

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1154
98TH GENERAL ASSEMBLY

2485H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 52.260, 67.010, 67.145, 67.950, 67.1360, 84.720, 92.402, 94.902, 108.280, 190.055, 321.017, 321.130, 321.210, and 347.048, RSMo, and to enact in lieu thereof twenty new sections relating to political subdivisions.

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

Section A. Sections 52.260, 67.010, 67.145, 67.950, 67.1360, 84.720, 92.402, 94.902, 108.280, 190.055, 321.017, 321.130, 321.210, and 347.048, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 52.260, 67.010, 67.145, 67.950, 67.1360, 67.1790, 84.720, 92.402, 94.902, 108.280, 190.055, 204.475, 204.641, 249.495, 249.809, 249.1120, 321.017, 321.130, 321.210, and 347.048, to read as follows:

52.260. The collector in counties not having township organization shall collect on behalf of the county the following fees for collecting all state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the fees collected shall be deposited in the county general fund:

(1) In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a fee of two and one-half percent on the amount collected;

(2) In all counties wherein the total amount levied for any one year exceeds three hundred and fifty thousand dollars and is less than **[two] three** million dollars, a fee of two and one-half percent on the first three hundred and fifty thousand dollars collected and one percent on whatever amount may be collected over three hundred and fifty thousand dollars;

(3) In all counties wherein the total amount levied for any one year exceeds **[two] three** million dollars, a fee of one percent on the amounts collected.

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.

67.010. 1. Each political subdivision of this state, as defined in section 70.120, except those required to prepare an annual budget by chapter 50 [and section 165.191], shall prepare an annual budget. The annual budget shall present a complete financial plan for the ensuing budget year, and shall include at least the following information:

(1) A budget message describing the important features of the budget and major changes from the preceding year;

(2) Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two years next preceding, itemized by year, fund, and source;

(3) Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two years next preceding, itemized by year, fund, activity, and object;

(4) The amount required for the payment of interest, amortization, and redemption charges on the debt of the political subdivision;

(5) A general budget summary.

2. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring any political subdivision to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

67.145. No political subdivision of this state shall prohibit any first responder[, as the term first responder is defined in section 192.800,] from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

67.950. [Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district, and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the voters of the district or upon the motion of a majority of the members of the governing body it shall submit the question to the voters in the district using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the district.

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

Shall the district be dissolved?

11 (3) If the question receives a majority of the votes cast the district shall be dissolved for
12 all purposes except the payment of outstanding bonded indebtedness, if any.] **1. A petition**
13 **describing the boundaries of the district sought to be dissolved shall be filed with the clerk**
14 **of the circuit court of the county wherein the subject district is situate or with the clerk of**
15 **the circuit court of the county having the largest acreage within the boundaries of the**
16 **subject district in the event that the subject district embraces lands in more than one**
17 **county. Such petition, in addition to such boundary description, shall allege that further**
18 **operation of the subject district is inimicable to the best interests of the inhabitants of the**
19 **district; that the district should, in the interest of the public welfare and safety, be**
20 **dissolved; and such other information as may be useful to the court in determining whether**
21 **the petition should be granted and a decree of dissolution entered. Such petition shall also**
22 **include a detailed plan for payment of all debt and obligations of the district at the time of**
23 **dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an**
24 **advancement of the costs of the proceeding, and the petition shall be signed by eight**
25 **percent or more of the voters of the district. The petition shall be verified by at least one**
26 **of the signers thereof and shall be served upon the governing board of the district. The**
27 **district shall be a party, and if the governing board in its discretion determines that such**
28 **dissolution is not in the public interest, the district shall oppose such petition and pay all**
29 **cost and expense thereof.**

30 **2. Upon the filing of the petition, the same shall be presented to the circuit court,**
31 **and such court shall fix a date for a hearing on such petition. Thereupon, the clerk of the**
32 **court shall give notice of the filing of the petition in a newspaper of general circulation in**
33 **the county in which the proceedings are pending, and if the district extends into any other**
34 **county or counties, such notice shall also be published in a newspaper of general**
35 **circulation in such other county or counties. The notice shall contain a description of the**
36 **subject boundary lines of the district and the general purposes of the petition, and shall set**
37 **forth the date fixed for the hearing on the petition, which shall not be less than seven nor**
38 **more than twenty-one days after the date of the last publication of the notice and shall be**
39 **on some regular judicial day of the court wherein the petition is pending. Such notice shall**
40 **be signed by the clerk of the circuit court and shall be published in three successive issues**
41 **of a weekly newspaper or in twenty successive issues of a daily newspaper.**

42 **3. The court, for good cause shown, may continue the case of the hearing thereon**
43 **from time to time until final disposition thereof.**

44 **4. Exceptions to the dissolution of a district may be made by any voter or**
45 **landowner of the district and by the district as herein provided. Such exceptions shall be**
46 **filed not less than five days prior to the date set for the hearing on the petition. Such**

47 exceptions shall specify the grounds upon which the exceptions are filed and the court shall
48 take them into consideration in passing upon the petition and shall also consider the
49 evidence in support of the petition and in support of the exceptions made. Unless
50 petitioners prove that all debts and financial obligations of the district can be paid in full
51 upon dissolution, the petition shall be dismissed at the costs of the petitioners.

52 **5. Should the court find that it would not be in the public's best interest to dissolve**
53 **a district, the petition shall be dismissed at the costs of the petitioners. If, however, the**
54 **court should find in favor of the petitioners, the court shall enter its interlocutory decree**
55 **of dissolution. Such decree shall provide for the submission of the question to the voters**
56 **of the district in substantially the following form:**

57 **Shall the District be dissolved?**

58 **6. The decree of dissolution shall not become final and conclusive until it shall have**
59 **been submitted to the voters residing within the boundaries described in such decree and**
60 **until it shall have been assented to by a majority of the votes cast. The decree shall provide**
61 **for the submission of the question and shall fix the date thereof. The returns shall be**
62 **certified by the election authority to the circuit court having jurisdiction in the case, and**
63 **the court shall thereupon enter its order canvassing the returns and declaring the result**
64 **of such election.**

65 **7. If, upon canvass and declaration, it is found and determined that the question**
66 **shall have been assented to by a majority of the votes cast on such proposition, then the**
67 **court shall, in such order declaring the result of the election, enter a further order**
68 **declaring the decree of dissolution to be final and conclusive. In the event, however, that**
69 **the court should find that the question has not been assented to by a majority of the votes**
70 **cast, the court shall enter a further order declaring such decree of dissolution to be void**
71 **and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the**
72 **court declares the decree of dissolution to be final, as provided in this section, the clerk of**
73 **the circuit court shall file certified copies of such decree of dissolution and of such final**
74 **order with the secretary of the state of the state of Missouri, with the recorder of deeds of**
75 **the county or counties in which the district is situate, and with the clerk of the county**
76 **commission of the county or counties in which the district is situate.**

77 **8. Notwithstanding anything in this section to the contrary, no district shall be**
78 **dissolved until all of its debts shall have been paid, and the court, in its decree of**
79 **dissolution, shall provide for the disposition of the remaining property of the district.**

67.1360. 1. The governing body of the following cities and counties may impose a tax
2 as provided in this section:

- 3 (1) A city with a population of more than seven thousand and less than seven thousand
4 five hundred;
- 5 (2) A county with a population of over nine thousand six hundred and less than twelve
6 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
7 submits the issue to the voters of such county prior to January 1, 2003;
- 8 (3) A third class city which is the county seat of a county of the third classification
9 without a township form of government with a population of at least twenty-five thousand but
10 not more than thirty thousand inhabitants;
- 11 (4) Any fourth class city having, according to the last federal decennial census, a
12 population of more than one thousand eight hundred fifty inhabitants but less than one thousand
13 nine hundred fifty inhabitants in a county of the first classification with a charter form of
14 government and having a population of greater than six hundred thousand but less than nine
15 hundred thousand inhabitants;
- 16 (5) Any city having a population of more than three thousand but less than eight
17 thousand inhabitants in a county of the fourth classification having a population of greater than
18 forty-eight thousand inhabitants;
- 19 (6) Any city having a population of less than two hundred fifty inhabitants in a county
20 of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- 21 (7) Any fourth class city having a population of more than two thousand five hundred
22 but less than three thousand inhabitants in a county of the third classification having a population
23 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- 24 (8) Any third class city with a population of more than three thousand two hundred but
25 less than three thousand three hundred located in a county of the third classification having a
26 population of more than thirty-five thousand but less than thirty-six thousand;
- 27 (9) Any county of the second classification without a township form of government and
28 a population of less than thirty thousand;
- 29 (10) Any city of the fourth class in a county of the second classification without a
30 township form of government and a population of less than thirty thousand;
- 31 (11) Any county of the third classification with a township form of government and a
32 population of at least twenty-eight thousand but not more than thirty thousand;
- 33 (12) Any city of the fourth class with a population of more than one thousand eight
34 hundred but less than two thousand in a county of the third classification with a township form
35 of government and a population of at least twenty-eight thousand but not more than thirty
36 thousand;

37 (13) Any city of the third class with a population of more than seven thousand two
38 hundred but less than seven thousand five hundred within a county of the third classification with
39 a population of more than twenty-one thousand but less than twenty-three thousand;

40 (14) Any fourth class city having a population of more than two thousand eight hundred
41 but less than three thousand one hundred inhabitants in a county of the third classification with
42 a township form of government having a population of more than eight thousand four hundred
43 but less than nine thousand inhabitants;

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

47 (16) Any third class city with a population of more than three thousand eight hundred
48 but less than four thousand inhabitants located in a county of the third classification with a
49 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

50 (17) Any fourth class city with a population of more than four thousand three hundred
51 but less than four thousand five hundred inhabitants located in a county of the third classification
52 without a township form of government with a population greater than sixteen thousand but less
53 than sixteen thousand two hundred inhabitants;

54 (18) Any fourth class city with a population of more than two thousand four hundred but
55 less than two thousand six hundred inhabitants located in a county of the first classification
56 without a charter form of government with a population of more than fifty-five thousand but less
57 than sixty thousand inhabitants;

58 (19) Any fourth class city with a population of more than two thousand five hundred but
59 less than two thousand six hundred inhabitants located in a county of the third classification with
60 a population of more than nineteen thousand one hundred but less than nineteen thousand two
61 hundred inhabitants;

62 (20) Any county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two hundred
64 inhabitants;

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

67 (22) Any third class city with a population of more than nine thousand five hundred but
68 less than nine thousand seven hundred inhabitants located in a county of the first classification
69 without a charter form of government and with a population of more than one hundred ninety-
70 eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

71 (23) Any city of the fourth classification with more than five thousand two hundred but
72 less than five thousand three hundred inhabitants located in a county of the third classification

73 without a township form of government and with more than twenty-four thousand five hundred
74 but less than twenty-four thousand six hundred inhabitants;

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

79 (25) Any city of the fourth classification with more than two thousand six hundred but
80 less than two thousand seven hundred inhabitants located in any county of the third classification
81 without a township form of government and with more than fifteen thousand three hundred but
82 less than fifteen thousand four hundred inhabitants;

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

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

87 (28) Any city of the fourth classification with more than six thousand three hundred but
88 fewer than six thousand five hundred inhabitants and located in more than one county through
89 the creation of a tourism district which may include, in addition to the geographic area of such
90 city, the area encompassed by the portion of the school district, located within a county of the
91 first classification with more than ninety-three thousand eight hundred but fewer than ninety-
92 three thousand nine hundred inhabitants, having an average daily attendance for school year
93 2005-06 between one thousand eight hundred and one thousand nine hundred;

94 (29) Any city of the fourth classification with more than seven thousand seven hundred
95 but less than seven thousand eight hundred inhabitants located in a county of the first
96 classification with more than ninety-three thousand eight hundred but less than ninety-three
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but
99 less than three thousand inhabitants located in a county of the first classification with more than
100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
101 inhabitants;

102 (31) Any city of the third classification with more than nine thousand three hundred but
103 less than nine thousand four hundred inhabitants;

104 (32) Any city of the fourth classification with more than three thousand eight hundred
105 but fewer than three thousand nine hundred inhabitants and located in any county of the first
106 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine
107 thousand eight hundred inhabitants;

108 (33) Any city of the fourth classification with more than one thousand eight hundred but
109 fewer than one thousand nine hundred inhabitants and located in any county of the first
110 classification with more than one hundred thirty-five thousand four hundred but fewer than one
111 hundred thirty-five thousand five hundred inhabitants;

112 (34) Any county of the third classification without a township form of government and
113 with more than twelve thousand one hundred but fewer than twelve thousand two hundred
114 inhabitants;

115 (35) Any city of the fourth classification with more than three thousand eight hundred
116 but fewer than four thousand inhabitants and located in more than one county; provided,
117 however, that motels owned by not-for-profit organizations are exempt; [or]

118 (36) Any city of the fourth classification with more than five thousand but fewer than
119 five thousand five hundred inhabitants and located in any county with a charter form of
120 government and with more than two hundred thousand but fewer than three hundred fifty
121 thousand inhabitants[.] ; or

122 **(37) Any city of the fourth classification with more than one thousand fifty but**
123 **fewer than one thousand two hundred inhabitants and located in any county of the first**
124 **classification with more than ninety-two thousand but fewer than one hundred one**
125 **thousand inhabitants.**

126 2. The governing body of any city or county listed in subsection 1 of this section may
127 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels,
128 bed and breakfast inns and campgrounds and any docking facility which rents slips to
129 recreational boats which are used by transients for sleeping, which shall be at least two percent,
130 but not more than five percent per occupied room per night, except that such tax shall not
131 become effective unless the governing body of the city or county submits to the voters of the city
132 or county at a state general, primary or special election, a proposal to authorize the governing
133 body of the city or county to impose a tax pursuant to the provisions of this section and section
134 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
135 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
136 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
137 of tourism. Such tax shall be stated separately from all other charges and taxes.

67.1790. 1. The governing body of any county of the first classification with more
2 **than two hundred sixty thousand but fewer than three hundred thousand inhabitants, or**
3 **any city within such county, may impose by order or ordinance a sales tax on all retail sales**
4 **made within the county or city that are subject to sales tax under chapter 144 for the**
5 **purpose of funding early childhood education programs in the county or city. The tax shall**
6 **not exceed one-quarter of one percent and shall be imposed solely for the purpose of**

7 **funding early childhood education programs in the county or city. The tax authorized in**
 8 **this section shall be in addition to all other sales taxes imposed by law and shall be stated**
 9 **separately from all other charges and taxes. The order or ordinance imposing a sales tax**
 10 **under this section shall not become effective unless the governing body of the county or city**
 11 **submits to the voters residing within the county or city, at a general election, a proposal to**
 12 **authorize the governing body of the county or city to impose a tax under this section.**

13 **2. The question of whether the tax authorized by this section shall be imposed shall**
 14 **be submitted in substantially the following form:**

15 **OFFICIAL BALLOT**

16 **Shall (name of county/city) impose a (countywide/citywide) sales tax**
 17 **at a rate of (insert rate of percent) percent for the purpose of funding early childhood**
 18 **education in the county or city?**

19 **YES** **NO**

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

22
 23 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
 24 **favor of the question, the order or ordinance shall become effective on the first day of the**
 25 **second calendar quarter after the director of revenue receives notice of adoption of the tax.**
 26 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
 27 **opposed to the question, the county or city may not impose the sales tax authorized under**
 28 **this section unless and until the question is resubmitted under this section to the qualified**
 29 **voters and such question is approved by a majority of the qualified voters voting on the**
 30 **question.**

31 **3. On or after the effective date of any tax authorized under this section, the county**
 32 **or city which imposed the tax shall enter into an agreement with the director of the**
 33 **department of revenue for the purpose of collecting the tax authorized in this section. On**
 34 **or after the effective date of the tax the director of revenue shall be responsible for the**
 35 **administration, collection, enforcement, and operation of the tax, and sections 32.085 and**
 36 **32.087 shall apply. All revenue collected under this section by the director of the**
 37 **department of revenue on behalf of any county or city, except for one percent for the cost**
 38 **of collection which shall be deposited in the state's general revenue fund, shall be deposited**
 39 **in a special trust fund, which is hereby created and shall be known as the "Early**
 40 **Childhood Education Sales Tax Trust Fund", and shall be used solely for the designated**
 41 **purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be**
 42 **commingled with any funds of the state. The director may make refunds from the amounts**

43 in the trust fund and credited to the county or city for erroneous payments and
44 overpayments made, and may redeem dishonored checks and drafts deposited to the credit
45 of such county or city. Any funds in the special trust fund which are not needed for
46 current expenditures shall be invested in the same manner as other funds are invested.
47 Any interest and moneys earned on such investments shall be credited to the fund.

48 **4. In order to permit sellers required to collect and report the sales tax to collect the**
49 **amount required to be reported and remitted, but not to change the requirements of**
50 **reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid**
51 **fractions of pennies, the governing body of the county or city may authorize the use of a**
52 **bracket system similar to that authorized in section 144.285, and notwithstanding the**
53 **provisions of that section, this new bracket system shall be used where this tax is imposed**
54 **and shall apply to all taxable transactions. Beginning with the effective date of the tax,**
55 **every retailer in the county or city shall add the sales tax to the sale price, and this tax shall**
56 **be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the**
57 **same manner as the purchase price. For purposes of this section, all retail sales shall be**
58 **deemed to be consummated at the place of business of the retailer.**

59 **5. All applicable provisions in sections 144.010 to 144.525 governing the state sales**
60 **tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection**
61 **of the tax, and all exemptions granted to agencies of government, organizations, and**
62 **persons under sections 144.010 to 144.525 are hereby made applicable to the imposition**
63 **and collection of the tax. The same sales tax permit, exemption certificate, and retail**
64 **certificate required by sections 144.010 to 144.525 for the administration and collection of**
65 **the state sales tax shall satisfy the requirements of this section, and no additional permit**
66 **or exemption certificate or retail certificate shall be required; except that, the director of**
67 **revenue may prescribe a form of exemption certificate for an exemption from the tax. All**
68 **discounts allowed the retailer under the state sales tax for the collection of and for payment**
69 **of taxes are hereby allowed and made applicable to the tax. The penalties for violations**
70 **provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to**
71 **violations of this section. If any person is delinquent in the payment of the amount**
72 **required to be paid under this section, or in the event a determination has been made**
73 **against the person for taxes and penalty under this section, the limitation for bringing suit**
74 **for the collection of the delinquent tax and penalty shall be the same as that provided in**
75 **sections 144.010 to 144.525.**

76 **6. The governing body of any county or city that has adopted the sales tax**
77 **authorized in this section may submit the question of repeal of the tax to the voters at a**
78 **general election. The ballot of submission shall be in substantially the following form:**

115 **9. The governing body of each county or city imposing the tax authorized under**
116 **this section shall select an existing community task force to administer the revenue from**
117 **the tax received by the county or city. Such revenue shall be expended only upon approval**
118 **of an existing community task force selected by the governing body of the county or city**
119 **to administer the funds and only in accordance with a budget approved by the county or**
120 **city governing body.**

121 **10. Notwithstanding any other provision of law, any tax authorized under the**
122 **provisions of this section shall be submitted to the voters of the taxing jurisdiction for**
123 **retention or repeal every five years using the same procedure by which the imposition of**
124 **the tax was voted. If a majority of the votes cast on the proposal by the qualified voters of**
125 **the taxing jurisdiction voting thereon are in favor of retention, the tax shall continue in**
126 **effect. If a majority of the votes cast on the proposal by the qualified voters of the taxing**
127 **jurisdiction voting thereon are not in favor of retention, the tax shall be repealed and that**
128 **repeal shall become effective December thirty-first of the calendar year in which such**
129 **repeal was approved.**

 84.720. **1.** The police commissioners of any city with a population of three hundred fifty
2 thousand or more inhabitants which is located in more than one county shall have power to
3 regulate and license all private security personnel and organizations, serving or acting as such
4 in such cities, and no person or organization shall act in the capacity of, or provide, security
5 services in such cities without first having obtained the written license of the president or acting
6 president of the police commissioners of such cities. In order to determine an individual's
7 suitability to be licensed, the police commissioners of such cities shall require each applicant to
8 be licensed to be fingerprinted and shall forward the fingerprints to the Missouri state highway
9 patrol for a criminal history record check. Any person or organization that violates the
10 provisions of this section is guilty of a class B misdemeanor.

11 **2. Any individual who is a holder of an occupational license by the Missouri gaming**
12 **commission as defined in section 313.800 while working on an excursion gambling boat as**
13 **defined in section 313.800 or a facility adjacent to an excursion gambling boat shall be**
14 **exempt from the requirements in subsection 1.**

 92.402. **1.** Any city may, by a majority vote of its council or governing body, impose
2 a sales tax for the benefit of the public mass transportation system operating within such city as
3 provided in sections 92.400 to 92.421.

4 **2.** The sales tax may be imposed at a rate not to exceed one-half of one percent on the
5 receipts from the sale at retail of all tangible personal property or taxable services at retail within
6 any city adopting such tax, if such property and services are subject to taxation by the state of
7 Missouri pursuant to the provisions of sections 144.010 to 144.525. Seven and one-half percent

8 of the sales tax shall be distributed to the interstate transportation authority pursuant to the
 9 provisions of section 92.421. The [remainder of the tax in excess of such seven and one-half
 10 percent shall expire on December 31, 2015, on which date the] authority shall be in full
 11 compliance with handicapped accessibility pursuant to the terms of the Americans with
 12 Disabilities Act.

13 3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city
 14 clerk shall forward to the director of revenue by United States registered mail or certified mail
 15 a certified copy of the ordinance of the council or governing body. The ordinance shall reflect
 16 the effective date thereof and shall be accompanied by a map of the city clearly showing the
 17 boundaries thereof.

18 4. If the boundaries of a city in which such sales tax has been imposed shall thereafter
 19 be changed or altered, the city clerk shall forward to the director of revenue by United States
 20 registered mail or certified mail a certified copy of the ordinance adding or detaching territory
 21 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied
 22 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon
 23 receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective
 24 in the added territory or abolished in the detached territory on the effective date of the change
 25 of the city boundary.

94.902. 1. The governing [body] **bodies of the following cities may impose a tax as
 2 provided in this section:**

3 (1) Any city of the third classification with more than twenty-six thousand three hundred
 4 but less than twenty-six thousand seven hundred inhabitants[, or] ;

5 (2) Any city of the fourth classification with more than thirty thousand three hundred but
 6 fewer than thirty thousand seven hundred inhabitants[, or] ;

7 (3) Any city of the fourth classification with more than twenty-four thousand eight
 8 hundred but fewer than twenty-five thousand inhabitants[.] ;

9 (4) **Any special charter city with more than twenty-nine thousand but fewer than
 10 thirty-two thousand inhabitants; or**

11 (5) **Any city of the third classification with more than four thousand but fewer than
 12 four thousand five hundred inhabitants and located in any county of the first classification
 13 with more than two hundred thousand but fewer than two hundred sixty thousand
 14 inhabitants.**

15 2. **The governing body of any city listed in subsection 1 of this section** may impose,
 16 by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation
 17 under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-
 18 half of one percent, and shall be imposed solely for the purpose of improving the public safety

19 for such city, including but not limited to expenditures on equipment, city employee salaries and
 20 benefits, and facilities for police, fire and emergency medical providers. The tax authorized in
 21 this section shall be in addition to all other sales taxes imposed by law, and shall be stated
 22 separately from all other charges and taxes. The order or ordinance imposing a sales tax under
 23 this section shall not become effective unless the governing body of the city submits to the voters
 24 residing within the city, at a county or state general, primary, or special election, a proposal to
 25 authorize the governing body of the city to impose a tax under this section.

26 [2.] 3. The ballot of submission for the tax authorized in this section shall be in
 27 substantially the following form:

28 Shall the city of (city's name) impose a citywide sales tax at
 29 a rate of (insert rate of percent) percent for the purpose of improving the public safety of
 30 the city?

31 YES NO

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

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 35 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall
 36 become effective on the first day of the second calendar quarter after the director of revenue
 37 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal
 38 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become
 39 effective unless the proposal is resubmitted under this section to the qualified voters and such
 40 proposal is approved by a majority of the qualified voters voting on the proposal. However, in
 41 no event shall a proposal under this section be submitted to the voters sooner than twelve months
 42 from the date of the last proposal under this section.

43 [3.] 4. Any sales tax imposed under this section shall be administered, collected,
 44 enforced, and operated as required in section 32.087. All sales taxes collected by the director
 45 of the department of revenue under this section on behalf of any city, less one percent for cost
 46 of collection which shall be deposited in the state's general revenue fund after payment of
 47 premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust
 48 fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales
 49 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall
 50 not be commingled with any funds of the state. The provisions of section 33.080 to the contrary
 51 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
 52 general revenue fund. The director shall keep accurate records of the amount of money in the
 53 trust fund and which was collected in each city imposing a sales tax under this section, and the
 54 records shall be open to the inspection of officers of the city and the public. Not later than the

55 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
 56 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
 57 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
 58 an appropriation act to be enacted by the governing body of each such city. Expenditures may
 59 be made from the fund for any functions authorized in the ordinance or order adopted by the
 60 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
 61 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
 62 special trust fund which are not needed for current expenditures shall be invested in the same
 63 manner as other funds are invested. Any interest and moneys earned on such investments shall
 64 be credited to the fund.

65 [4.] 5. The director of the department of revenue may authorize the state treasurer to
 66 make refunds from the amounts in the trust fund and credited to any city for erroneous payments
 67 and overpayments made, and may redeem dishonored checks and drafts deposited to the credit
 68 of such cities. If any city abolishes the tax, the city shall notify the director of the action at least
 69 ninety days before the effective date of the repeal, and the director may order retention in the
 70 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
 71 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
 72 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
 73 of abolition of the tax in such city, the director shall remit the balance in the account to the city
 74 and close the account of that city. The director shall notify each city of each instance of any
 75 amount refunded or any check redeemed from receipts due the city.

76 [5.] 6. The governing body of any city that has adopted the sales tax authorized in this
 77 section may submit the question of repeal of the tax to the voters on any date available for
 78 elections for the city. The ballot of submission shall be in substantially the following form:

79 Shall (insert the name of the city) repeal the sales tax
 80 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
 81 safety of the city?

82 YES NO

83 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 84 effective on December thirty-first of the calendar year in which such repeal was approved. If a
 85 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 86 the repeal, then the sales tax authorized in this section shall remain effective until the question
 87 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
 88 of the qualified voters voting on the question.

89 [6.] 7. Whenever the governing body of any city that has adopted the sales tax authorized
 90 in this section receives a petition, signed by ten percent of the registered voters of the city voting

91 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
92 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
93 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
94 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
95 which such repeal was approved. If a majority of the votes cast on the question by the qualified
96 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
97 question is resubmitted under this section to the qualified voters and the repeal is approved by
98 a majority of the qualified voters voting on the question.

99 [7.] 8. Except as modified in this section, all provisions of sections 32.085 and 32.087
100 shall apply to the tax imposed under this section.

108.280. 1. Nothing contained in sections 108.240 to 108.300 shall prevent any county
2 commission, city council, board of aldermen, board of trustees of any incorporated village, board
3 of directors of any school district, board of supervisors of any drainage or levee district, or board
4 of commissioners of any special road district, or other authority from levying a larger tax for the
5 payment of maturing bonds[, or from applying other means to such purpose]. **Except as**
6 **provided in subsection 2 of this section, the levy rate shall be set at the rate needed to meet**
7 **the obligation of the bond payment and may be adjusted solely to meet such obligation.**
8 It shall be the duty of the treasurer of such county, city, village, township, school district,
9 drainage district or levee district, special or common road district, to certify, at least once in
10 every fiscal year, to the state auditor the several amounts and numbers of bonds and coupons by
11 him or through him redeemed, of his respective county, city, village, township, school district,
12 drainage district, levee district, common or special road district, as the case may be, and he shall
13 return such bonds and coupons, properly cancelled, to prevent their reissue, to the maker thereof,
14 and the state shall not be deemed in any manner liable on account of any such bonds or coupons.

15 **2. Notwithstanding the provisions of subsection 1 of this section, the levy rate set**
16 **by any drainage or levee district for the payment of bonds shall be set at a rate determined**
17 **by the board of supervisors in accordance with the provisions of chapters 242, 245, and**
18 **246.**

190.055. 1. The board of directors of a district shall possess and exercise all of its
2 legislative and executive powers. Within thirty days after the election of the initial directors, the
3 board shall meet. The time and place of the first meeting of the board shall be designated by the
4 county commission. At its first meeting and after each election of new board members the board
5 shall elect a chairman from its members and select a secretary, treasurer and such officers or
6 employees as it deems expedient or necessary for the accomplishment of its corporate objectives.
7 The secretary and treasurer need not be members of the board. At the meeting the board, by
8 ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a

9 corporate seal and bylaws, which shall determine the times for the annual election of officers and
10 of other regular and special meetings of the board and shall contain the rules for the transaction
11 of other business of the district and for amending the bylaws.

12 2. Each board member of any district shall devote such time to the duties of the office
13 as the faithful discharge thereof may require, including educational programs provided by the
14 state and each board member may be reimbursed for actual expenditures in the performance of
15 his or her duties on behalf of the district.

16 3. The secretary and treasurer, if members of the board of directors, may each receive
17 additional compensation for the performance of their duties as secretary or treasurer as the board
18 shall deem reasonable and necessary; provided that, such additional compensation shall not
19 exceed one thousand dollars per year.

20 4. Each board member may receive an attendance fee not to exceed one hundred dollars
21 for attending each regularly or specially called board meeting. Such member shall not be paid
22 for attending more than two meetings in any calendar month, except that in a county of the first
23 classification having a charter form of government, such member shall not be paid for attending
24 more than four such meetings in any calendar month. In addition, the chairman of the board may
25 receive fifty dollars for attending each regularly or specially called board meeting, but such
26 chairman shall not be paid the additional fee for attending more than two meetings in any
27 calendar month.

28 5. The compensation authorized by subsections 3 and 4 of this section shall only apply:

- 29 (1) If such compensation is approved by the board of such district; and
30 (2) To any elected term of any board member beginning after August 28, 2000.

31 **6. Notwithstanding any other provision of law to the contrary, individual board**
32 **members shall not be eligible for employment by the board within twelve months of**
33 **termination of service as a member of the board, unless such employment is on a volunteer**
34 **basis or without compensation.**

204.475. 1. In any common sewer district organized under sections 204.250 to
2 **204.472, territory included in the district that is not being served by the district may be**
3 **detached from the district provided that there are no outstanding general obligation or**
4 **special obligation bonds and no contractual obligations of greater than twenty-five**
5 **thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the**
6 **purchase of water. If any such bonds or debt is outstanding, and the written consent of the**
7 **holders of such bonds or the creditors to such debt is obtained, then such territory may be**
8 **detached in spite of the existence of such bonds or debt, except such consent shall not be**
9 **required for special obligation bonds if the district has no water or sewer lines or other**
10 **facilities located within any of the territory detached. Detachment may be made by the**

11 filing of a petition with the circuit court in which the district was incorporated. The
 12 petition shall contain a description of the tract to be detached and a statement that the
 13 detachment is in the best interest of the district or the inhabitants and property owners of
 14 the territory to be detached, together with the facts supporting such allegation. The
 15 petition may be submitted by the district acting through its board of directors, in which
 16 case the petition shall be signed by a majority of the board of directors of the district. The
 17 petition may also be submitted by voters residing in or by landowners owning land in the
 18 territory sought to be detached. If there are more than ten voters and landowners in such
 19 territory, the petition shall be signed by five or more voters or landowners within the
 20 territory; if there are less than ten voters and landowners within such territory, the petition
 21 shall be signed by fifty percent or more of the voters and landowners within the territory.
 22 In the event there are no voters living within such territory proposed to be detached, then
 23 the petition may be submitted by owners of more than fifty percent of the land in the
 24 territory proposed to be detached, in which case said petition shall be signed by the owners
 25 submitting the petition. In the event the petition is not submitted by the district acting
 26 through its board of directors, the petitioner shall name the district as a defendant and
 27 serve a copy of the petition upon the district by certified or registered mail with a return
 28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
 30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
 31 shall give notice of the filing of the petition and the hearing to the district by certified or
 32 registered mail with a return receipt requested if the district is not the petitioner, and in
 33 a newspaper of general circulation in the county in which the proceedings are pending and
 34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
 35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
 36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
 37 made not less than seven nor more than twenty-one days before the hearing date. Such
 38 notice shall be substantially as follows:

39
 40 **IN THE CIRCUIT COURT OFCOUNTY, MISSOURI**
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**
 42 **FROM COMMON SEWER DISTRICT OF COUNTY, MISSOURI.**

43 **To all voters and landowners of land within the boundaries of the above-described**
 44 **district:**

45 **You are hereby notified:**

46 **1. That a petition has been filed in this court for the detachment of the following**
47 **tracts of land from the above-named common sewer district, as provided by law: (Describe**
48 **tracts of land).**

49 **2. That a hearing on said petition will be held before this court in on the day**
50 **of, 20 .., at .., ...m.**

51 **3. Exceptions or objections to the detachment of said tracts from said common**
52 **sewer district may be made by the district or any voter or landowner of land within the**
53 **district from which territory is sought to be detached, provided such exceptions or**
54 **objections are in writing, specify the grounds on which they are made, and are filed with**
55 **the court not later than five days prior to the date of the hearing of the petition.**

56 **4. The names and addresses of the attorneys for the petitioner are:**

57

58 **Clerk of the Circuit Court of**

59 **County, Missouri**

60

61 **3. The court, for good cause shown, may continue the case or the hearing thereon**
62 **from time to time until final disposition thereof.**

63 **4. Exceptions or objections to the detachment of such territory may be made by any**
64 **voter or landowner within the boundaries of the district, including the territory to be**
65 **detached. In the event the petition is not submitted by the district acting through its board**
66 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
67 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
68 **later than five days before the date set for hearing the petition. In considering the petition**
69 **for detachment, the court shall take into consideration the evidence in support of and**
70 **opposition to the petition, including such exceptions and objections. If the court finds that**
71 **the detachment will be in the best interest of the district and the inhabitants and**
72 **landowners of the area to be detached will not be adversely affected or if the court finds**
73 **that the detachment will be in the best interest of the inhabitants and landowners of the**
74 **territory to be detached and will not adversely affect the remainder of the district, it shall**
75 **approve the detachment and grant the petition.**

76 **5. If the court approves the detachment, it shall make its order detaching the**
77 **territory described in the petition from the remainder of the district, or in the event it shall**
78 **find that only a portion of said territory should be detached, the court shall order such**
79 **portion detached from the district. The court shall also make any changes in subdistrict**
80 **boundary lines it deems necessary to meet the requirements of sections 204.250 to 204.472.**

81 Any subdistrict line changes shall not become effective until the next annual election of a
82 member of the board of directors.

83 6. A certified copy of the court's order shall be filed in the office of the recorder of
84 deeds and in the office of the county clerk in each county in which any of the territory of
85 the district prior to detachment is located, and in the office of the secretary of state. Costs
86 of the proceeding shall be borne by the petitioner or petitioners.

204.641. 1. In any reorganized common sewer district organized under sections
2 204.600 to 204.640, territory included in the district that is not being served by the district
3 may be detached from the district provided that there are no outstanding general
4 obligation or special obligation bonds and no contractual obligations of greater than
5 twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or
6 obligations for the purchase of water. If any such bonds or debt is outstanding, and the
7 written consent of the holders of such bonds or the creditors to such debt is obtained, then
8 such territory may be detached in spite of the existence of such bonds or debt, except such
9 consent shall not be required for special obligation bonds if the district has no water or
10 sewer lines or other facilities located within any of the territory detached. Detachment may
11 be made by the filing of a petition with the circuit court in which the district was
12 incorporated. The petition shall contain a description of the tract to be detached and a
13 statement that the detachment is in the best interest of the district or the inhabitants and
14 property owners of the territory to be detached, together with the facts supporting such
15 allegation. The petition may be submitted by the district acting through its board of
16 directors, in which case the petition shall be signed by a majority of the board of directors
17 of the district. The petition may also be submitted by voters residing in or by landowners
18 owning land in the territory sought to be detached. If there are more than ten voters and
19 landowners in such territory, the petition shall be signed by five or more voters or
20 landowners within the territory; if there are less than ten voters and landowners within
21 such territory, the petition shall be signed by fifty percent or more of the voters and
22 landowners within the territory. In the event there are no voters living within such
23 territory proposed to be detached, then the petition may be submitted by owners of more
24 than fifty percent of the land in the territory proposed to be detached, in which case said
25 petition shall be signed by the owners submitting the petition. In the event the petition is
26 not submitted by the district acting through its board of directors, the petitioner shall name
27 the district as a defendant and serve a copy of the petition upon the district by certified or
28 registered mail with a return receipt requested at least thirty-five days before the date of
29 the hearing of the petition.

30 **2. Such petition shall be filed in the circuit court having jurisdiction and the court**
 31 **shall set a date for hearing on the proposed detachment and the clerk of the circuit court**
 32 **shall give notice of the filing of the petition and the hearing to the district by certified or**
 33 **registered mail with a return receipt requested if the district is not the petitioner, and in**
 34 **a newspaper of general circulation in the county in which the proceedings are pending and**
 35 **in a newspaper of general circulation in the territory proposed to be detached. Such notice**
 36 **shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in**
 37 **twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be**
 38 **made not less than seven nor more than twenty-one days before the hearing date. Such**
 39 **notice shall be substantially as follows:**

40

41 **IN THE CIRCUIT COURT OFCOUNTY, MISSOURI**
 42 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**
 43 **FROM REORGANIZED COMMON SEWER DISTRICT OF COUNTY,**
 44 **MISSOURI.**

45 **To all voters and landowners of land within the boundaries of the above-described**
 46 **district:**

47 **You are hereby notified:**

48 **1. That a petition has been filed in this court for the detachment of the following**
 49 **tracts of land from the above-named reorganized common sewer district, as provided by**
 50 **law: (Describe tracts of land).**

51 **2. That a hearing on said petition will be held before this court in on the day**
 52 **of, 20 ..., at, ...m.**

53 **3. Exceptions or objections to the detachment of said tracts from said reorganized**
 54 **common sewer district may be made by the district or any voter or landowner of land**
 55 **within the district from which territory is sought to be detached, provided such exceptions**
 56 **or objections are in writing, specify the grounds on which they are made, and are filed with**
 57 **the court not later than five days prior to the date of the hearing of the petition.**

58 **4. The names and addresses of the attorneys for the petitioner are:**

59

60 **Clerk of the Circuit Court of**

61 **County, Missouri**

62

63 **3. The court, for good cause shown, may continue the case or the hearing thereon**
 64 **from time to time until final disposition thereof.**

65 **4. Exceptions or objections to the detachment of such territory may be made by any**
66 **voter or landowner within the boundaries of the district, including the territory to be**
67 **detached. In the event the petition is not submitted by the district acting through its board**
68 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
69 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
70 **later than five days before the date set for hearing the petition. In considering the petition**
71 **for detachment, the court shall take into consideration the evidence in support of and**
72 **opposition to the petition, including such exceptions and objections. If the court finds that**
73 **the detachment will be in the best interest of the district and the inhabitants and**
74 **landowners of the area to be detached will not be adversely affected or if the court finds**
75 **that the detachment will be in the best interest of the inhabitants and landowners of the**
76 **territory to be detached and will not adversely affect the remainder of the district, it shall**
77 **approve the detachment and grant the petition.**

78 **5. If the court approves the detachment, it shall make its order detaching the**
79 **territory described in the petition from the remainder of the district, or in the event it shall**
80 **find that only a portion of said territory should be detached, the court shall order such**
81 **portion detached from the district. The court shall also make any changes in subdistrict**
82 **boundary lines it deems necessary to meet the requirements of sections 204.600 to 204.640.**
83 **Any subdistrict line changes shall not become effective until the next annual election of a**
84 **member of the board of directors.**

85 **6. A certified copy of the court's order shall be filed in the office of the recorder of**
86 **deeds and in the office of the county clerk in each county in which any of the territory of**
87 **the district prior to detachment is located, and in the office of the secretary of state. Costs**
88 **of the proceeding shall be borne by the petitioner or petitioners.**

249.495. 1. In any sewer district organized under sections 249.430 to 249.663,
2 territory included in the district that is not being served by the district may be detached
3 from the district provided that there are no outstanding general obligation or special
4 obligation bonds and no contractual obligations of greater than twenty-five thousand
5 dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase
6 of water. If any such bonds or debt is outstanding, and the written consent of the holders
7 of such bonds or the creditors to such debt is obtained, then such territory may be detached
8 in spite of the existence of such bonds or debt, except such consent shall not be required
9 for special obligation bonds if the district has no water or sewer lines or other facilities
10 located within any of the territory detached. Detachment may be made by the filing of a
11 petition with the circuit court in which the district was incorporated. The petition shall
12 contain a description of the tract to be detached and a statement that the detachment is in

13 the best interest of the district or the inhabitants and property owners of the territory to
 14 be detached, together with the facts supporting such allegation. The petition may be
 15 submitted by the district acting through its board of directors, in which case the petition
 16 shall be signed by a majority of the board of directors of the district. The petition may also
 17 be submitted by voters residing in or by landowners owning land in the territory sought
 18 to be detached. If there are more than ten voters and landowners in such territory, the
 19 petition shall be signed by five or more voters or landowners within the territory; if there
 20 are less than ten voters and landowners within such territory, the petition shall be signed
 21 by fifty percent or more of the voters and landowners within the territory. In the event
 22 there are no voters living within such territory proposed to be detached, then the petition
 23 may be submitted by owners of more than fifty percent of the land in the territory
 24 proposed to be detached, in which case said petition shall be signed by the owners
 25 submitting the petition. In the event the petition is not submitted by the district acting
 26 through its board of directors, the petitioner shall name the district as a defendant and
 27 serve a copy of the petition upon the district by certified or registered mail with a return
 28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
 30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
 31 shall give notice of the filing of the petition and the hearing to the district by certified or
 32 registered mail with a return receipt requested if the district is not the petitioner, and in
 33 a newspaper of general circulation in the county in which the proceedings are pending and
 34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
 35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
 36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
 37 made not less than seven nor more than twenty-one days before the hearing date. Such
 38 notice shall be substantially as follows:

39
 40 **IN THE CIRCUIT COURT OFCOUNTY, MISSOURI**
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**
 42 **FROM SEWER DISTRICT OF COUNTY, MISSOURI.**

43 **To all voters and landowners of land within the boundaries of the above-described**
 44 **district:**

45 **You are hereby notified:**

46 **1. That a petition has been filed in this court for the detachment of the following**
 47 **tracts of land from the above-named sewer district, as provided by law: (Describe tracts**
 48 **of land).**

49 **2. That a hearing on said petition will be held before this court in on the day**
50 **of, 20 ..., at, ...m.**

51 **3. Exceptions or objections to the detachment of said tracts from said sewer district**
52 **may be made by the district or any voter or landowner of land within the district from**
53 **which territory is sought to be detached, provided such exceptions or objections are in**
54 **writing, specify the grounds on which they are made, and are filed with the court not later**
55 **than five days prior to the date of the hearing of the petition.**

56 **4. The names and addresses of the attorneys for the petitioner are:**

57

58 **Clerk of the Circuit Court of**

59 **County, Missouri**

60

61 **3. The court, for good cause shown, may continue the case or the hearing thereon**
62 **from time to time until final disposition thereof.**

63 **4. Exceptions or objections to the detachment of such territory may be made by any**
64 **voter or landowner within the boundaries of the district, including the territory to be**
65 **detached. In the event the petition is not submitted by the district acting through its board**
66 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
67 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
68 **later than five days before the date set for hearing the petition. In considering the petition**
69 **for detachment, the court shall take into consideration the evidence in support of and**
70 **opposition to the petition, including such exceptions and objections. If the court finds that**
71 **the detachment will be in the best interest of the district and the inhabitants and**
72 **landowners of the area to be detached will not be adversely affected or if the court finds**
73 **that the detachment will be in the best interest of the inhabitants and landowners of the**
74 **territory to be detached and will not adversely affect the remainder of the district, it shall**
75 **approve the detachment and grant the petition.**

76 **5. If the court approves the detachment, it shall make its order detaching the**
77 **territory described in the petition from the remainder of the district, or in the event it shall**
78 **find that only a portion of said territory should be detached, the court shall order such**
79 **portion detached from the district. The court shall also make any changes in subdistrict**
80 **boundary lines it deems necessary to meet the requirements of sections 249.430 to 249.663.**
81 **Any subdistrict line changes shall not become effective until the next annual election of a**
82 **member of the board of directors.**

83 **6. A certified copy of the court's order shall be filed in the office of the recorder of**
84 **deeds and in the office of the county clerk in each county in which any of the territory of**

85 the district prior to detachment is located, and in the office of the secretary of state. Costs
86 of the proceeding shall be borne by the petitioner or petitioners.

249.809. 1. In any sewer district organized under sections 249.761 to 249.810,
2 territory included in the district that is not being served by the district may be detached
3 from the district provided that there are no outstanding general obligation or special
4 obligation bonds and no contractual obligations of greater than twenty-five thousand
5 dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase
6 of water. If any such bonds or debt is outstanding, and the written consent of the holders
7 of such bonds or the creditors to such debt is obtained, then such territory may be detached
8 in spite of the existence of such bonds or debt, except such consent shall not be required
9 for special obligation bonds if the district has no water or sewer lines or other facilities
10 located within any of the territory detached. Detachment may be made by the filing of a
11 petition with the circuit court in which the district was incorporated. The petition shall
12 contain a description of the tract to be detached and a statement that the detachment is in
13 the best interest of the district or the inhabitants and property owners of the territory to
14 be detached, together with the facts supporting such allegation. The petition may be
15 submitted by the district acting through its board of directors, in which case the petition
16 shall be signed by a majority of the board of directors of the district. The petition may also
17 be submitted by voters residing in or by landowners owning land in the territory sought
18 to be detached. If there are more than ten voters and landowners in such territory, the
19 petition shall be signed by five or more voters or landowners within the territory; if there
20 are less than ten voters and landowners within such territory, the petition shall be signed
21 by fifty percent or more of the voters and landowners within the territory. In the event
22 there are no voters living within such territory proposed to be detached, then the petition
23 may be submitted by owners of more than fifty percent of the land in the territory
24 proposed to be detached, in which case said petition shall be signed by the owners
25 submitting the petition. In the event the petition is not submitted by the district acting
26 through its board of directors, the petitioner shall name the district as a defendant and
27 serve a copy of the petition upon the district by certified or registered mail with a return
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
31 shall give notice of the filing of the petition and the hearing to the district by certified or
32 registered mail with a return receipt requested if the district is not the petitioner, and in
33 a newspaper of general circulation in the county in which the proceedings are pending and
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice

35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
37 made not less than seven nor more than twenty-one days before the hearing date. Such
38 notice shall be substantially as follows:

39

40 **IN THE CIRCUIT COURT OFCOUNTY, MISSOURI**
41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**
42 **FROM SEWER DISTRICT OF COUNTY, MISSOURI.**

43 **To all voters and landowners of land within the boundaries of the above-described**
44 **district:**

45 **You are hereby notified:**

46 **1. That a petition has been filed in this court for the detachment of the following**
47 **tracts of land from the above-named sewer district, as provided by law: (Describe tracts**
48 **of land).**

49 **2. That a hearing on said petition will be held before this court in on the day**
50 **of, 20 ..., at, ...m.**

51 **3. Exceptions or objections to the detachment of said tracts from said sewer district**
52 **may be made by the district or any voter or landowner of land within the district from**
53 **which territory is sought to be detached, provided such exceptions or objections are in**
54 **writing, specify the grounds on which they are made, and are filed with the court not later**
55 **than five days prior to the date of the hearing of the petition.**

56 **4. The names and addresses of the attorneys for the petitioner are:**

57

58 **Clerk of the Circuit Court of**

59 **..... County, Missouri**

60

61 **3. The court, for good cause shown, may continue the case or the hearing thereon**
62 **from time to time until final disposition thereof.**

63 **4. Exceptions or objections to the detachment of such territory may be made by any**
64 **voter or landowner within the boundaries of the district, including the territory to be**
65 **detached. In the event the petition is not submitted by the district acting through its board**
66 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
67 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
68 **later than five days before the date set for hearing the petition. In considering the petition**
69 **for detachment, the court shall take into consideration the evidence in support of and**
70 **opposition to the petition, including such exceptions and objections. If the court finds that**

71 the detachment will be in the best interest of the district and the inhabitants and
72 landowners of the area to be detached will not be adversely affected or if the court finds
73 that the detachment will be in the best interest of the inhabitants and landowners of the
74 territory to be detached and will not adversely affect the remainder of the district, it shall
75 approve the detachment and grant the petition.

76 5. If the court approves the detachment, it shall make its order detaching the
77 territory described in the petition from the remainder of the district, or in the event it shall
78 find that only a portion of said territory should be detached, the court shall order such
79 portion detached from the district. The court shall also make any changes in subdistrict
80 boundary lines it deems necessary to meet the requirements of sections 249.761 to 249.810.
81 Any subdistrict line changes shall not become effective until the next annual election of a
82 member of the board of directors.

83 6. A certified copy of the court's order shall be filed in the office of the recorder of
84 deeds and in the office of the county clerk in each county in which any of the territory of
85 the district prior to detachment is located, and in the office of the secretary of state. Costs
86 of the proceeding shall be borne by the petitioner or petitioners.

249.1120. 1. In any consolidated sewer district organized under sections 249.1100
2 to 249.1118, territory included in the district that is not being served by the district may
3 be detached from the district provided that there are no outstanding general obligation or
4 special obligation bonds and no contractual obligations of greater than twenty-five
5 thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the
6 purchase of water. If any such bonds or debt is outstanding, and the written consent of the
7 holders of such bonds or the creditors to such debt is obtained, then such territory may be
8 detached in spite of the existence of such bonds or debt, except such consent shall not be
9 required for special obligation bonds if the district has no water or sewer lines or other
10 facilities located within any of the territory detached. Detachment may be made by the
11 filing of a petition with the circuit court in which the district was incorporated. The
12 petition shall contain a description of the tract to be detached and a statement that the
13 detachment is in the best interest of the district or the inhabitants and property owners of
14 the territory to be detached, together with the facts supporting such allegation. The
15 petition may be submitted by the district acting through its board of directors, in which
16 case the petition shall be signed by a majority of the board of directors of the district. The
17 petition may also be submitted by voters residing in or by landowners owning land in the
18 territory sought to be detached. If there are more than ten voters and landowners in such
19 territory, the petition shall be signed by five or more voters or landowners within the
20 territory; if there are less than ten voters and landowners within such territory, the petition

21 shall be signed by fifty percent or more of the voters and landowners within the territory.
 22 In the event there are no voters living within such territory proposed to be detached, then
 23 the petition may be submitted by owners of more than fifty percent of the land in the
 24 territory proposed to be detached, in which case said petition shall be signed by the owners
 25 submitting the petition. In the event the petition is not submitted by the district acting
 26 through its board of directors, the petitioner shall name the district as a defendant and
 27 serve a copy of the petition upon the district by certified or registered mail with a return
 28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court
 30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court
 31 shall give notice of the filing of the petition and the hearing to the district by certified or
 32 registered mail with a return receipt requested if the district is not the petitioner, and in
 33 a newspaper of general circulation in the county in which the proceedings are pending and
 34 in a newspaper of general circulation in the territory proposed to be detached. Such notice
 35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in
 36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be
 37 made not less than seven nor more than twenty-one days before the hearing date. Such
 38 notice shall be substantially as follows:

39
 40 **IN THE CIRCUIT COURT OFCOUNTY, MISSOURI**
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**
 42 **FROM CONSOLIDATED SEWER DISTRICT OF COUNTY,**
 43 **MISSOURI.**

44 To all voters and landowners of land within the boundaries of the above-described
 45 district:

46 You are hereby notified:

47 1. That a petition has been filed in this court for the detachment of the following
 48 tracts of land from the above-named consolidated sewer district, as provided by law:
 49 (Describe tracts of land).

50 2. That a hearing on said petition will be held before this court in on the day
 51 of, 20 ..., at,m.

52 3. Exceptions or objections to the detachment of said tracts from said consolidated
 53 sewer district may be made by the district or any voter or landowner of land within the
 54 district from which territory is sought to be detached, provided such exceptions or
 55 objections are in writing, specify the grounds on which they are made, and are filed with
 56 the court not later than five days prior to the date of the hearing of the petition.

57 **4. The names and addresses of the attorneys for the petitioner are:**

58

59 **Clerk of the Circuit Court of**

60 **..... County, Missouri**

61

62 **3. The court, for good cause shown, may continue the case or the hearing thereon**
63 **from time to time until final disposition thereof.**

64 **4. Exceptions or objections to the detachment of such territory may be made by any**
65 **voter or landowner within the boundaries of the district, including the territory to be**
66 **detached. In the event the petition is not submitted by the district acting through its board**
67 **of directors, the district may file exceptions or objections. Exceptions or objections shall**
68 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**
69 **later than five days before the date set for hearing the petition. In considering the petition**
70 **for detachment, the court shall take into consideration the evidence in support of and**
71 **opposition to the petition, including such exceptions and objections. If the court finds that**
72 **the detachment will be in the best interest of the district and the inhabitants and**
73 **landowners of the area to be detached will not be adversely affected or if the court finds**
74 **that the detachment will be in the best interest of the inhabitants and landowners of the**
75 **territory to be detached and will not adversely affect the remainder of the district, it shall**
76 **approve the detachment and grant the petition.**

77 **5. If the court approves the detachment, it shall make its order detaching the**
78 **territory described in the petition from the remainder of the district, or in the event it shall**
79 **find that only a portion of said territory should be detached, the court shall order such**
80 **portion detached from the district. The court shall also make any changes in subdistrict**
81 **boundary lines it deems necessary to meet the requirements of sections 249.1100 to**
82 **249.1118. Any subdistrict line changes shall not become effective until the next annual**
83 **election of a member of the board of directors.**

84 **6. A certified copy of the court's order shall be filed in the office of the recorder of**
85 **deeds and in the office of the county clerk in each county in which any of the territory of**
86 **the district prior to detachment is located, and in the office of the secretary of state. Costs**
87 **of the proceeding shall be borne by the petitioner or petitioners.**

321.017. 1. Notwithstanding the provisions of section 321.015, no employee of any fire
2 protection district or ambulance district shall serve as a member of any fire district or ambulance
3 district board while such person is employed by any fire district or ambulance district, except that
4 an employee of a fire protection district or an ambulance district may serve as a member of a
5 voluntary fire protection district board or a voluntary ambulance district board.

6 **2. Notwithstanding any other provision of law to the contrary, individual board**
7 **members shall not be eligible for employment by the board within twelve months of**
8 **termination of service as a member of the board, unless such employment is on a volunteer**
9 **basis or without compensation.**

 321.130. [1.] A person, to be qualified to serve as a director, shall be a **resident and**
2 voter of the district **for** at least one year before the election or appointment and be over the age
3 of twenty-five years[; except as provided in subsections 2 and 3 of this section. The person shall
4 also be a resident of such fire protection district]. In the event the person is no longer a resident
5 of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in
6 section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters
7 of the fire protection district by paying a [ten dollar] filing fee **equal to the amount of a**
8 **candidate for county office as set forth under section 115.357**, and filing a statement under
9 oath that such person possesses the required qualifications.

10 [2. In any fire protection district located in more than one county one of which is a first
11 class county without a charter form of government having a population of more than one hundred
12 ninety-eight thousand and not adjoining any other first class county or located wholly within a
13 first class county as described herein, a resident shall have been a resident of the district for more
14 than one year to be qualified to serve as a director.

15 3. In any fire protection district located in a county of the third or fourth classification,
16 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
17 be a voter of the district for more than one year before the election or appointment, except that
18 for the first board of directors in such district, a person need only be a voter of the district for one
19 year before the election or appointment.

20 4. A person desiring to become a candidate for the first board of directors of the
21 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
22 shall file with the election authority a statement under oath that such person possesses all of the
23 qualifications set out in this chapter for a director of a fire protection district.] Thereafter, such
24 candidate shall have the candidate's name placed on the ballot as a candidate for director.

 321.210. On the first Tuesday in April after the expiration of at least two full calendar
2 years from the date of the election of the first board of directors, and on the first Tuesday in April
3 every two years thereafter, an election for members of the board of directors shall be held in the
4 district. Nominations shall be filed at the headquarters of the fire protection district in which a
5 majority of the district is located by paying a filing fee [up] **equal** to the amount of a candidate
6 for [state representative] **county office** as set forth under section 115.357 and filing a statement
7 under oath that [he] **the candidate** possesses the required qualifications. The candidate

8 receiving the most votes shall be elected. Any new member of the board shall qualify in the
9 same manner as the members of the first board qualify.

347.048. **1. (1)** Any limited liability company that owns and rents or leases real
2 property, or owns unoccupied real property, located within any home rule city with a population
3 of more than four hundred thousand inhabitants which is located in more than one county, shall
4 file with that city's clerk an affidavit listing the name and **street** address of at least one **natural**
5 person who has management control and responsibility for the real property owned and leased
6 or rented by the limited liability company, or owned by the limited liability company and
7 unoccupied.

8 **(2) Within thirty days following the cessation of management control and**
9 **responsibility of any natural person named in an affidavit described in this section, the**
10 **limited liability company shall file a successor affidavit listing the name and street address**
11 **of a natural person successor.**

12 **2. No limited liability company shall be charged a fee for filing an affidavit or**
13 **successor affidavit required under this section.**

14 **3. If a limited liability company required by this section to file an affidavit or a**
15 **successor affidavit fails or refuses to file said completed affidavit with the appropriate**
16 **clerk, any person who is adversely affected by the failure or refusal or the home rule city**
17 **may petition the circuit court in the county where the property is located to direct the**
18 **execution and filing of such document.**

✓