without the territorial boundaries of the municipality;

10 (3) To prescribe, revise and collect rates, fees, tolls or charges subject to rules and
11 regulations of public service commission of state of Missouri for the services, facilities or
12 commodities furnished by such undertaking, and in anticipation of the collection of the revenues
13 of such undertaking, to issue revenue bonds, to finance in whole or in part the cost of the
14 acquisition, construction, reconstruction, improvement, betterment or extension of any
15 undertaking;

16 (4) To pledge to the punctual payment of said bonds and interest thereon all or any part
17 of the revenues of such undertaking (including the revenues of improvements, betterments or
18 extensions thereto thereafter constructed or acquired, as well as the revenues of existing systems,
19 plants, works, instrumentalities, and properties of the undertaking so improved, bettered or
20 extended) or of any part of such undertaking; subject to any outstanding obligation existing
21 against such systems, plants; and

22 (5) To make all contracts, execute all instruments and do all things necessary or
23 convenient in the exercise of the powers herein granted or in the performance of its covenants
24 or duties or in order to secure the payment of its bonds, provided, no encumbrance, mortgage or
25 other pledge of property of the municipality is created thereby, and provided no property of the
26 municipality is liable to be forfeited or taken in payment of said bonds, and provided no debt on
27 the credit of the municipality is thereby incurred in any manner for any purpose; and provided

28 further, that plans and specifications for the aforesaid undertakings shall be submitted to and
29 approved by the state board of health; provided, however, that all contracts for the undertakings
30 herein authorized shall be awarded to the [lowest and best] bidder **with the best value, as**
31 **defined in section 34.010**, notice of the letting of such contract having been published as is
32 required by law for the letting of public contracts for the erection of public buildings.

33 2. For the purpose of constructing, managing and operating the undertakings herein
34 described there is hereby created a "board of public works". This board shall consist of five
35 members, who shall be qualified voters and resident taxpayers of such municipality. The mayor
36 or presiding officer of such municipality shall be a member of this board. The other four
37 members shall be appointed by the mayor or presiding officer of the municipality, by and with
38 the consent and approval of the majority of the governing body. The term of office of the
39 members appointed shall be four years, except the terms of two members of the first board
40 appointed shall be for two years. The officer making the appointment shall designate which
41 members shall be appointed for two years and which shall be for four years. Vacancies shall be
42 filled for an unexpired term in the same manner as the original appointment. The board shall
43 organize when new members are appointed to it. It shall select a chairman, vice chairman,
44 secretary and treasurer. The board of public works shall operate, manage and control such
45 undertakings, and in the performance of this duty may employ such persons and expend such
46 sums as are necessary to properly perform same, which funds shall be appropriated and allowed
47 by the governing body out of the earnings of the undertaking. This board shall require any
48 person who has custody of any moneys or properties of the district to furnish bond executed by
49 a responsible bonding company, for the faithful performance of his or her duties as prescribed
50 by the board of public works and for the faithful accounting of all moneys or property which may
51 come into his custody or possession by virtue of such employment or appointment. The board
52 of public works shall be allowed such a salary for their services as the governing body may
53 determine not in excess of one hundred dollars per month for each member and for their actual
54 expenses incurred in performing their duties under sections 91.620 to 91.770 they shall be paid
55 out of the revenue of the undertaking formed herein. The members of the board of public works
56 may be removed for cause after a public hearing by the governing body. The board of public
57 works shall make such report to the governing body and at such times as may be required by the
58 governing body, and shall have the power to establish bylaws, rules and regulations for its own
59 government. The board of public works, in respect to all matter of custody, operation,
60 administration and maintenance of such work shall have all the powers and perform all the duties
61 herein provided for, not specifically delegated to the governing body.

62 3. The government is hereby authorized to construct any undertaking within a defense
63 area, to acquire by purchase, lease, gift, exchange or the exercise of eminent domain, lands,

64 easements, rights of lands and water rights in connection therewith and to maintain and operate
65 such undertakings.

66 Any municipality is hereby authorized to lease from the government or to enter into an
67 agreement to operate for and in behalf of the government any undertaking constructed by the
68 government.

100.170. Whenever the approved plan for the project calls for the construction,
2 improvement or extension of facilities, the municipality shall enter into a contract for the
3 purpose. All contracts shall be let on competitive bidding to the [lowest and best] bidder **with**
4 **the best value, as defined in section 34.010**. Notice of the letting of the contracts shall be given
5 in the manner provided by section 8.250.

172.320. 1. The curators of the University of Missouri shall adopt policies and rules to
2 require selection of the [lowest and best] bid **with the best value, as defined in section 34.010**,
3 when bidding bank depository agreements or when purchasing supplies or other personal
4 property.

5 2. The curators of the University of Missouri shall promulgate and approve a conflict of
6 interest policy and regulations thereto.

7 3. Employees of the university may be directly or indirectly interested in a contract with
8 the curators of the University of Missouri if the employee discloses such a direct or indirect
9 interest prior to execution of the contract and the contract would not constitute a conflict of
10 interest as determined by the policy required by subsection 2 of this section. Failure by the
11 employee to disclose such an interest may constitute grounds for discipline of the employee or
12 cancellation of the contract or both.

13 4. Curators of the university in their individual capacity shall disclose any possible
14 conflict of interest that may arise and shall not participate in any decision of the board as
15 otherwise provided by law.

182.270. When it has been determined at the election to provide for the erection of a free
2 public library building, the board of trustees shall proceed to have plans and specifications of a
3 public library building prepared, shall take bids thereon for the construction of the building and
4 shall let the contract therefor to the [lowest and best] responsible bidder **with the best value, as**
5 **defined in section 34.010**, and shall require of such bidder securities for the performance of his
6 bid. The board may let parts of the material or labor for the erection of the building to different
7 bidders, as to it may seem best, and may reject any and all bids.

231.250. Upon the adoption of the contract system of working the roads, the township
2 board of the road district so adopting the same shall, on or before the fifteenth day of April, next
3 following such adoption, make an order, duly entered of record, requiring the property tax of
4 such road district assessed for road purposes to be paid in money. The said township board shall

5 immediately give notice of the letting of the working of the roads in such road district by
6 contract, publicly, to the [lowest and best] bidder **with the best value, as defined in section**
7 **34.010**, with specifications in such notice of the work to be done; said notice shall be given by
8 at least four written or printed handbills, posted in at least four public places in such road district
9 at least ten days before the letting of such contract. The township board at the time set forth in
10 the notices above provided for shall proceed to let the contract for the working of the roads in
11 said road district to the [lowest and best] bidder **with the best value, as defined in section**
12 **34.010**; provided, that no person or persons who are in any wise connected with any member of
13 such township board shall be an eligible bidder. The person or persons whose bid shall be
14 accepted shall, within ten days thereafter, severally enter into bond with the township board in
15 such amount and with such personal security as shall be acceptable to and be approved by said
16 township board, conditioned that they will faithfully perform the conditions and stipulations
17 contained in said contract, and any breach of the conditions of said bond may be sued on in any
18 court of competent jurisdiction in the corporate name of such township.

231.370. Contracts for the laying of such sidewalks, curbs, gutters, combinations of curb
2 and gutter and roadways as are provided for in section 231.360, shall be authorized and let by
3 the aforesaid county commission to the [lowest and best] bidder **with the best value, as defined**
4 **in section 34.010**, therefor, said commission first giving notice thereof by publication, which
5 notice shall be published for fifteen days in a daily newspaper or for three insertions in a weekly
6 newspaper at the county seat of such county. Said notice must contain a summary of the
7 specifications showing the kind of material required, the width and the thickness of such
8 sidewalk, curbs, gutters, combinations of curb and gutter and roadway and the manner of paying
9 therefor, together with the time and place where said specifications may be examined; provided,
10 that all sidewalks constructed under the provisions of sections 231.360 to 231.390, shall be of
11 uniform width not less than four feet in any one block, and the general specifications of such
12 sidewalk or sidewalks shall be determined by the county commission in conformity with the
13 wishes of the petitioners.

231.410. Contracts for the laying of such sidewalks and roadways as are provided for in
2 section 231.400 shall be authorized and let by the aforesaid county commission to the [lowest
3 and best] bidder **with the best value, as defined in section 34.010**, therefor, said commission
4 first giving notice thereof by publication, which notice shall be published for fifteen days in a
5 daily newspaper or for three insertions in a weekly newspaper published at the county seat of
6 such county. Said notice must contain specifications showing the kind of material required, the
7 width and the thickness of such sidewalk and roadway and the manner of paying therefor;
8 provided, that all sidewalks constructed under the provisions of sections 231.400 to 231.430
9 shall be of uniform width not less than four feet in any one block, and the general specifications

10 of such sidewalk or sidewalks shall be determined by the county commission in conformity with
11 the wishes of the petitioners.

233.270. 1. Whenever an order for improvement is made, the special road district
2 commissioners of the district shall, in the name of the district, enter into a written contract with
3 the [lowest and best] bidder **with the best value, as defined in section 34.010**, for making such
4 improvement in compliance with such order. Such contract shall require that the work be
5 completed within a certain time, and shall provide a penalty for each day beyond said time said
6 work remains uncompleted, and said commissioners shall require said contractor to enter into
7 a bond, to be approved by the commissioners, for the full performance of said contract, and
8 payment for all labor and material used or employed in the performance of such contract.

9 2. Said special road district commissioners may advertise for bids for such contract in
10 any manner they may choose; and the contract shall in no case be let to any special road district
11 commissioner, nor shall any special road district commissioner, directly or indirectly, have any
12 pecuniary interest therein other than the performance of his official duties as herein required.

13 3. Said contract shall in no case provide for the payment of a sum in excess of the
14 estimated cost of the work, as found by the county commission, plus ten percent thereof, and
15 shall not provide for payment of exceeding eighty percent of the value of the work actually
16 performed and materials furnished until the entire improvement is completed.

17 4. As payments to the contractor become payable by the terms of the contract, the
18 commissioners shall cause warrants to be drawn on the county treasurer therefor.

233.405. 1. Whenever an order for improvement is made, the commissioners of the
2 district shall, in the name of the district, enter into a written contract with the [lowest and best]
3 bidder **with the best value, as defined in section 34.010**, for making such improvement in
4 compliance with such order. Such contract shall require that the work be completed within a
5 certain time, and shall provide a penalty for each day beyond said time said work remains
6 uncompleted, and said commissioners shall require said contractor to enter into a bond, to be
7 approved by the commissioners, for the full performance of said contract, and payment for all
8 labor and material used or employed in the performance of such contract.

9 2. Said special road district commissioners may advertise for bids for such contract in
10 any manner they choose; and the contract shall in no case be let to any special road district
11 commissioner, nor shall any special road district commissioner, directly or indirectly, have any
12 pecuniary interest therein other than the performance of his official duties as herein required.

13 3. Said contract shall in no case provide for the payment of a sum in excess of the
14 estimated cost of the work, as found by the commission, plus ten percent thereof, and shall not
15 provide for payment of exceeding eighty percent of the value of the work actually performed and
16 materials furnished until the entire improvement is completed.

17 4. As payments to the contractor become payable by the terms of the contract, the
18 commissioners shall cause warrants to be drawn on the district treasurer therefor.

233.515. 1. Whenever an order for improvement is made, the special road subdistrict
2 commissioners of the subdistrict shall, in the name of the subdistrict, enter into a written contract
3 with the [lowest and best] bidder **with the best value, as defined in section 34.010**, in the same
4 manner as the letting of public works contracts by the department of transportation, for making
5 such improvement in compliance with such order. Such contract shall require that the work be
6 completed within a certain time, and shall provide a penalty for each day beyond the time the
7 work remains uncompleted, and the commissioners shall require the contractor to enter into a
8 bond, to be approved by the commissioners, for the full performance of the contract, and
9 payment for all labor and material used or employed in the performance of such contract.

10 2. The special road subdistrict commissioners shall advertise and let bids in the same
11 manner as the letting of public works contracts by the department of transportation, and the
12 contract shall in no case be let to any special road subdistrict commissioner, nor shall any special
13 road subdistrict commissioner, directly or indirectly, have any pecuniary interest in the contract
14 other than the performance of his official duties as required by sections 233.500 to 233.520.

15 3. The contract shall in no case provide for the payment of a sum in excess of the
16 estimated cost of the work, as found by the county commission, plus ten percent, and shall not
17 provide for payment of over eighty percent of the value of the work actually performed and
18 materials furnished until the entire improvement is completed.

19 4. As payments to the contractor become payable by the terms of the contract, the
20 commissioners shall cause warrants to be drawn on the county treasurer for such payments.

238.252. In addition to all other powers granted by sections 238.200 to 238.275 the
2 district shall have the following general powers:

3 (1) To sue and be sued in its own name, and to receive service of process, which shall
4 be served upon the district secretary;

5 (2) To fix compensation of its employees and contractors. All construction contracts in
6 excess of five thousand dollars between the district and any private person, firm, or corporation
7 shall be competitively bid and shall be awarded to the [**lowest and best**] bidder **with the best**
8 **value, as defined in section 34.010**;

9 (3) To purchase any real or personal property necessary or convenient for its activities.
10 All outright purchases of personal property in excess of one thousand dollars between the district
11 and any private person, firm or corporation shall be competitively bid and shall be awarded to
12 the [lowest and best] bidder **with the best value, as defined in section 34.010**;

13 (4) To collect and disburse funds for its activities; and

14 (5) To exercise such other implied powers necessary or convenient for the district to
15 accomplish its purposes which are not inconsistent with its express powers.

242.330. 1. The board of supervisors of said district shall have full power and authority
2 to build, construct, excavate and complete all or any works and improvements which may be
3 needed to carry out, maintain and protect the plan for reclamation. To accomplish that end the
4 said board of supervisors is hereby authorized and empowered to employ men and teams and to
5 purchase machinery, employ men to operate same and directly have charge of and construct the
6 works and improvements, or by the use of other or more efficient means than provided for in the
7 plans adopted.

8 2. They may, in their discretion, let the contract for such works and improvements either
9 as a whole or in sections, and when such contract or contracts are let, they shall be advertised and
10 let to the [lowest and best] bidder **with the best value, as defined in section 34.010**, who shall
11 give a good and approved bond, with ample security, conditioned that he will well and promptly
12 carry out the contract for such work and improvements, which contract shall be in writing and
13 to which shall be attached and made a part thereof, complete plans and specifications of the work
14 to be done and the improvements to be made under said contract, which plans and specifications
15 shall be prepared by the chief engineer and shall be incorporated in and attached to the contract,
16 which contract shall be prepared by the attorney for the district, and before the work is
17 commenced shall be approved by the board of supervisors and signed by the president of the
18 board and the contractor, and shall be executed in duplicate.

19 3. The chief engineer shall be the superintendent of all the works and improvements, and
20 shall, whenever required, and at least once each year, make a full report to said board of all work
21 done and improvements made and make such suggestions and recommendations to the board as
22 he may deem proper. However, if and when the state of Missouri or the United States of
23 America or any subdivision, department, division or agency thereof is willing to construct the
24 works and improvements provided for in the plan for reclamation or any part thereof, the board
25 of supervisors of the district is authorized to cooperate with the agency to the fullest extent and
26 is hereby granted power and authority to accept any such work in aid of the project, irrespective
27 of whether it be by way of grant of funds, labor, work, materials or otherwise and may, in the
28 discretion of the board of supervisors, give such assurances as may be required to obtain the
29 construction of the works and improvements provided for in the plan for reclamation.

245.150. The board of supervisors of said district shall have full power and authority to
2 build, construct, excavate and complete all or any works and improvements which may be
3 needed to carry out, maintain and protect the plan for reclamation. To accomplish that end the
4 said board of supervisors is hereby authorized and empowered to employ men and teams and to
5 purchase machinery, employ men to operate same and directly have charge of and construct the

6 works and improvements, or by the use of other or more efficient means than provided for in the
7 plans adopted. They may, in their discretion, let the contract for such works and improvements
8 either as a whole or in sections, and when such contract or contracts are let, they shall be
9 advertised and let to the [lowest and best] bidder **with the best value, as defined in section**
10 **34.010**, who shall give a good and approved bond, with ample security, conditioned that he will
11 well and promptly carry out the contract for such work and improvements, which contract shall
12 be in writing and to which shall be attached and made a part thereof, complete plans and
13 specifications of the work to be done and the improvements to be made under said contract,
14 which plans and specifications shall be prepared by the chief engineer, and shall be incorporated
15 in and attached to the contract, which contract shall be prepared by the attorney for the district,
16 and before the work is commenced shall be approved by the board of supervisors and signed by
17 the president of the board and the contractor and shall be executed in duplicate. The chief
18 engineer shall be the superintendent of all the works and improvements and shall whenever
19 required, and at least once each year, make a full report to said board of all work done and
20 improvements made and make such suggestions and recommendations to the board as he may
21 deem proper; provided, however, that if and when the state of Missouri or the United States of
22 America or any subdivision, department, division or agency thereof is willing to construct the
23 works and improvements provided for in the plan for reclamation or any part thereof, the board
24 of supervisors of said district is authorized to cooperate with such agency to the fullest extent and
25 is hereby granted power and authority to accept any such work in aid of the project, irrespective
26 of whether it be by way of grant of funds, labor, work, materials or otherwise and may, in the
27 discretion of the board of supervisors, give such assurances as may be required to obtain the
28 construction of the works and improvements provided for in the plan for reclamation.

245.370. If it shall be decided at said meeting in the manner aforesaid, to do said work,
2 the directors shall proceed to let the same out to the [lowest and best] bidder **with the best value,**
3 **as defined in section 34.010**; provided, however, that said directors shall have the right to reject
4 all bids, if the same be deemed too high. No director shall, either directly or indirectly, become
5 a contractor for the building or repairing of any levee or public work contemplated by sections
6 245.285 to 245.545, nor have any interest therein, present or remote; and any director so
7 offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding
8 five years.

249.330. 1. The board of trustees is hereby authorized and empowered to construct the
2 works and improvements provided for in the plan adopted, by letting a contract or contracts for
3 such works and improvements either as a whole or in sections, and when such contract or
4 contracts are to be let, they shall be advertised and let to the [lowest and best] bidder **with the**
5 **best value, as defined in section 34.010**, as determined by said board. Such bidder shall give

6 a good and approved bond in such amount as may be determined by said board, but in no event
7 be less than the amount of the contract price, payable to the district with sureties satisfactory to
8 said board, conditioned that the bidder will properly carry out the contract for such work and
9 improvements and pay all bills incurred by him in the carrying out of said contract.

10 2. Said contract shall be in writing and to which shall be attached and made a part
11 thereof complete plans and specifications of the work to be done and the improvements to be
12 made under such contract, which plans and specifications shall be prepared by the chief engineer
13 and shall be incorporated in and attached to the contract, which contract shall be prepared by the
14 attorney for the district and before the work is commenced shall be approved by the board of
15 trustees and signed by the president of the board and the contractor, and shall be executed in
16 duplicate.

17 3. The chief engineer shall be superintendent of all the works and improvements and
18 shall, whenever required, make a full report to said board of all work done and improvements
19 made.

249.340. 1. Whenever it shall be ordered by the board of trustees of the sewer district
2 that any sewer or system of sewers in the incorporated sewer district be constructed in
3 accordance with the provisions of sections 249.010 to 249.420 and the engineer's estimated cost
4 thereof exceeds the sum of five hundred dollars the said board of trustees shall order its said
5 engineer to prepare and file with the secretary of said board of trustees all necessary maps, plans,
6 specifications and profiles and the estimated cost of the work. Said board of trustees may
7 approve or reject the maps, plans, specifications and profiles and have others prepared and filed.

8 2. When the maps, plans, specifications and profiles have been approved, the said board
9 of trustees shall order its engineer to advertise the letting of the contract, proposed to be let, by
10 advertisement in some newspaper that has a general circulation in the district wherein the
11 contract is to be executed which said advertisements shall be published once a week for three
12 consecutive weeks, the last insertion to be within ten days of the day of the letting.

13 3. All bids should be in writing accompanied by instructions to bidders which shall be
14 furnished by the engineer of said board of trustees upon application. All bids on sewer work
15 shall state the unit price upon which the same are based. All bids shall be sealed and filed with
16 the secretary of said board of trustees, and, on the day and at the hour named in the
17 advertisement, shall be publicly opened and read in the presence of the board of trustees and the
18 engineer of said board and shall then be recorded in detail in some suitable book. All bids shall
19 be accompanied by a certified check equal to ten percent of the engineer's estimate of cost,
20 payable to the said board of trustees, or a bidder's bond executed by some surety company
21 authorized to do business in this state or other good and sufficient surety in a like sum shall be
22 given, as guarantee on the part of the bidder that if his bid be accepted he will, within ten days

23 after receipt of notice of such acceptance, enter into contract and bond with good and sufficient
24 sureties to be approved by the board to do the work advertised, and in case of default, forfeit and
25 pay the sum of ten percent of the engineer's estimate of cost. The contract shall be awarded to
26 the [lowest and best] bidder **with the best value, as defined in section 34.010**. The said board
27 of trustees may in its discretion reject any and all bids. Any bid in excess of the engineer's
28 estimate of the cost of the work to be done shall be rejected.

29 4. When it shall be decided by order of record to accept any bid the said board of
30 trustees shall order a contract to be entered into between the bidder and the said board of trustees.
31 The contract shall have attached to and made a part thereof the proposal sheet, instructions to
32 bidders, the bid, maps, plans, specification, and profiles. Whenever the contract is executed and
33 approved by order of record and endorsement thereon it shall be filed and preserved as a
34 permanent record in the office of the said board of trustees.

35 5. It shall be incorporated in the contract that the said board of trustees shall reserve the
36 right to make any additions to, omissions from, changes in, or substitution for the work or
37 materials called for by drawings and specifications, without notice to the surety on the bond
38 given to secure the faithful performance of the terms of the contract. The bidder must agree that
39 before the sewer district shall be liable for any additional work or material the board of trustees
40 of said sewer district must first order the same and the cost thereof must be agreed upon in
41 writing and entered of record before such additional work shall apply in case of omissions,
42 deductions or changes, and the unit price shall be the basis of the valuation of such changes. In
43 case of disagreement upon the cost or price of any addition, omission or change ordered or so
44 desired, then it is expressly agreed that the decision of the engineer of said board of trustees shall
45 be received and accepted as fixing definitely and finally the cost of such change and when so
46 fixed the said board of trustees shall enter of record such change. It shall also be provided in the
47 contract that the contractor will furnish and promptly pay for all labor employed and materials
48 used in the performance of such contract, and pay all bills incurred by said contractor in
49 performance of said contract or contracts.

305.310. 1. The authority may operate any authority airport and may charge and collect
2 rents, rates or other compensation for any use thereof or for any service rendered by the authority
3 in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as
4 the authority shall determine, which terms may begin in futuro, provided that, subject to the
5 capacity thereof, the landing field, landing strips, and services of any authority airport shall be
6 available to any person without unjust or unreasonable discrimination as to services and charges
7 for landing and takeoff by any aircraft.

8 2. The authority may grant to any person concessions or privileges in any part of any
9 authority airport, other than the landing field and landing strips, and any related facilities for the

10 control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving,
11 discharging, sheltering, feeding and supplemental transportation of passengers, the parking of
12 motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose
13 reasonably incident to any of the foregoing, provided that any leases and any grants of
14 concessions or privileges may be for such terms, not exceeding twenty years, as the authority
15 shall determine, and any such term may begin in futuro.

16 3. The authority may regulate, to the extent not regulated by federal law or regulations,
17 the navigation of aircraft over any authority airport and the perimeter area of such airport, the
18 approach of aircraft to and their takeoff from any authority airport, and the use of any airport or
19 related facilities so as to be consistent with the safe and efficient operation of the airport.

20 4. No city, town, county, or other political subdivision, located within the authority
21 boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for
22 operation or maintenance, or otherwise convey, its airport to or with any other state, authority
23 or political subdivision without the prior approval of the county airport authority.

24 5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds,
25 wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based
26 on competitive bids. The authority shall advertise for bids in at least one newspaper of general
27 circulation in the area served by the authority at least five days before bids for the purchases,
28 rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the
29 authority so as to reach it before the time set for opening bids. The purchase shall be let to the
30 [lowest and best] bidders **with the best value, as defined in section 34.010**. The authority may
31 reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than
32 one thousand dollars may be made without the securing of bids.

305.525. 1. The authority may operate any authority airport and may charge and collect
2 rents, rates or other compensation for any use thereof or for any service rendered by the authority
3 in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as
4 the authority shall determine, which terms may begin in futuro, provided that, subject to the
5 capacity thereof, the landing field, landing strips, and services of any authority airport shall be
6 available to any person without unjust or unreasonable discrimination as to services and charges
7 for landing and takeoff by any aircraft.

8 2. The authority may grant to any person concessions or privileges in any part of any
9 authority airport, other than the landing field and landing strips, and any related facilities for the
10 control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving,
11 discharging, sheltering, feeding and supplemental transportation of passengers, the parking of
12 motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose
13 reasonably incident to any of the foregoing, provided that any leases and any grants of

14 concessions or privileges may be for such terms, not exceeding twenty years, as the authority
15 shall determine and any such term may begin in futuro.

16 3. The authority may regulate, to the extent not regulated by federal law or regulations,
17 the navigation of aircraft over any authority airport and the perimeter area of such airport, the
18 approach of aircraft to and their takeoff from any authority airport, and the use of any airport or
19 related facilities so as to be consistent with the safe and efficient operation of the airport.

20 4. No city, town, county, or other political subdivision, located within the authority
21 boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for
22 operation or maintenance, or otherwise convey, its airport to or with any other state, authority
23 or political subdivision without the prior approval of the Missouri-St. Louis metropolitan airport
24 authority.

25 5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds,
26 wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based
27 on competitive bids. The authority shall advertise for bids in at least two newspapers of general
28 circulation in the area served by the authority at least five days before bids for the purchases,
29 rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the
30 authority so as to reach it before the time set for opening bids. The purchase shall be let to the
31 [lowest and best] bidders **with the best value, as defined in section 34.010**. The authority may
32 reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than
33 one thousand dollars may be made without the securing of bids.

313.270. 1. The director, pursuant to rules and regulations issued by the commission,
2 may directly purchase or lease such goods or services as are necessary for effectuating the
3 purposes of sections 313.200 to 313.350, including procurements which integrate functions such
4 as lottery game design, supply of goods and services, and advertising. The lottery commission
5 by approved rule may purchase goods made in the United States and sold by a Missouri business
6 to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded
7 to lottery contractors or lottery vendors on the basis of [lowest and best] bid **with the best value,**
8 **as defined in section 34.010**, on an evaluated basis in order to maximize revenues to the lottery
9 fund. The director may also utilize state purchasing procedures. The director shall award at least
10 ten percent of the aggregate dollar amount of all contracts to provide goods and services to the
11 lottery to minority business enterprises as defined by the office of administration and shall award
12 at least five percent of the aggregate dollar amount of all contracts to provide goods and services
13 to the lottery to women business enterprises as defined by the office of administration. No
14 contract awarded or entered into by the director may be assigned by the holder thereof except by
15 specific approval of the commission.

16 2. Any contract awarded to any lottery contractor or vendor shall provide that such
17 contractor or vendor shall award a minimum of ten percent of his subcontracted business to
18 minority business enterprises as defined by the office of administration and shall award a
19 minimum of five percent of his subcontracted business to women business enterprises as defined
20 by the office of administration. This section shall not apply to multistate lottery.

21 3. Any lottery vendor which enters into a contract to supply lottery materials, services
22 or equipment for use in the operation of the state lottery shall first disclose such information as
23 the commission may require, by rule and regulation, concerning the selection of lottery vendors.

24 4. The costs of any investigation into the background of the applicant seeking a contract
25 shall be assessed against the applicant and shall be paid by the applicant at the time of billing by
26 the state.

27 5. Performance bonds shall be posted by each contractor with the commission with a
28 surety acceptable to the commission in an amount as may be required by the commission, but
29 not to exceed the expected total value of the contract. The contract of any lottery contractor who
30 does not comply with such requirements may be terminated by the commission. The
31 commission may terminate the contract of any lottery vendor who:

32 (1) Is convicted of any felony;

33 (2) Is convicted of any gambling-related offense;

34 (3) Is convicted of any crime involving fraud or misrepresentation;

35 (4) Fails to comply with the rules and regulations of the commission existing at the time
36 the contract was entered into; or

37 (5) Fails to periodically update any disclosure requirements.

38 6. The provisions in this section requiring that certain percentages of lottery contracts
39 and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial
40 minorities shall expire on January 1, 2005.

 313.560. The commission shall have all powers necessary and proper to fully and
2 effectively execute the provisions of sections 313.500 to 313.710 including, but not limited to,
3 the following:

4 (1) The provisions of chapter 34 to the contrary notwithstanding, the executive director,
5 pursuant to rules and regulations issued by the commission, may directly purchase or lease such
6 goods or services as are necessary for effectuating the purposes of sections 313.500 to 313.710,
7 provided however, that the board of public buildings shall provide the principal office space for
8 the commission's staff. Contracts shall be awarded on the basis of [lowest and best] bid **with the**
9 **best value, as defined in section 34.010.** The executive director shall use state purchasing
10 procedures except for professional services or emergency purchases necessary for the race meet

11 authorized pursuant to section 34.100. No contract awarded or entered into by the executive
12 director may be assigned by the holder thereof except with specific approval of the commission;

13 (2) The commission is vested with the power to enter without a search warrant the office,
14 horse race track, facilities, other places of business, residences, tack rooms, vehicles and any
15 other premises under the control of any licensee on the grounds of a licensed association at all
16 reasonable hours to determine whether there has been compliance with the provisions of sections
17 313.500 to 313.710 and rules and regulations promulgated thereunder, and to discover any
18 contraband as described in chapter 195 or in rules promulgated pursuant to sections 313.500 to
19 313.710;

20 (3) The commission is vested with the authority to investigate alleged violations of the
21 provisions of sections 313.500 to 313.710, its reasonable rules and regulations, orders and final
22 decisions; the commission shall take appropriate disciplinary action, including suspension or
23 revocation of the license, against any race track licensee or occupation licensee for violation
24 thereof or institute appropriate legal action for the enforcement thereof pursuant to subdivision
25 (10) of this section;

26 (4) The commission may eject or exclude from any race meeting or licensee grounds or
27 any part thereof, any occupation licensee or any other individual whose conduct or reputation is
28 such that his presence on licensee grounds may, in the opinion of the commission, call into
29 question the honesty and integrity of horse racing or interfere with the orderly conduct of horse
30 racing; provided, however, that no person shall be excluded or ejected from licensee grounds on
31 the grounds of race, color, creed, national origin, ancestry, or sex. The commission shall by rule
32 provide for an expedited hearing for any occupation licensee excluded pursuant to this
33 subsection;

34 (5) The commission is vested with the power to acquire, establish, maintain and operate,
35 or provide by contract testing laboratories and related facilities, for the purpose of conducting
36 saliva, blood, urine and other tests on the horses run or to be run in any race meeting and to lease
37 or purchase all equipment and supplies deemed necessary or desirable in connection with any
38 such testing laboratories and related facilities and all such tests. The commission shall explore
39 the feasibility of establishing such a testing facility at and in conjunction with the University of
40 Missouri, College of Veterinary Medicine. The race track licensee shall on a per sample basis
41 pay a fee as determined by the commission for such laboratory testing services;

42 (6) The commission may require that the records, including financial or other statements
43 of any race track licensee under sections 313.500 to 313.710, shall be kept in such manner as
44 prescribed by the commission and that any race track licensee submit to the commission on or
45 before March fifteenth of each year, for the preceding fiscal year of the licensee an annual
46 audited balance sheet and profit and loss statement and any other information the commission

47 deems necessary in order to effectively administer sections 313.500 to 313.710 and all rules,
48 regulations, orders and final decisions promulgated under sections 313.500 to 313.710. The
49 fiscal year for any licensee shall be the calendar year;

50 (7) The commission shall require that there shall be three stewards at each horse race
51 meeting, who shall be appointed by the commission. They shall be paid for by the state and shall
52 be considered state employees for all purposes. Stewards appointed by the commission, while
53 performing duties required by sections 313.500 to 313.710 or by the commission, shall be
54 entitled to the same rights and immunities as granted to commission members and employees
55 under section 313.570;

56 (8) The commission is vested with the power to impose civil penalties of up to five
57 thousand dollars against individuals and up to ten thousand dollars against organizations for each
58 violation of any provision of sections 313.500 to 313.710, any rules adopted by the commission,
59 any lawful order of the commission or any other action which, in the commission's discretion,
60 is found to be a detriment or impediment to horse racing. Such penalties, when recovered, shall
61 be paid into the Missouri horse racing fund. Any civil penalties so imposed shall be sued for by
62 the attorney general in the name of the state;

63 (9) The commission may request that the attorney general make investigations, on behalf
64 of and in the name of the commission, and bring suits or institute proceedings for any of the
65 purposes necessary and proper for carrying out the functions of the commission;

66 (10) The commission may request that the Missouri state highway patrol investigate or
67 participate in such matters as it deems necessary. The Missouri state highway patrol shall have
68 authority to investigate the commission relative to the operation and administration of sections
69 262.260 to 262.270 and 313.500 to 313.710, and to report suspected violations of state law or
70 federal law by the commission to the proper prosecuting authorities. In the event that a violation
71 of state law is reported to the proper prosecuting authority and no prosecution is commenced
72 within thirty days for alleged violations, the attorney general shall have authority to commence
73 prosecution for alleged violations of sections 262.260 to 262.270 and 313.500 to 313.710 or
74 other criminal statutes alleged to have been violated. The cost of personnel and related expenses
75 in the Missouri state highway patrol, including the division of drug and crime control, to
76 accomplish the purposes of this section shall be paid within the limits of appropriations from
77 general revenue, or from such other funding as may be authorized by the general assembly.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be

6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general
10 revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall
11 be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro
17 tem of the senate and two members of the Missouri Bar. The judge members and employee
18 members shall be appointed by the chief justice. The commissioner of administration shall serve
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the
20 Missouri Bar. Any member of the committee may designate another person to serve on the
21 committee in place of the committee member.

22 3. The committee shall develop and implement a plan for a statewide court automation
23 system. The committee shall have the authority to hire consultants, review systems in other
24 jurisdictions and purchase goods and services to administer the provisions of this section. The
25 committee may implement one or more pilot projects in the state for the purposes of determining
26 the feasibility of developing and implementing such plan. The members of the committee shall
27 be reimbursed from the court automation fund for their actual expenses in performing their
28 official duties on the committee.

29 4. Any purchase of computer software or computer hardware that exceeds five thousand
30 dollars shall be made pursuant to the requirements of the office of administration for [lowest and
31 best] bid **with the best value, as defined in section 34.010**. Such bids shall be subject to
32 acceptance by the office of administration. The court automation committee shall determine the
33 specifications for such bids.

34 5. The court automation committee shall not require any circuit court to change any
35 operating system in such court, unless the committee provides all necessary personnel, funds and
36 equipment necessary to effectuate the required changes. No judicial circuit or county may be
37 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
38 county has the approval of the court automation committee prior to incurring the specific cost.

39 6. Any court automation system, including any pilot project, shall be implemented,
40 operated and maintained in accordance with strict standards for the security and privacy of
41 confidential judicial records. Any person who knowingly releases information from a

42 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that
43 a judicial record is confidential, uses information from such confidential record for financial gain
44 is guilty of a class D felony.

45 7. On the first day of February, May, August and November of each year, the court
46 automation committee shall file a report on the progress of the statewide automation system with
47 the joint legislative committee on court automation. Such committee shall consist of the
48 following:

49 (1) The chair of the house budget committee;

50 (2) The chair of the senate appropriations committee;

51 (3) The chair of the house judiciary committee;

52 (4) The chair of the senate judiciary committee;

53 (5) One member of the minority party of the house appointed by the speaker of the house
54 of representatives; and

55 (6) One member of the minority party of the senate appointed by the president pro
56 tempore of the senate.

57 8. The members of the joint legislative committee shall be reimbursed from the court
58 automation fund for their actual expenses incurred in the performance of their official duties as
59 members of the joint legislative committee on court automation.

60 9. Section 488.027 shall expire on September 1, 2018. The court automation committee
61 established pursuant to this section may continue to function until completion of its duties
62 prescribed by this section, but shall complete its duties prior to September 1, 2020.

63 10. This section shall expire on September 1, 2020.

2 [476.055. 1. There is hereby established in the state treasury the
3 "Statewide Court Automation Fund". All moneys collected pursuant to section
4 488.027, as well as gifts, contributions, devises, bequests, and grants received
5 relating to automation of judicial record keeping, and moneys received by the
6 judicial system for the dissemination of information and sales of publications
7 developed relating to automation of judicial record keeping, shall be credited to
8 the fund. Moneys credited to this fund may only be used for the purposes set
9 forth in this section and as appropriated by the general assembly. Any
10 unexpended balance remaining in the statewide court automation fund at the end
11 of each biennium shall not be subject to the provisions of section 33.080
12 requiring the transfer of such unexpended balance to general revenue; except that,
13 any unexpended balance remaining in the fund on September 1, 2015, shall be
14 transferred to general revenue.

15 2. The statewide court automation fund shall be administered by a court
16 automation committee consisting of the following: the chief justice of the
17 supreme court, a judge from the court of appeals, four circuit judges, four
associate circuit judges, four employees of the circuit court, the commissioner of

18 administration, two members of the house of representatives appointed by the
19 speaker of the house, two members of the senate appointed by the president pro
20 tem of the senate and two members of the Missouri Bar. The judge members and
21 employee members shall be appointed by the chief justice. The commissioner of
22 administration shall serve ex officio. The members of the Missouri Bar shall be
23 appointed by the board of governors of the Missouri Bar. Any member of the
24 committee may designate another person to serve on the committee in place of
25 the committee member.

26 3. The committee shall develop and implement a plan for a statewide
27 court automation system. The committee shall have the authority to hire
28 consultants, review systems in other jurisdictions and purchase goods and
29 services to administer the provisions of this section. The committee may
30 implement one or more pilot projects in the state for the purposes of determining
31 the feasibility of developing and implementing such plan. The members of the
32 committee shall be reimbursed from the court automation fund for their actual
33 expenses in performing their official duties on the committee.

34 4. Any purchase of computer software or computer hardware that exceeds
35 five thousand dollars shall be made pursuant to the requirements of the office of
36 administration for lowest and best bid. Such bids shall be subject to acceptance
37 by the office of administration. The court automation committee shall determine
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to
40 change any operating system in such court, unless the committee provides all
41 necessary personnel, funds and equipment necessary to effectuate the required
42 changes. No judicial circuit or county may be reimbursed for any costs incurred
43 pursuant to this subsection unless such judicial circuit or county has the approval
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be
46 implemented, operated and maintained in accordance with strict standards for the
47 security and privacy of confidential judicial records. Any person who knowingly
48 releases information from a confidential judicial record is guilty of a class B
49 misdemeanor. Any person who, knowing that a judicial record is confidential,
50 uses information from such confidential record for financial gain is guilty of a
51 class D felony.

52 7. On the first day of February, May, August and November of each year,
53 the court automation committee shall file a report on the progress of the statewide
54 automation system with the joint legislative committee on court automation.
55 Such committee shall consist of the following:

- 56 (1) The chair of the house budget committee;
57 (2) The chair of the senate appropriations committee;
58 (3) The chair of the house judiciary committee;
59 (4) The chair of the senate judiciary committee;

60 (5) One member of the minority party of the house appointed by the
61 speaker of the house of representatives; and

62 (6) One member of the minority party of the senate appointed by the
63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed
65 from the court automation fund for their actual expenses incurred in the
66 performance of their official duties as members of the joint legislative committee
67 on court automation.

68 9. Section 488.027 shall expire on September 1, 2015. The court
69 automation committee established pursuant to this section may continue to
70 function until completion of its duties prescribed by this section, but shall
71 complete its duties prior to September 1, 2017.

72 10. This section shall expire on September 1, 2017.]

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