

SECOND REGULAR SESSION

# HOUSE BILL NO. 1573

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHNEIDER (Sponsor), JONES (89), TALBOY, WETER,  
FRANKLIN, CAUTHORN, DIEHL, HOUGH, FRANZ, HUMMEL AND NASHEED (Co-sponsors).

5399L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 11.010, 50.622, 50.1260, 67.1860, 67.1862, 67.1864, 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1890, 67.1892, 67.1894, 67.1896, 67.1898, 70.660, 71.012, 71.014, 71.015, 72.401, 99.825, 250.140, and 304.120, RSMo, and to enact in lieu thereof thirty new sections relating to political subdivisions.

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

Section A. Sections 11.010, 50.622, 50.1260, 67.1860, 67.1862, 67.1864, 67.1866, 2 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1890, 67.1892, 3 67.1894, 67.1896, 67.1898, 70.660, 71.012, 71.014, 71.015, 72.401, 99.825, 250.140, and 4 304.120, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as 5 sections 11.010, 11.025, 44.035, 50.622, 50.1260, 66.640, 67.313, 67.1860, 67.1862, 67.1864, 6 67.1866, 67.1868, 67.1870, 67.1872, 67.1874, 67.1878, 67.1880, 67.1886, 67.1888, 67.1894, 7 70.660, 71.009, 71.012, 71.014, 71.015, 72.401, 99.825, 226.224, 250.140, and 304.120, to read 8 as follows:

11.010. The official manual, commonly known as the "Blue Book", compiled and 2 electronically published by the secretary of state on its official website is the official manual of 3 this state, and it is unlawful for any officer or employee of this state **except the secretary of** 4 **state**, or any board, or department or any officer or employee thereof, to cause to be printed, at 5 state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for 6 the secretary of state to publish, or permit to be published in the manual any duplication, or 7 rearrangement of any part of any report, or other document, required to be printed at the expense

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.

8 of the state which has been submitted to and rejected by him or her as not suitable for publication  
9 in the manual.

**11.025. Notwithstanding any other provision of law, the secretary of state may enter  
2 into an agreement directly with a nonprofit organization for such nonprofit organization  
3 to print and distribute copies of the official manual. The secretary of state shall provide  
4 to the organization the electronic version of the official manual prepared and published  
5 under this chapter. The nonprofit organization shall not alter, add, or delete any  
6 information provided by the secretary of state. Information published about the  
7 organization in the official manual shall be limited to the name of the organization and its  
8 contact information. The official manual shall not contain advertising or information  
9 promoting any entity or individual. The organization shall charge a fee for a copy of the  
10 official manual to cover the cost of production and distribution. The nonprofit  
11 organization shall be subject to an independent audit, ordered by the state and paid for by  
12 the nonprofit organization, to account for income and expenses for the sale, production,  
13 and distribution of the official manual. After such audit, any surplus funds generated by  
14 the nonprofit organization through the sale of the manual shall be transferred to the state  
15 treasurer for deposit in the state's general revenue fund.**

**44.035. The name, address, Social Security number, as well as any other personal  
2 identifying information that is utilized in a voluntary registry of persons with health-  
3 related ailments created by a public governmental body to assist individuals in case of a  
4 disaster or emergency, shall not be considered a public record under the provisions of  
5 chapter 610. Nothing in this section shall authorize a public governmental body to deny  
6 a lawful request for such name, address, social security number, or other personal  
7 identifying information from a law enforcement agency or any public governmental body  
8 that provides firefighting, medical or other emergency services.**

**50.622. 1. Any county may amend the annual budget during any fiscal year in which the  
2 county receives additional funds, and such amount or source, including but not limited to, federal  
3 or state grants or private donations, could not be estimated when the budget was adopted. The  
4 county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption  
5 of the annual budget to amend its budget during a fiscal year.**

**6 2. Any county may decrease the annual budget twice during any fiscal year in  
7 which the county experiences a verifiable decline in funds of two percent or higher, and  
8 such amount could not be estimated or anticipated when the budget was adopted, provided  
9 that any decrease in appropriations shall not unduly affect any one officeholder. Before  
10 any reduction affecting an independently elected officeholder can occur, negotiations shall**

11 **take place with all officeholders who receive funds from the affected category of funds in**  
12 **an attempt to cover the shortfall.**

13 **3. Any decrease in an appropriation authorized under subsection 2 of this section**  
14 **shall not impact any dedicated fund otherwise provided by law.**

15 **4. The county shall follow the same procedures as required in sections 50.525 to**  
16 **50.745 for adoption of the annual budget to amend its budget during a fiscal year, except**  
17 **that the notice provided for in section 50.600 shall be extended to thirty days for purposes**  
18 **of this section and such notice shall include a published summary of the proposed**  
19 **reductions and an explanation of the shortfall. If the county has a website, publication on**  
20 **the website will satisfy the notice requirement for this section.**

21 **5. County commissioners may reduce budgets of departments under their direct**  
22 **supervision and responsibility at any time without the restrictions imposed by this section.**

50.1260. [1.] A distributee may elect to have any portion of an eligible rollover  
2 distribution paid directly to an eligible retirement plan specified by the distributee in a direct  
3 rollover **to the extent and in the time and manner as set forth in regulations and as**  
4 **otherwise provided by the board.**

5 [2. An eligible rollover distribution is any distribution of all or any portion of the balance  
6 to the credit of the distributee, except that an eligible rollover distribution does not include any  
7 distribution that is one of a series of substantially equal periodic payments, not less frequently  
8 than annually, made for the life, or life expectancy, of the distributee or the joint lives, or joint  
9 life expectancy, of the distributee and the distributee's designated beneficiary, or for a specified  
10 period of ten years or more; any distribution to the extent such distribution is required pursuant  
11 to 26 U.S.C. 401(a)(9); and the portion of any distribution that is not includable in gross income,  
12 determined without regard to the exclusion for net unrealized appreciation with respect to  
13 employer securities.

14 3. An eligible retirement plan is an individual retirement account, an individual  
15 retirement annuity, an annuity plan described in 26 U.S.C. 403(a), or a qualified trust described  
16 in 26 U.S.C. 401(a) that accepts the distributee's eligible rollover distribution. However, in the  
17 case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an  
18 individual retirement account or individual retirement annuity.

19 4. A distributee includes a member, the member's surviving spouse and the member's  
20 former spouse who is the alternate payee pursuant to a qualified domestic relations order.

21 5. A direct rollover is a payment made, in accordance with the provisions of section  
22 50.1250, to the eligible retirement plan specified by the distributee.

23 6. A distributee may elect a complete direct rollover with respect to all of the distribution  
24 or a partial direct rollover with respect to a portion of the distribution with the remainder paid

25 directly to the distributee. The amount of a partial direct rollover must be at least five hundred  
26 dollars.

27 7. A distributee who does not make any election shall be deemed to have rejected the  
28 direct rollover option.

29 8. A distribution of less than two hundred dollars that otherwise would be an eligible  
30 rollover distribution shall not be an eligible rollover distribution if it is reasonable to expect that  
31 all such distributions to the distributee from the plan during the same calendar year will not  
32 exceed two hundred dollars.]

**66.640. 1. As used in this section, the following terms mean:**

2 (1) "Distressed municipality", any city, town, or village located in any county with  
3 a charter form of government and with more than nine hundred fifty thousand inhabitants  
4 and that is in "Group B" under sections 66.600 to 66.630;

5 (2) "Emergency telephone service", a telephone system using a single three-digit  
6 number, "911", for reporting police, fire, medical, or other emergency situations;

7 (3) "Peace officer", any peace officer as defined in section 590.010 who is licensed  
8 under chapter 590;

9 (4) "POST commission", the police officer standards and training commission  
10 established in chapter 590.

11 2. Every distressed municipality shall provide at least the following level of  
12 municipal services:

13 (1) An emergency telephone service;

14 (2) Law enforcement twenty-four hours per day, seven days per week by armed  
15 peace officers;

16 (3) Policies regarding pursuit and the use of force by peace officers;

17 (4) Benefits for injured peace officers;

18 (5) Construction code enforcement review, directly or by contract with a private  
19 or public agency;

20 (6) Adequate maintenance of public roads and streets;

21 (7) Weekly refuse and recycling collection;

22 (8) A balanced annual budget;

23 (9) An annual audit of the distressed municipality's finances by a certified public  
24 accountant.

25 3. If any distressed municipality fails to provide any of the services listed in  
26 subsection 2 of this section, the governing body of the county in which it is located may  
27 pursue the following remedies together or consecutively in any appropriate court with  
28 jurisdiction:

29           **(1) Petition the court to compel the director of revenue to withhold the distribution**  
30 **of Group B sales tax revenues collected under this chapter on behalf of the noncompliant**  
31 **distressed municipality until the distressed municipality develops and adopts a plan to**  
32 **provide all of the services required under this section;**

33           **(2) Petition the court to authorize the county to administer the Group B sales tax**  
34 **revenues collected under this chapter on behalf of the noncompliant distressed**  
35 **municipality. If the court enters an order authorizing the county to administer the**  
36 **revenues under this subdivision, the director of revenue shall distribute such revenues to**  
37 **the county, and the county shall use such revenues to provide the services required under**  
38 **this section in the distressed municipality.**

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

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

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

16           **3. For the purpose of this section, a lateral sewer service line may be defined by**  
17 **local order or ordinance, but shall not include more than the portion of the sewer line**  
18 **which extends from the sewer mains owned by the utility or municipality to the point of**  
19 **entry into the premises receiving sewer service, and may not include facilities owned by the**  
20 **utility or municipality. For purposes of this section, repair may be defined and limited by**  
21 **local ordinance, and may include replacement or repairs.**

22           **4. If a majority of the voters voting thereon approve the proposal authorized in**  
23 **subsection 1 of this section, the governing body of the city, town, village, sewer district, or**  
24 **water supply district may enact an order or ordinance for the collection of such fee. The**  
25 **funds collected under such ordinance shall be deposited in a special account to be used**  
26 **solely for the purpose of paying for the reasonable costs associated with and necessary to**

27 administer and carry out the lateral sewer service line repairs as defined in the order or  
28 ordinance and to reimburse the necessary costs of lateral sewer service line repair or  
29 replacement. All interest generated on deposited funds shall be accrued to the special  
30 account established for the repair of lateral sewer service lines.

31 5. The city, town, village, sewer district, or water supply district may establish, as  
32 provided in the order or ordinance, regulations necessary for the administration of  
33 collections, claims, repairs, replacements and all other activities necessary and convenient  
34 for the implementation of any order or ordinance adopted and approved under this  
35 section. The city, town, village, sewer district, or water supply district may administer the  
36 program or may contract with one or more persons, through a competitive process, to  
37 provide for administration of any portion of implementation activities of any order or  
38 ordinance adopted and approved under this section, and reasonable costs of administering  
39 the program may be paid from the special account established under this section not to  
40 exceed five percent of the fund on an annual basis.

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

67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the "Missouri Law  
2 Enforcement District Act".

67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

- 2 (1) "Approval of the required majority" or "direct voter approval", a simple majority;
- 3 (2) "Board", the board of directors of a district;
- 4 (3) "District", a law enforcement district organized [pursuant to] **under** sections 67.1860  
5 to [67.1898] **67.1894**;
- 6 (4) "Registered voter", any voter registered within the boundaries of the district  
7 or proposed district.

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve,  
2 maintain and operate one or more projects relating to law enforcement or to assist in such  
3 activity.

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

5 3. A district may be created in any county of the first classification [without a charter  
6 form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered  
2 voters within the proposed district may file a petition requesting the creation of a district. The  
3 petition shall be filed in the circuit court of the county in which the proposed district is located.

4 2. The proposed district area shall be contiguous and may contain any portion of one or  
5 more municipalities. **Two areas may be considered contiguous if both are adjacent to the  
6 shoreline of the same body of water.**

7 3. The petition shall set forth:

8 (1) The name and address of each owner of real property located within the proposed  
9 district [or who is a] **and each** registered voter [resident] within the proposed district;

10 (2) A specific description of the proposed district boundaries including a map illustrating  
11 such boundaries;

12 (3) A general description of the purpose or purposes for which the district is being  
13 formed; and

14 (4) The name of the proposed district.

15 4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this  
16 section shall present the petition to the judge, who shall thereupon set the petition for hearing not  
17 less than thirty days nor more than forty days after the filing. The judge shall cause notice of the  
18 time and place of the hearing to be given, by publication on three separate days in one or more  
19 newspapers having a general circulation within the county, with the third and final publication  
20 to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the  
21 information required [pursuant to] **under** subsection 3 of this section. The costs of printing and  
22 publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

23 **5. In the event any owner of real property within the proposed district who is  
24 named in the petition or any registered voter does not join in the petition or file an entry  
25 of appearance and waiver of service of process in the case, a copy of the petition shall be  
26 served upon such owner or registered voter in the manner provided by supreme court rule  
27 for the service of petitions generally. Any objections to the petition shall be raised by  
28 answer within the time provided by supreme court rule for the filing of an answer to a  
29 petition.**

67.1868. 1. Any owner of real property within the proposed district and any [legal] registered voter [who is a resident] within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall [determine and declare] **order** the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894** shall be governed by a board of directors consisting of five members to be elected as provided in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters [resident] within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of [residents] **registered voters** of the district.

2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman and secretary of the meeting [who] . **The secretary** shall conduct the election.

3. **Upon completion of the terms of the initial directors under subsection 1 of this section**, each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial

15 directors at a meeting of the [residents] **registered voters** called by the board. [Each successor  
16 director shall serve a three-year term.] The remaining directors shall have the authority to elect  
17 an interim director to complete any unexpired term of a director caused by resignation or  
18 disqualification.

19 4. Directors shall be at least twenty-one years of age.

67.1878. A district may receive and use funds for the purposes of planning, designing,  
2 constructing, reconstructing, maintaining and operating one or more projects relating to law  
3 enforcement. Such funds may be derived from any funding method which is authorized by  
4 sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to  
5 funds from federal sources, the state of Missouri or an agency of the state, a political subdivision  
6 of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters  
2 voting on the question in the district, the district may impose a property tax in an amount not to  
3 exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district  
4 board may levy a property tax rate lower than its approved tax rate ceiling and may increase that  
5 lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without  
6 **new** voter approval. The property tax shall be uniform throughout the district.

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

8 Shall the ..... Law Enforcement District impose a property tax upon all real and  
9 tangible personal property within the district at a rate of not more than ..... (insert amount)  
10 cents per hundred dollars assessed valuation for the purpose of providing revenue for the  
11 development of a project (or projects) in the district (insert general description of the project or  
12 projects, if necessary)?

13  YES  NO

14

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

17 3. The county collector of each county in which the district is partially or entirely located  
18 shall collect the property taxes and special benefit assessments made upon all real property and  
19 tangible personal property within that county and the district, in the same manner as other  
20 property taxes are collected.

21 4. Every county collector having collected or received district property taxes shall, on  
22 or before the fifteenth day of each month and after deducting his or her commissions, remit to  
23 the treasurer of that district the amount collected or received by him or her prior to the first day  
24 of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor,  
25 which he or she shall forward or deliver to the collector. The district treasurer shall deposit such

26 sums into the district treasury, credited to the appropriate project or purpose. The collector and  
27 district treasurer shall make final settlement of the district account and commissions owing, not  
28 less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898]  
2 **67.1894** the district shall have the following general powers:

3 (1) To contract with the [local] **county** sheriff's department for the provision of services;

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

6 (3) To fix compensation of its employees and contractors;

7 (4) To purchase any personal property necessary or convenient for its activities;

8 (5) To collect and disburse funds for its activities; and

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

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering  
2 its legal limits of liability, to protect itself, its officers and its employees from any potential  
3 liability and may also obtain such other types of insurance as it deems necessary to protect  
4 against loss of its real or personal property of any kind. The cost of this insurance shall be  
5 charged against the project.

6 2. The district may also require contractors performing construction or maintenance  
7 work on the project and companies providing operational and management services to obtain  
8 liability insurance having the district, its directors and employees as additional named insureds.

9 3. **The district may self-insure if it is unable to obtain liability insurance coverage**  
10 **at a rate which is economically feasible to the district, considering its resources. However,**  
11 the district shall not attempt to self-insure for its potential liabilities unless it finds that it has  
12 sufficient funds available to cover any anticipated judgments or settlements and still complete  
13 its project without interruption. [The district may self-insure if it is unable to obtain liability  
14 insurance coverage at a rate which is economically feasible to the district, considering its  
15 resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to  
2 section 67.1880 may be terminated by a petition of the voters in the district in the manner  
3 prescribed in this section.

4 2. The petition for termination of authority to tax may be changed as follows:

5 (1) Twenty-five percent of the number of voters who voted in the most recent  
6 gubernatorial election in the district may file with the board a petition in writing praying that the  
7 district's authority to impose a property tax be terminated. The petition shall specifically state  
8 that the district's authority to impose any property tax, whether or not such a tax is being imposed

9 at the time such petition is filed, shall be terminated. Such petition shall be in substantially the  
10 form set forth for petitions in chapter 116; or

11 (2) All of the owners of real estate in the district may file a petition with the board  
12 praying that the district's authority to impose a property tax be terminated. The petition shall  
13 specifically state that the district's authority to impose any property tax, whether or not such a  
14 tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall  
15 be in substantially the form set forth for petitions in chapter 116. The petition shall describe the  
16 property owned by the petitioners and shall be deemed to give assent of the petitioners to the  
17 petition.

18 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant  
19 to this section to be given and published in the county in which the property is located, which  
20 notice shall recite the filing of such petition, the number of petitioners and the prayer of the  
21 petitioners; giving notice to all persons interested to appear at the office of the board at the time  
22 named in the notice and show cause in writing, if any they have, why the petition should not be  
23 granted. The board shall at the time and place mentioned, or at such time or times to which the  
24 hearing may be adjourned, proceed to hear the petition and all objections thereto presented in  
25 writing by any person showing cause why the petition should not be granted.

26 4. If the board deems it for the best interest of the district, it shall grant the petition. If  
27 the petition is granted, the board shall make an order to that effect and file the petition with the  
28 circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to  
29 the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be  
30 terminated upon the order of the court. If the petition contains the signatures of twenty-five  
31 percent of the number of voters who voted in the most recent gubernatorial election in the district  
32 pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated  
33 subject to the election provided in section 67.1896. The circuit court having jurisdiction over  
34 the district shall proceed to make any such order terminating such taxation authority as is  
35 provided in the order of the board, unless the court shall find that such order of the board was  
36 not authorized by law or that such order of the board was not supported by competent and  
37 substantial evidence.

38 5. Any person aggrieved by any decision of the board made pursuant to the provisions  
39 of this section may appeal that decision to the circuit court of the county in which the property  
40 is located within thirty days of the decision by the board.] **Whenever the district board receives**  
41 **a petition, signed by a number of registered voters of the district equal to at least ten**  
42 **percent of the number of registered voters of the district, calling for an election to repeal**  
43 **the tax imposed under section 67.1880, the board shall submit to the voters of the district**  
44 **a proposal to repeal the tax. If a majority of the votes cast on the question by the registered**

45 voters voting thereon are in favor of the repeal, the repeal shall become effective on  
46 December thirty-first of the calendar year in which such repeal was approved. If a  
47 majority of the votes cast on the question by the qualified voters voting thereon are  
48 opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until  
49 the question is resubmitted under this section to the registered voters and the repeal is  
50 approved by a majority of the registered voters voting on the question.

70.660. 1. Except as otherwise provided herein, before the date the first payment of a  
2 person's allowance becomes due but not thereafter, a person about to become a retirant may elect  
3 to receive his or her allowance for life with or without a partial lump-sum distribution, as  
4 provided in this subsection. A person about to become a retirant may elect to receive a partial  
5 lump-sum distribution equal to twenty-four times the amount of his or her monthly allowance  
6 for life, not including any monthly temporary allowance which may be payable. Such lump sum  
7 shall be paid to the retirant, upon written application to the board, not fewer than ninety days nor  
8 more than one hundred fifty days after the date the first payment of his or her monthly allowance  
9 becomes due. The retirant's monthly life allowance shall be reduced to eighty-four percent if the  
10 retirant's age at the time of retirement is sixty, which percent shall be decreased by four- tenths  
11 of one percent for each year the retirant's age at the time of retirement is greater than sixty, or  
12 which percent shall be increased by four-tenths of one percent for each year the retirant's age at  
13 the time of retirement is less than sixty, **up to a maximum of ninety percent**. The reductions  
14 in monthly life allowance in this subsection shall be calculated and applied before any reductions  
15 under subsection 2 of this section are calculated and applied.

16 2. Before the date the first payment of a person's allowance becomes due but not  
17 thereafter, a person about to become a retirant may elect to have his or her allowance for life  
18 reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as  
19 provided by option A, B, C, or D set forth below:

20 (1) Option A. Under option A, a retirant's allowance payable to the retirant shall be  
21 reduced to a certain percent of the allowance otherwise payable to the retirant. If such first  
22 payment due date is on or after October 1, 1998, such percent shall be eighty-five percent if the  
23 retirant's age and the retirant's beneficiary's age are the same on such first due date, which shall  
24 be decreased by three-quarters of one percent for each year that the beneficiary's age is less than  
25 the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum  
26 of ninety percent, for each year that the beneficiary's age is more than the retirant's age. Upon  
27 the retirant's death three-quarters of the retirant's reduced allowance to which the retirant would  
28 have been entitled had the retirant lived shall be paid to his or her surviving beneficiary,  
29 nominated before such first payment due date but not thereafter, who was the retirant's spouse

30 for not less than the two years immediately preceding such first payment due date, or another  
31 person aged forty years or older receiving more than one-half support from the retirant for not  
32 less than the two years immediately preceding such first payment due date.

33 (2) Option B. Under option B, a retirant's allowance payable to the retirant shall be  
34 reduced to a certain percent of the allowance otherwise payable to the retirant. If such first  
35 payment due date is on or after October 1, 1998, such percent shall be ninety percent if the  
36 retirant's age and the retirant's beneficiary's age are the same on such first payment due date,  
37 which shall be decreased by one-half of one percent for each year that the beneficiary's age is less  
38 than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum  
39 of ninety-five percent for each year that the beneficiary's age is more than the retirant's age.  
40 Upon the retirant's death one-half of his or her reduced allowance to which the retirant would  
41 have been entitled had the retirant lived shall be paid to the retirant's surviving beneficiary,  
42 nominated before such first payment due date but not thereafter, who was either the retirant's  
43 spouse for not less than the two years immediately preceding such first payment due date, or  
44 another person aged forty years or older receiving more than one-half support from the retirant  
45 for not less than the two years immediately preceding such first payment due date.

46 (3) Option C. Under option C, a retirant's allowance payable to the retirant shall be  
47 reduced to ninety-five percent of the allowance otherwise payable to the retirant if such first  
48 payment due date is on or after October 1, 1998. If the retirant dies before having received one  
49 hundred twenty monthly payments of his or her reduced allowance, his or her reduced allowance  
50 to which the retirant would have been entitled had the retirant lived shall be paid for the  
51 remainder of the one hundred twenty months' period to such person as the retirant shall have  
52 nominated by written designation duly executed and filed with the board. If there is no such  
53 beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one  
54 hundred twenty months' period shall be paid to the retirant's estate.

55 (4) Option D. Some other option approved by the board which shall be the actuarial  
56 equivalent of the allowance to which the member is entitled under this system.

57 3. The death of the beneficiary designated under option A or B of subsection 2 of this  
58 section before the death of the retirant after retirement shall, upon written notification to the  
59 system of the death of the beneficiary, cancel any optional plan elected at retirement to provide  
60 continuing lifetime benefits to the beneficiary and shall return the retirant to his or her single  
61 lifetime benefit equivalent, to be effective the month following receipt of the written notification  
62 of the death of the beneficiary by the system.

63 4. If a member fails to elect a benefit option under subsection 2 of this section, his or her  
64 allowance for life shall be paid to the member as a single lifetime benefit.

**71.009. Any municipality seeking a voluntary annexation shall have such request granted by the commission within fourteen days if such municipality demonstrates that:**

**(1) A majority of the property owners in the area sought to be annexed, if any, support such annexation;**

**(2) Such area is consistent with a boundary change proposal adopted by such municipality; and**

**(3) Such municipality is a service provider for both water and sanitary sewer service within the municipality.**

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within

28 the area proposed to be annexed is presented to the governing body of the city, town or village,  
29 the governing body shall hold a public hearing concerning the matter not less than fourteen nor  
30 more than sixty days after the petition is received, and the hearing shall be held not less than  
31 seven days after notice of the hearing is published in a newspaper of general circulation qualified  
32 to publish legal matters and located within the boundary of the petitioned city, town or village.  
33 If no such newspaper exists within the boundary of such city, town or village, then the notice  
34 shall be published in the qualified newspaper nearest the petitioned city, town or village. For the  
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium  
36 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned  
37 community.

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

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

46 (c) A "planned community" shall be defined as a common-interest community that is not  
47 a condominium or a cooperative. A condominium or cooperative may be part of a planned  
48 community.

49 (2) At the public hearing any interested person, corporation or political subdivision may  
50 present evidence regarding the proposed annexation.

51

52 If, after holding the hearing, the governing body of the city, town or village determines that the  
53 annexation is reasonable and necessary to the proper development of the city, town or village,  
54 and the city, town or village has the ability to furnish normal municipal services to the area to  
55 be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this  
56 subsection, annex the territory by ordinance without further action.

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

62           3. If no objection is filed, the city, town or village shall extend its limits by ordinance  
63 to include such territory, specifying with accuracy the new boundary lines to which the city's,  
64 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,  
65 town or village shall cause three certified copies of the same to be filed with the county assessor  
66 and the clerk of the county wherein the city, town or village is located, and one certified copy to  
67 be filed with the election authority, if different from the clerk of the county which has  
68 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final  
69 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or  
70 village as so extended.

71           **4. Any action of any kind seeking to deannex from any city, town, or village any**  
72 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**  
73 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**  
74 **over such annexed area shall be brought within three years of the date of adoption of the**  
75 **annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any  
2 city, town, or village which is located within a county which borders a county of the first  
3 classification with a charter form of government with a population in excess of six hundred fifty  
4 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas  
5 which are contiguous and compact to the existing corporate limits upon [verified] **notorized**  
6 petition requesting such annexation signed by the owners of all fee interests of record in all tracts  
7 located within the area to be annexed.

8           **2. Any action of any kind seeking to deannex from any city, town, or village any**  
9 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**  
10 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**  
11 **over such annexed area shall be brought within three years of the date of adoption of the**  
12 **annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first  
2 classification which has adopted a constitutional charter for its own local government, seek to  
3 annex an area to which objection is made, the following shall be satisfied:

4           (1) Before the governing body of any city, town, or village has adopted a resolution to  
5 annex any unincorporated area of land, such city, town, or village shall first as a condition  
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or  
7 village limits and that the length of the contiguous boundary common to the existing city, town,  
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the  
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting  
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the  
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the  
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed  
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to  
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and  
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed  
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all  
24 residents of the area by publication of notice in a newspaper of general circulation qualified to  
25 publish legal matters in the county or counties where the proposed area is located, at least once  
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not  
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present  
29 the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but  
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and  
32 recreation, **and** refuse collection[, etc.];

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such  
34 services to the residents of the proposed area to be annexed within three years from the date the  
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which  
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)  
41 of this subsection, should the governing body of the city, town, or village vote favorably by  
42 ordinance to annex the area, the governing body of the city, town or village shall file an action  
43 in the circuit court of the county in which such unincorporated area is situated, under the

44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The  
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to  
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the  
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the  
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three  
52 years after the annexation is to become effective. Such action shall be a class action against the  
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,  
55 town, or village to make an annexation, the legislative body of such city, town, or village shall  
56 not have the power to extend the limits of the city, town, or village by such annexation until an  
57 election is held at which the proposition for annexation is approved by a majority of the total  
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the  
59 unincorporated territory sought to be annexed. However, should less than a majority of the total  
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority  
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal  
62 shall again be voted upon in not more than one hundred twenty days by both the registered voters  
63 of the city, town, or village and the registered voters of the area proposed to be annexed. If at  
64 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the  
65 city, town, or village may proceed to annex the territory. If the proposal fails to receive the  
66 necessary majority, no part of the area sought to be annexed may be the subject of another  
67 proposal to annex for a period of two years from the date of the election, except that, during the  
68 two-year period, the owners of all fee interests of record in the area or any portion of the area  
69 may petition the city, town, or village for the annexation of the land owned by them pursuant to  
70 the procedures in section 71.012. The elections shall if authorized be held, except as herein  
71 otherwise provided, in accordance with the general state law governing special elections, and the  
72 entire cost of the election or elections shall be paid by the city, town, or village proposing to  
73 annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with  
75 the plan of intent within three years after the effective date of the annexation, unless compliance  
76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation  
77 which may be filed in the circuit court by any resident of the area who was residing in the area  
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section  
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May  
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such  
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not  
84 include all of the land adjoining such road or highway, then such fee owners of record, of the  
85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action  
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by  
88 any city with a population of three hundred fifty thousand or more inhabitants which is located  
89 in more than one county that becomes effective after August 28, 1994, if such city has not  
90 provided water and sewer service to such annexed area within three years of the effective date  
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such  
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause  
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area  
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the  
95 annexed area at the time the annexation became effective. If the suit for deannexation is  
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all  
98 cities, towns, and villages located in any county of the first classification with a charter form of  
99 government with a population of two hundred thousand or more inhabitants which adjoins a  
100 county with a population of nine hundred thousand or more inhabitants shall comply with the  
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this  
102 subsection to make an annexation, the legislative body of such city, town or village shall not  
103 have the power to extend the limits of such city, town, or village by such annexation until an  
104 election is held at which the proposition for annexation is approved by a majority of the total  
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the  
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing  
108 city, town or village and which is within an area designated as flood plain by the Federal  
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters  
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving  
111 such annexation and where notarized affidavits expressing approval of the proposed annexation  
112 are obtained from a majority of the registered voters residing in the area to be annexed, the area

113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be  
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified  
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in  
117 favor of the annexation, the city, town or village may proceed to annex the territory and no  
118 subsequent election shall be required. If the proposal fails to receive the necessary separate  
119 majorities, no part of the area sought to be annexed may be the subject of any other proposal to  
120 annex for a period of two years from the date of such election, except that, during the two-year  
121 period, the owners of all fee interests of record in the area or any portion of the area may petition  
122 the city, town, or village for the annexation of the land owned by them pursuant to the procedures  
123 in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise  
124 provided in this section, in accordance with the general state laws governing special elections,  
125 and the entire cost of the election or elections shall be paid by the city, town, or village proposing  
126 to annex the territory. Failure of the city, town or village to comply in providing services to the  
127 area or to zone in compliance with the plan of intent within three years after the effective date  
128 of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to  
129 a cause of action for deannexation which may be filed in the circuit court **not later than four**  
130 **years after the effective date of the annexation** by any resident of the area who was residing  
131 in such area at the time the annexation became effective or by any nonresident owner of real  
132 property in such area. **Except for a cause of action for deannexation under this subdivision**  
133 **(2) of this subsection, any action of any kind seeking to deannex from any city, town, or**  
134 **village any area annexed under this section or seeking, in any way, to reverse, invalidate,**  
135 **set aside, or otherwise challenge such annexation or oust such city, town, or village from**  
136 **jurisdiction over such annexed area shall be brought within three years of the date of**  
137 **adoption of the annexation ordinance.**

72.401. 1. If a commission has been established pursuant to [section] **sections 72.400**  
2 **to 72.423** in any county with a charter form of government where fifty or more cities, towns and  
3 villages have been established, any boundary change within the county shall proceed solely and  
4 exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any  
5 statutory provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and  
7 villages have been established, if the governing body of such county has by ordinance established  
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such  
9 county shall proceed only as provided in sections 72.400 to 72.423.

10           3. The commission shall be composed of eleven members as provided in this subsection.  
11 No member, employee or contractor of the commission shall be an elective official, employee  
12 or contractor of the county or of any political subdivision within the county or of any  
13 organization representing political subdivisions or officers or employees of political  
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this  
15 subsection shall appoint persons who shall be residents of their respective locality so described.  
16 The appointing authority making the appointments shall be:

17           (1) The chief elected officials of all municipalities wholly within the county which have  
18 a population of more than twenty thousand persons, who shall name two members to the  
19 commission as prescribed in this subsection each of whom is a resident of a municipality within  
20 the county of more than twenty thousand persons;

21           (2) The chief elected officials of all municipalities wholly within the county which have  
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one  
23 member to the commission as prescribed in this subsection who is a resident of a municipality  
24 within the county with a population of twenty thousand or less but more than ten thousand  
25 persons;

26           (3) The chief elected officials of all municipalities wholly within the county which have  
27 a population of ten thousand persons or less, who shall name one member to the commission as  
28 prescribed in this subsection who is a resident of a municipality within the county with a  
29 population of ten thousand persons or less;

30           (4) An appointive body consisting of the director of the county department of planning,  
31 the president of the municipal league of the county, one additional person designated by the  
32 county executive, and one additional person named by the board of the municipal league of the  
33 county, which appointive body, acting by a majority of all of its members, shall name three  
34 members of the commission who are residents of the county; and

35           (5) The county executive of the county, who shall name four members of the  
36 commission, three of whom shall be from the unincorporated area of the county and one of  
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be  
38 automatically vacated when the commissioner changes his or her residence so as to no longer  
39 conform to the terms of the requirements of the commissioner's appointment. The commission  
40 shall promptly notify the appointing authority of such change of residence.

41           4. Upon the passage of an ordinance by the governing body of the county establishing  
42 a boundary commission, the governing body of the county shall, within ten days, send by United  
43 States mail written notice of the passage of the ordinance to the chief elected official of each  
44 municipality wholly or partly in the county.

45           5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection  
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the  
47 commission to compile its list of appointees. Each list shall be delivered to the county executive  
48 within forty-one days of the passage of such ordinance. The county executive shall appoint  
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the  
50 time specified, the county executive shall appoint the members using the criteria of subsection  
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting  
52 of the commission appointed after the effective date of the ordinance, the commissioners shall  
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for  
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve  
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner  
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than  
57 two years.

58           6. When a member's term expires, or if a member is for any reason unable to complete  
59 his term, the respective appointing authority shall appoint such member's successor. Each  
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely  
61 manner, when a member's term expires or as soon as possible when a member is unable to  
62 complete his term. A member whose term has expired shall continue to serve until his successor  
63 is appointed and qualified.

64           7. The commission, its employees and subcontractors shall be subject to the regulation  
65 of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the  
66 requirements for open meetings and records under chapter 610.

67           8. Notwithstanding any provisions of law to the contrary, any boundary adjustment  
68 approved by the residential property owners and the governing bodies of the affected  
69 municipalities or the county, if involved, shall not be subject to commission review. Such a  
70 boundary adjustment is not prohibited by the existence of an established unincorporated area.

71           **9. Notwithstanding any provisions of law to the contrary, any voluntary annexation**  
72 **approved by ordinance of any municipality that is a service provider for both water and**  
73 **sewer service within the municipality shall be effective as provided in such annexation**  
74 **ordinance and shall not be subject to boundary commission review. Such an annexation**  
75 **is not prohibited by the existence of an established unincorporated area.**

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a  
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the  
3 commission shall fix a time and place for a public hearing as required in subsection 4 of section  
4 99.820 and notify each taxing district located wholly or partially within the boundaries of the

5 proposed redevelopment area, plan or project. At the public hearing any interested person or  
6 affected taxing district may file with the commission written objections to, or comments on, and  
7 may be heard orally in respect to, any issues embodied in the notice. The commission shall hear  
8 and consider all protests, objections, comments and other evidence presented at the hearing. The  
9 hearing may be continued to another date without further notice other than a motion to be entered  
10 upon the minutes fixing the time and place of the subsequent hearing; provided, if the  
11 commission is created under subsection 3 of section 99.820, the hearing shall not be continued  
12 for more than thirty days beyond the date on which it is originally opened unless such longer  
13 period is requested by the chief elected official of the municipality creating the commission and  
14 approved by a majority of the commission. Prior to the conclusion of the hearing, changes may  
15 be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that  
16 each affected taxing district is given written notice of such changes at least seven days prior to  
17 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance  
18 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,  
19 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas  
20 without a further hearing, if such changes do not enlarge the exterior boundaries of the  
21 redevelopment area or areas, and do not substantially affect the general land uses established in  
22 the redevelopment plan or substantially change the nature of the redevelopment projects,  
23 provided that notice of such changes shall be given by mail to each affected taxing district and  
24 by publication in a newspaper of general circulation in the area of the proposed redevelopment  
25 not less than ten days prior to the adoption of the changes by ordinance. After the adoption of  
26 an ordinance approving a redevelopment plan or redevelopment project, or designating a  
27 redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the  
28 general land uses established pursuant to the redevelopment plan or changing the nature of the  
29 redevelopment project without complying with the procedures provided in this section pertaining  
30 to the initial approval of a redevelopment plan or redevelopment project and designation of a  
31 redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or  
32 redevelopment plan may be held simultaneously.

33 2. [Effective January 1, 2008,] **No municipality shall approve a proposed**  
34 **redevelopment plan, redevelopment project, or designation of a redevelopment area, or any**  
35 **amendments thereto**, if, after concluding the hearing required under this section, the  
36 commission **formed under subsection 3 of section 99.820** makes a recommendation under  
37 section 99.820 in opposition to [a proposed redevelopment plan, redevelopment project, or  
38 designation of a redevelopment area, or any amendments thereto, a municipality desiring to  
39 approve] such project, plan, designation, or amendments [shall do so only upon a two-thirds

40 majority vote of the governing body of such municipality] **provided, however, that a**  
41 **municipality may approve such project, plan, designation, or amendment if such**  
42 **municipality places the question before the qualified voters residing within such**  
43 **municipality and such question is approved by voters voting thereon.**

44 3. Tax incremental financing projects within an economic development area shall apply  
45 to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,  
46 traffic control systems and devices, water distribution and supply systems, curbing, sidewalks  
47 and any other similar public improvements, but in no case shall it include buildings.

**226.224. 1. Notwithstanding any provision of the law to the contrary, the state**  
2 **Highways and Transportation Commission may enter into binding highway infrastructure**  
3 **improvement agreements to reimburse or repay, in an amount and in such terms agreed**  
4 **upon by the parties, any funds advanced by or for the benefit of a county, political**  
5 **subdivision, or private entity to expedite state road construction or improvement. Such**  
6 **highway infrastructure improvement agreements may provide for the assignment of the**  
7 **state Highways and Transportation Commission's reimbursement or repayment**  
8 **obligations in order to facilitate the funding of such improvements. The funds advanced**  
9 **by or for the benefit of the county, political subdivision, or private entity for the**  
10 **construction or improvement of state highway infrastructure shall be repaid by the state**  
11 **Highways and Transportation Commission from funds from the state road fund in a**  
12 **manner, time period, and interest rate agreed to upon by the respective parties. The state**  
13 **Highways and Transportation Commission may condition the reimbursement or**  
14 **repayment of such advanced funds upon projected highway revenues only if terms of the**  
15 **contract explicitly state such a condition. The contract shall further provide for a date or**  
16 **dates certain for repayment of funds and the commission may delay repayment of the**  
17 **advanced funds if highway revenues fall below the projections used to determine the**  
18 **repayment schedule, or if repayment would jeopardize the receipt of federal highway**  
19 **moneys, only if terms of the contract state such a condition and the contract provides for**  
20 **a date or dates certain for repayment of funds.**

250.140. 1. Sewerage services, water services, or water and sewerage services combined  
2 shall be deemed to be furnished to both the occupant and owner of the premises receiving such  
3 service and, except as otherwise provided in subsection 2 of this section, the city, town, village,  
4 or sewer district or water supply district organized and incorporated under chapter 247 rendering  
5 such services shall have power to sue the occupant or owner, or both, of such real estate in a civil  
6 action to recover any sums due for such services less any deposit that is held by the city, town,

7 village, or sewer district or water supply district organized and incorporated under chapter 247  
8 for such services, plus a reasonable attorney's fee to be fixed by the court.

9         2. When the occupant is delinquent in payment for thirty days, the city, town, village,  
10 sewer district, or water supply district shall make a good faith effort to notify the owner of the  
11 premises receiving such service of the delinquency and the amount thereof. Notwithstanding any  
12 other provision of this section to the contrary, when an occupant is delinquent more than ninety  
13 days, the owner shall not be liable for sums due for more than ninety days of service]; provided,  
14 however, that in any city not within a county and any home rule city with more than four hundred  
15 thousand inhabitants and located in more than one county, until January 1, 2007, when an  
16 occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums  
17 due for more than one hundred twenty days of service, and after January 1, 2007, when an  
18 occupant is delinquent more than ninety days the owner shall not be liable for sums due for more  
19 than ninety days]. Any notice of termination of service shall be sent to both the occupant and  
20 owner of the premises receiving such service.

21         3. The provisions of this section shall apply only to residences that have their own  
22 private water and sewer lines. In instances where several residences share a common water or  
23 sewer line, the owner of the real property upon which the residences sit shall be liable for water  
24 and sewer expenses.

25         4. Notwithstanding any other provision of law to the contrary, any water provider **or**  
26 **premises owner** who terminates service due to delinquency of payment by a consumer shall not  
27 be liable for any civil or criminal damages **for termination of such service, nor shall it be**  
28 **deemed constructive eviction.**

29         5. The provisions of this section shall not apply to unapplied-for utility services. As used  
30 in this subsection, "unapplied-for utility services" means services requiring application by the  
31 property owner and acceptance of such application by the utility prior to the establishment of an  
32 account. The property owner is billed directly for the services provided, and as a result, any  
33 delinquent payment of a bill becomes the responsibility of the property owner rather than the  
34 occupant.

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations  
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of  
3 such municipality and who has not been within the limits thereof for a continuous period of more  
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown  
5 by competent evidence that there was posted at the place where the boundary of such  
6 municipality joins or crosses any highway a sign displaying in black letters not less than four  
7 inches high and one inch wide on a white background the speed fixed by such municipality so

8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering  
9 such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic regulations to meet their needs and traffic  
12 conditions;

13 (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14 (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15 (4) Limit the use of certain designated streets and boulevards to passenger vehicles,  
16 **except that each municipality shall allow at least one street, with lawful traffic movement**  
17 **and access from both directions, to be available for use by commercial vehicles to access**  
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**  
19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**  
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid  
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for  
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory  
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with  
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the  
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered  
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the  
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal  
34 authority within three working days from the time of receipt of written request for such  
35 information. Any registered owner-lessor who fails or refuses to provide such information  
36 within the period required by this subsection shall be liable for the imposition of any fine  
37 established by municipal ordinance for the violation. Provided, however, if a leased motor  
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused  
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal  
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**  
42 **municipality.**

2 [67.1890. 1. The boundaries of any district organized pursuant to  
3 sections 67.1860 to 67.1898 may be changed in the manner prescribed in this  
4 section; but any change of boundaries of the district shall not impair or affect its  
5 organization or its rights in or to property, or any of its rights or privileges  
6 whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien  
7 or charge for or upon which it might be liable or chargeable had any change of  
8 boundaries not been made.

9 2. The boundaries may be changed as follows:

10 (1) Twenty-five percent of the number of voters who voted in the most  
11 recent gubernatorial election in the area to be annexed or deannexed may file  
12 with the board a petition in writing praying that such real property be included  
13 within, or removed from, the district. The petition shall describe the property to  
14 be included in, or removed from, the district and shall describe the property  
15 owned by the petitioners and shall be deemed to give assent of the petitioners to  
16 the inclusion in, or removal from, the district of the property described in the  
17 petition. Such petition shall be in substantially the form set forth for petitions in  
18 chapter 116; provided that, in the event that there are more than twenty-five  
19 property owners or taxpaying electors signing the petition, it shall be deemed  
20 sufficient description of their property in the petition as required in this section  
21 to list the addresses of such property; or

22 (2) All of the owners of any territory or tract of land near or adjacent to  
23 a district in the case of annexation, or all of the owners of any territory or tract of  
24 land within a district in the case of deannexation, who own all of the real estate  
25 in such territory or tract of land may file a petition with the board praying that  
26 such real property be included in, or removed from, the district. The petition  
27 shall describe the property owned by the petitioners and shall be deemed to give  
28 assent of the petitioners to the inclusion in, or removal from, the district of the  
29 property described in the petition.

30 3. The secretary of the board shall cause notice of the filing of any  
31 petition filed pursuant to this section to be given and published in the county in  
32 which the property is located, which notice shall recite the filing of such petition,  
33 the number of petitioners, a general description of the boundaries of the area  
34 proposed to be included or removed and the prayer of the petitioners; giving  
35 notice to all persons interested to appear at the office of the board at the time  
36 named in the notice and show cause in writing, if any they have, why the petition  
37 should not be granted. The board shall at the time and place mentioned, or at  
38 such time or times to which the hearing may be adjourned, proceed to hear the  
39 petition and all objections thereto presented in writing by any person showing  
40 cause why the petition should not be granted. The failure of any person interested  
41 to show cause in writing why such petition shall not be granted shall be deemed  
42 as an assent on his or her part to the inclusion of such lands in, or removal of  
such lands from, the district as prayed for in the petition.

43           4. If the board deems it for the best interest of the district, it shall grant  
44 the petition, but if the board determines in the case of annexation that some  
45 portion of the property mentioned in the petition cannot as a practical matter be  
46 served by the district, or if it deems in the case of annexation that it is in the best  
47 interest of the district that some portion of the property in the petition not be  
48 included in the district, or if in the case of deannexation it deems that it is  
49 impracticable for any portion of the property to be deannexed from the district,  
50 then the board shall grant the petition in part only. If the petition is granted, the  
51 board shall make an order to that effect and file the petition with the circuit clerk.  
52 Upon the order of the court having jurisdiction over the district, the property shall  
53 be included in, or removed from, the district. If the petition contains the  
54 signatures of all the owners of the property pursuant to the provisions of  
55 subdivision (2) of subsection 2 of this section, the property shall be included in,  
56 or removed from, the district upon the order of the court. If the petition contains  
57 the signatures of twenty-five percent of the number of voters who voted in the  
58 most recent gubernatorial election in the area to be annexed or deannexed  
59 pursuant to subdivision (1) of subsection 2 of this section, the property shall be  
60 included in, or removed from, the district subject to the election provided in  
61 section 67.1892. The circuit court having jurisdiction over the district shall  
62 proceed to make any such order including such additional property within the  
63 district, or removing such property from the district, as is provided in the order  
64 of the board, unless the court shall find that such order of the board was not  
65 authorized by law or that such order of the board was not supported by competent  
66 and substantial evidence.

67           5. Any person aggrieved by any decision of the board made pursuant to  
68 the provisions of this section may appeal that decision to the circuit court of the  
69 county in which the property is located within thirty days of the decision by the  
70 board.]

71

2           [67.1892. 1. If the petition to add or remove any territory or tract of land  
3 to the district contained fewer than all of the signatures required pursuant to  
4 subdivision (2) of subsection 2 of section 67.1890, the decree of extension or  
5 retraction of boundaries shall not become final and conclusive until it has been  
6 submitted to an election of the voters residing within the boundaries described  
7 in such decree and until it has been assented to by a majority vote of the voters  
8 in the newly included area, or the area to be removed, voting on the question.  
9 The decree shall also provide for the holding of the election to vote on the  
10 proposition of extending or retracting the boundaries of the district, and shall fix  
11 the date for holding the election.

2. The question shall be submitted in substantially the following form:

12                    Shall the boundaries of the ..... Law Enforcement District be  
 13 (extended to include/retracted to remove) the following described property?  
 14 (Describe property)

15                     YES                     NO

16                    3. If a majority of the voters voting on the proposition vote in favor of the  
 17 extension or retraction of the boundaries of the district, then the court shall enter  
 18 its further order declaring the decree of extension or retraction of the boundaries  
 19 to be final and conclusive. In the event, however, that the court finds that a  
 20 majority of the voters voting thereon voted against the proposition to extend or  
 21 retract the boundaries of the district, then the court shall enter its further order  
 22 declaring the decree of extension or retraction of boundaries to be void and of no  
 23 effect.]  
 24

2                    [67.1896. 1. If the petition filed pursuant to section 67.1894 contained  
 3 fewer than all of the signatures required pursuant to subdivision (2) of subsection  
 4 2 of section 67.1894, the termination of taxation authority shall not become final  
 5 and conclusive until it has been submitted to an election of the voters residing  
 6 within the district and until it has been assented to by at least four-sevenths of the  
 7 voters in the district voting on the question. The decree shall also provide for the  
 8 holding of the election to vote on the proposition, and shall fix the date for  
 9 holding the election.

10                    2. The question shall be submitted in substantially the following form:  
 11 Shall the authority of the ..... Law Enforcement District to adopt  
 12 property taxes be terminated?

13                     YES                     NO

14                    3. If four-sevenths of the voters voting on the proposition vote in favor  
 15 of such termination, then the court shall enter its further order declaring the  
 16 termination of such authority, and all such taxes that are being assessed in the  
 17 current calendar year pursuant to such authority, to be final and conclusive. In  
 18 the event, however, that the court finds that less than four-sevenths of the voters  
 19 voting thereon voted against the proposition to terminate such authority, then the  
 20 court shall enter its further order declaring the decree of termination of such  
 21 district's taxing authority to be void and of no effect.]

2                    [67.1898. 1. Whenever a petition signed by not less than ten percent of  
 3 the registered voters in any district organized pursuant to sections 67.1860 to  
 4 67.1898 is filed with the circuit court having jurisdiction over the district, setting  
 5 forth all the relevant facts pertaining to the district, and alleging that the further  
 6 operation of the district is not in the best interests of the inhabitants of the  
 7 district, and that the district should, in the interest of the public welfare and  
 8 safety, be dissolved, the circuit court shall have authority, after hearing evidence  
 submitted on such question, to order a submission of the question, after having

9 caused publication of notice of a hearing on such petition in the same manner as  
10 the notice required in section 67.1874, in substantially the following form:

11 Shall ..... (Insert the name of the law enforcement district)  
12 Law Enforcement District be dissolved?

13  YES  NO

14 2. If the court shall find that it is to the best interest of the inhabitants of  
15 the district that such district be dissolved, it shall make an order reciting such  
16 finding and providing for the submission of the proposition to dissolve such  
17 district to a vote of the voters of the district, setting forth such further details in  
18 its order as may be necessary to an orderly conduct of such election. Such  
19 election shall be held at the municipal election. Returns of the election shall be  
20 certified to the court.

21 If the court finds that a majority of the voters voting thereon shall have voted in  
22 favor of the proposition to dissolve the district, the court shall make a final order  
23 dissolving the district, and the decree shall contain a proviso that the district shall  
24 continue in full force for the purpose of paying all outstanding and lawful  
25 obligations and disposing of property of the district; but no additional costs or  
26 obligations shall be created except such as are necessary to pay such costs,  
27 obligations and liabilities previously incurred, or necessary to the winding up of  
28 the district. If the court shall find that a majority of the voters of the district  
29 voting thereon shall not have voted favorably on the proposition to dissolve such  
30 district, then the court shall make a final order declaring such result dismissing  
31 the petition praying for the dissolution of said district; and the district shall  
32 continue to operate in the same manner as though the petition asking for such  
33 dissolution has not been filed.

34 3. The dissolution of a district shall not invalidate or affect any right  
35 accruing to such district, or to any person, or invalidate or affect any contract or  
36 indebtedness entered into or imposed upon such district or person; and whenever  
37 the circuit court shall, pursuant to this section, dissolve a district, the court shall  
38 appoint some competent person to act as trustee for the district so dissolved and  
39 such trustee before entering upon the discharge of his or her duties shall take and  
40 subscribe an oath that he or she will faithfully discharge the duties of the office,  
41 and shall give bond with sufficient security, to be approved by the court to the use  
42 of such dissolved district, for the faithful discharge of his or her duties, and shall  
43 proceed to liquidate the district under orders of the court, including the levying  
44 of any taxes provided for in sections 67.1860 to 67.1898.]

