

FIRST REGULAR SESSION

# HOUSE BILL NO. 350

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RIZZO.

Read 1<sup>st</sup> time January 11, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0849L.011

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### AN ACT

To repeal sections 32.110, 67.1300, 82.1050, 135.205, 214.030, 214.131, 214.205, 441.500, 441.510, 441.520, 441.550, 441.590, 447.620, 447.622, 513.605, 537.523 and 574.085, RSMo 2000, relating to community cleanup activities, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with a penalty provision for a certain section.

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

Section A. Sections 32.110, 67.1300, 82.1050, 135.205, 214.030, 214.131, 214.205, 2 441.500, 441.510, 441.520, 441.550, 441.590, 447.620, 447.622, 513.605, 537.523 and 574.085, 3 RSMo 2000, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as 4 sections 32.110, 34.047, 67.1300, 82.1050, 91.066, 135.205, 205.571, 205.573, 205.575, 5 205.577, 214.030, 214.035, 214.131, 214.205, 441.500, 441.510, 441.520, 441.550, 441.590, 6 441.900, 447.620, 447.622, 513.605, 513.660, 537.523, 574.085, 620.018 and 1, to read as 7 follows:

32.110. Any business firm which engages in the activities of providing physical 2 revitalization, economic development, job training or education for individuals, community 3 services, eligible farmers' markets or crime prevention in the state of Missouri shall receive a tax 4 credit as provided in section 32.115 if the director of the department of economic development 5 annually approves the proposal of the business firm; except that, no proposal shall be approved 6 which does not have the endorsement of the agency of local government within the area in which 7 the business firm is engaging in such activities which has adopted an overall community or 8 neighborhood development plan that the proposal is consistent with such plan. The proposal

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

9 shall set forth the program to be conducted, the neighborhood area to be served, why the program  
10 is needed, the estimated amount to be contributed to the program and the plans for implementing  
11 the program. If, in the opinion of the director of the department of economic development, a  
12 business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125  
13 be made through contributions to a neighborhood organization as defined in subdivision (15) of  
14 section 32.105, tax credits may be allowed as provided in section 32.115. The director of the  
15 department of economic development is hereby authorized to promulgate rules and regulations  
16 for establishing criteria for evaluating such proposals by business firms for approval or  
17 disapproval and for establishing priorities for approval or disapproval of such proposals by  
18 business firms with the assistance and approval of the director of the department of revenue. The  
19 total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125  
20 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in  
21 fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals  
22 approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to  
23 the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional  
24 federal funding. The total amount of tax credits allowed for programs of neighborhood  
25 organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and  
26 one-half million dollars [per fiscal year] for fiscal [years] year 2002 and five million dollars  
27 per fiscal year for fiscal years 2003 to 2006.

**34.047. The commissioner of administration shall provide a five-percent bidding  
2 preference for agricultural food products produced by an eligible new generation  
3 cooperative. As used in this section, "eligible new generation cooperative" means a  
4 nonprofit cooperative association formed pursuant to chapter 274, RSMo.**

67.1300. 1. The governing body of any of the contiguous counties of the third  
2 classification without a township form of government enumerated in subdivisions (1) to (5) of  
3 this subsection or in any county of the fourth classification acting as a county of the second  
4 classification, having a population of at least forty thousand but less than forty-five thousand  
5 with a state university, and adjoining a county of the first classification with part of a city with  
6 a population of three hundred fifty thousand or more inhabitants or a county of the third  
7 classification with more than fifteen townships having a population of at least twenty-one  
8 thousand inhabitants or a county of the third classification without a township form of  
9 government and with a population of at least seven thousand four hundred but less than eight  
10 thousand inhabitants or any county of the third classification with a population greater than three  
11 thousand but less than four thousand or any county of the third classification with a population  
12 greater than six thousand one hundred but less than six thousand four hundred or any county of  
13 the third classification with a population greater than six thousand eight hundred but less than

14 seven thousand or any county of the third classification with a population greater than seven  
15 thousand eight hundred but less than seven thousand nine hundred or any county of the third  
16 classification with a population greater than eight thousand four hundred sixty but less than eight  
17 thousand five hundred or any county of the third classification with a population greater than  
18 nine thousand but less than nine thousand two hundred or any county of the third classification  
19 with a population greater than ten thousand five hundred but less than ten thousand six hundred  
20 or any county of the third classification with a population greater than twenty-three thousand five  
21 hundred but less than twenty-three thousand seven hundred or a county of the third classification  
22 with a population greater than thirty-three thousand but less than thirty-four thousand or a county  
23 of the third classification with a population greater than twenty thousand eight hundred but less  
24 than twenty-one thousand or a county of the third classification with a population greater than  
25 fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the  
26 third classification with a population greater than twenty thousand eight hundred fifty but less  
27 than twenty-two thousand or a county of the third classification with a population greater than  
28 thirty-nine thousand but less than forty thousand or a county of the third classification with a  
29 township form of organization and a population greater than twenty-eight thousand but less than  
30 twenty-nine thousand or a county of the third classification with a population greater than fifteen  
31 thousand but less than fifteen thousand five hundred or a county of the third classification with  
32 a population greater than eighteen thousand but less than nineteen thousand seventy or a county  
33 of the third classification with a population greater than thirteen thousand nine hundred but less  
34 than fourteen thousand four hundred or a county of the third classification with a population  
35 greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county  
36 of the first classification without a charter form of government and a population of at least eighty  
37 thousand but not greater than eighty-three thousand or a county of the third classification with  
38 a population greater than fifteen thousand but less than fifteen thousand nine hundred without  
39 a township form of government which does not adjoin any county of the first, second or fourth  
40 classification or a county of the third classification with a population greater than twenty-three  
41 thousand but less than twenty-five thousand without a township form of government which does  
42 not adjoin any county of the second or fourth classification and does adjoin a county of the first  
43 classification with a population greater than one hundred twenty thousand but less than one  
44 hundred fifty thousand or in any county of the fourth classification acting as a county of the  
45 second classification, having a population of at least forty-eight thousand, **or any county of the**  
46 **first classification with a population greater than one hundred twenty thousand but less**  
47 **than one hundred seventy thousand, or any county of the third classification with a**  
48 **population greater than twenty-one thousand nine hundred but less than twenty-three**  
49 **thousand,** or any governing body of a municipality located in any of such counties may impose,

50 by ordinance or order, a sales tax on all retail sales made in such county or municipality which  
51 are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:

52 (1) A county with a population of at least four thousand two hundred inhabitants but not  
53 more than four thousand five hundred inhabitants;

54 (2) A county with a population of at least four thousand seven hundred inhabitants but  
55 not more than four thousand nine hundred inhabitants;

56 (3) A county with a population of at least seven thousand three hundred inhabitants but  
57 not more than seven thousand six hundred inhabitants;

58 (4) A county with a population of at least ten thousand one hundred inhabitants but not  
59 more than ten thousand three hundred inhabitants; and

60 (5) A county with a population of at least four thousand three hundred inhabitants but  
61 not more than four thousand five hundred inhabitants.

62 2. The maximum rate for a sales tax pursuant to this section shall be one percent for  
63 municipalities and one-half of one percent for counties.

64 3. The tax authorized by this section shall be in addition to any and all other sales taxes  
65 allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions  
66 of this section shall be effective unless the governing body of the county or municipality submits  
67 to the voters of the county or municipality, at a regularly scheduled county, municipal or state  
68 general or primary election, a proposal to authorize the governing body of the county or  
69 municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be  
70 authorized for a period of more than five years.

71 4. Such proposal shall be submitted in substantially the following form:

72

73 Shall the (city, town, village or county) of ..... impose a sales tax of ..... (insert amount)  
74 for the purpose of economic development in the (city, town, village or county)?

75

76 ☐ YES

☐ NO

77

78 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
79 of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the  
80 first day of the second quarter after the director of revenue receives notice of adoption of the tax.

81 If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the  
82 governing body of the county or municipality shall not impose the sales tax authorized in this  
83 section until the governing body of the county or municipality resubmits another proposal to  
84 authorize the governing body of the county or municipality to impose the sales tax authorized  
85 by this section and such proposal is approved by a majority of the qualified voters voting

86 thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months  
87 from the date of the submission of the last such proposal.

88         5. All revenue received by a county or municipality from the tax authorized pursuant to  
89 the provisions of this section shall be deposited in a special trust fund and shall be used solely  
90 for economic development purposes within such county or municipality for so long as the tax  
91 shall remain in effect.

92         6. Once the tax authorized by this section is abolished or is terminated by any means, all  
93 funds remaining in the special trust fund shall be used solely for economic development purposes  
94 within the county or municipality. Any funds in such special trust fund which are not needed for  
95 current expenditures may be invested by the governing body in accordance with applicable laws  
96 relating to the investment of other county or municipal funds.

97         7. All sales taxes collected by the director of revenue pursuant to this section on behalf  
98 of any county or municipality, less one percent for cost of collection which shall be deposited  
99 in the state's general revenue fund after payment of premiums for surety bonds as provided in  
100 section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be  
101 known as the "Local Economic Development Sales Tax Trust Fund".

102         8. The moneys in the local economic development sales tax trust fund shall not be  
103 deemed to be state funds and shall not be commingled with any funds of the state. The director  
104 of revenue shall keep accurate records of the amount of money in the trust fund and which was  
105 collected in each county or municipality imposing a sales tax pursuant to this section, and the  
106 records shall be open to the inspection of officers of the county or municipality and the public.

107         9. Not later than the tenth day of each month the director of revenue shall distribute all  
108 moneys deposited in the trust fund during the preceding month to the county or municipality  
109 which levied the tax. Such funds shall be deposited with the county treasurer of each such  
110 county or the appropriate municipal officer in the case of a municipal tax, and all expenditures  
111 of funds arising from the local economic development sales tax trust fund shall be by an  
112 appropriation act to be enacted by the governing body of each such county or municipality.  
113 Expenditures may be made from the fund for any economic development purposes authorized  
114 in the ordinance or order adopted by the governing body submitting the tax to the voters.

115         10. The director of revenue may authorize the state treasurer to make refunds from the  
116 amounts in the trust fund and credited to any county or municipality for erroneous payments and  
117 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
118 such counties and municipalities.

119         11. If any county or municipality abolishes the tax, the county or municipality shall  
120 notify the director of revenue of the action at least ninety days prior to the effective date of the  
121 repeal and the director of revenue may order retention in the trust fund, for a period of one year,

of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

(2) Provision of training for job creation or retention;

(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and

(4) Refurbishing of existing structures and property relating to community development.

82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants **or in any city not within a county** shall submit a registration form to the governing body of such city pursuant to this section.

2. The registration form shall be developed by the governing body of such city and shall contain:

(1) The name, personal address, business address and telephone numbers of the landlord;

(2) The address of each property located in the city that is owned and leased by the landlord; [and]

(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; **and**

**(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.**

3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first

20 thereafter, the city shall issue a report to the governor, the speaker of the house of representatives  
21 and the president pro tempore of the senate as to the effectiveness of the compilation of the forms  
22 in ensuring greater efficiency in compliance with, and enforcement of, public safety and code  
23 regulations.

24 **4. The provisions of subsections 1, 2 and 3 shall not apply to landlords owning or**  
25 **leasing five or fewer lots or properties.**

26 **5.** This section shall be of no force and effect on or after January 1, 2006.

27 **6. A single property shall not be charged a registration fee of more than twenty-five**  
28 **dollars.**

**91.066. Beginning August 28, 2001, no municipality having a municipally-owned**  
2 **or operated water service shall purchase any part of any public water supply district that**  
3 **is located wholly outside the boundaries of such municipality.**

135.205. For purposes of sections 135.200 to 135.256, an area must meet all the  
2 following criteria in order to qualify as an enterprise zone:

3 (1) The area is one of pervasive poverty, unemployment, and general distress;

4 (2) At least sixty-five percent of the residents living in the area have incomes below  
5 eighty percent of the median income of all residents within the state of Missouri according to the  
6 last decennial census or other appropriate source as approved by the director;

7 (3) The resident population of the area must be at least four thousand but not more than  
8 seventy-two thousand at the time of designation as an enterprise zone if the area lies within a  
9 metropolitan statistical area, as established by the United States Census Bureau; or, if the area  
10 does not lie within a metropolitan statistical area, the resident population of the area at the time  
11 of designation must be at least one thousand but not more than [twenty] **twenty-five** thousand  
12 inhabitants. If the population of the jurisdiction of the governing authority does not meet the  
13 minimum population requirements set forth in this subdivision, the population of the area must  
14 be at least fifty percent of the population of the jurisdiction; provided, however, no enterprise  
15 zone shall be created which consists of the total area within the political boundaries of a county;  
16 and

17 (4) The level of unemployment of persons, according to the most recent data available  
18 from the division of employment security or from the United States Bureau of Census and  
19 approved by the director, within the area exceeds one and one-half times the average rate of  
20 unemployment for the state of Missouri over the previous twelve months, or the percentage of  
21 area residents employed on a full-time basis is less than fifty percent of the statewide percentage  
22 of residents employed on a full-time basis.

**205.571. Sections 205.571 to 205.577 shall be known and may be cited as the**  
2 **"Family and Community Trust Act".**

**205.573. 1. There is hereby created the "Family and Community Trust". The trust shall be governed by a board which shall include the directors of the departments of corrections, elementary and secondary education, health, labor and industrial relations, economic development, mental health, public safety and social services. The board shall also include nine private sector members of various backgrounds reflective of the geographic and demographic diversity of the state, including persons with evaluation expertise and experience with business partnerships, with knowledge of community organization and support systems, and of the needs and circumstances of children and families. Members shall be residents of the state of Missouri or have their principal place of business in Missouri. The private sector members shall be appointed by the governor, with the advice and consent of the senate, based on recommendations from private and public community-based organizations or individuals. Additional department directors may be appointed; however, an additional private sector member shall be appointed for each additional department director appointed. Private sector members shall serve staggered three-year terms and shall serve no more than two consecutive terms. The governor may appoint nonvoting members to the trust as deemed appropriate by the governor and the trust board.**

**2. The board shall elect from among its membership cochairpersons, one each from the public and private sectors. Members of the board shall receive no compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties as members of the board.**

**3. The purpose of the trust is to provide leadership through a public-private partnership, in collaboration with community agencies and organizations, to measurably improve the well-being of Missouri's families, children, individuals and communities, and encourage collaboration among public and private entities to build and strengthen comprehensive community-based support systems. The trust shall also coordinate its efforts with other statewide boards and commissions to advise the governor and legislature on statewide goals and objectives to improve the well-being of Missouri's families, children, individuals and communities through the efficient and effective coordination of state resources.**

**4. Any political subdivision in the state by way of their governing entity may adopt a public-private partnership model for their political entity or region. Upon such favorable action, all state agencies identified by the trust in this section shall participate and collaborate with the local political subdivision.**

**205.575. 1. The trust, a body corporate and politic, shall have the following powers**



2 together with all other powers incidental thereto or necessary for the performance thereof;  
3 provided, however, that the trust shall not supersede the statutory authority of the state  
4 departments:

5 (1) To receive, accept and utilize gifts, grants, donations, contributions, money,  
6 property, facilities and services, with or without consideration, from any person, firm,  
7 corporation, foundation or other entity, or from this state or any agency, instrumentality  
8 or political subdivision thereof, from the United States government or any agency,  
9 instrumentality thereof, for the purpose of providing sustained technical support and  
10 training for state agencies and communities in their attempts to improve the well-being of  
11 Missouri's families, children, individuals and communities. Technical training and support  
12 shall be available through representatives of state agencies, existing community agencies,  
13 community development specialists and qualified researchers;

14 (2) To create plans, in collaboration with community agencies and state agencies,  
15 that identify a common core of measurable results across communities, that assure  
16 accountability, and that incorporate interagency and community strategies and other  
17 initiatives to improve the well-being of families, children, individuals and communities;

18 (3) To monitor the implementation of and evaluate the effectiveness of the action  
19 plans in achieving the measurable results across the state;

20 (4) To devise strategies to respond to any federal fiscal policy changes affecting  
21 programs which impact on the well-being of families, children, individuals and  
22 communities in this state, including those changes required by the Personal Responsibility  
23 and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended.

24 2. The trust shall be responsible for advising the governor and the general assembly  
25 on state budget or policy changes necessary to achieve:

26 (1) Accountability for measurable results;

27 (2) Bringing services closer to where families live and work, and children attend  
28 school;

29 (3) Active community involvement in local decision making to measurably improve  
30 the well-being of families, children, individuals and communities;

31 (4) Using dollars more flexibly and effectively to meet community needs and  
32 priorities consistent with the appropriations process of the general assembly and state  
33 policy goals.

34 3. The trust shall hold at least two public hearings a year. One of these hearings  
35 shall be held prior to the development of the departmental budget proposals and the trust  
36 shall provide its budget proposals to anyone requesting such proposals prior to the

37 hearing. All other meetings of the trust shall be subject to the provisions of chapter 610,  
38 RSMo.

205.577. 1. There is hereby established the "Family and Community Trust  
2 Legislative Oversight Committee". The committee shall be comprised of five members of  
3 the house of representatives appointed by the speaker of the house with no more than three  
4 members from any one political party and five members of the senate appointed by the  
5 president pro tem of the senate with no more than three members from any one political  
6 party.

7 2. The committee shall:

8 (1) Ensure that the family and community trust is overseeing the state's progress  
9 in meeting the goal of improving the well-being of families, children, individuals and  
10 communities; and

11 (2) Ensure accountability for expenditures of public moneys and measurement of  
12 the effectiveness of the plans.

214.030. The cemetery lots owned by such **county**, city, town or village shall be  
2 conveyed by deed signed by the mayor **or commissioner** of said **county**, city, town or village,  
3 duly attested by the [city] clerk **of such county, city, town or village, or other officer**  
4 **performing the duties of clerk**, and shall vest in the purchaser, his or her heirs and assigns, a  
5 right in fee simple to such lot for the sole purpose of interment [under] **pursuant to the**  
6 regulations of the council **or commission**, except that **such fee simple right may be revested**  
7 **in the county, city, town or village pursuant to section 214.035.**

214.035. 1. For purposes of this section, the term "lot owner" means the purchaser  
2 of the cemetery lot or such purchaser's heirs, administrators, trustees, legatees, devisees,  
3 or assigns.

4 2. Whenever a county, city, town or village has acquired real estate for the purpose  
5 of maintaining a cemetery or has acquired a cemetery from a cemetery association, and  
6 such county, city, town or village or its predecessor in title has conveyed any platted lot or  
7 designated piece of ground within the area of such cemetery, and the governing body of  
8 such county, city, town or village is the governing body of such cemetery pursuant to  
9 section 214.010, the title to any conveyed platted lots or designated pieces of ground, other  
10 than ground in which dead human remains are actually buried and all ground within two  
11 feet thereof, may be revested in the county, city, town or village in the following manner  
12 and subject to the following conditions:

13 (1) No interment shall have been made in the lot and the title to such lot shall have  
14 been vested in the present owner for a period of at least fifty years prior to the

15 commencement of any proceedings pursuant to this section;

16       (2) If the lot owner of any cemetery lot is a resident of the county where the  
17 cemetery is located, the governing body shall cause to be served upon such lot owner a  
18 notice that proceedings have been initiated to revest the title of such lot in the county, city,  
19 town or village and that such lot owner may within the time provided by the notice file with  
20 the clerk or other officer performing the duties of clerk of such county, city, town or  
21 village, as applicable, a statement in writing explaining how rights in the cemetery lot were  
22 acquired and such person's desire to claim such rights in the lot. The notice shall be served  
23 in the manner provided for service of summons in a civil case and shall provide a period  
24 of not less than thirty days in which the statement can be filed. If the governing body  
25 ascertains that the statement filed by the lot owner is correct and the statement contains  
26 a claim asserting the rights of the lot owner in the lot, all proceedings by the governing  
27 body to revest title of the lot in the county, city, town or village shall be null and void and  
28 such proceedings shall be summarily terminated by the governing body as to the lots  
29 identified in the statement;

30       (3) If it is determined by the return of the sheriff of the county in which the  
31 cemetery is located that the lot owner is not a resident of the county and cannot be found  
32 in the county, the governing body may cause the notice required by subdivision (2) of this  
33 subsection to be published once each week for two consecutive weeks in a newspaper of  
34 general circulation within the county, city, town or village. Such notice shall contain a  
35 general description of the title revestment proceedings to be undertaken by the governing  
36 body pursuant to the section, lot numbers and descriptions and lot owners' names. In  
37 addition, the notice shall notify the lot owner that such lot owner may, within the time  
38 provided, file with the clerk or other officer performing the duties of a clerk a statement  
39 setting forth how such lot owner acquired rights in the cemetery lot and that such lot  
40 owner desires to assert such rights. If the governing body ascertains that the statement  
41 filed by the lot owner is correct and the statement contains a claim asserting the rights of  
42 the lot owner in the lot, all proceedings by the governing body to revest title to the lot in the  
43 county, city, town or village shall be null and void and such proceedings shall be summarily  
44 terminated by the governing body as to the lots identified in the statement;

45       (4) All notices, with proofs of service, mailing and publication of such notices, and  
46 all ordinances or other resolutions adopted by the governing body relative to these  
47 revestment proceedings shall be made a part of the records of such governing body;

48       (5) Upon expiration of the period of time allowed for the filing of statements by lot  
49 owners as contained in the notice served personally, by mail or published, all parties who

50 fail to file with the clerk, or other officer performing the duties of clerk in such county, city,  
51 town or village, their statement asserting their rights in the cemetery lots shall be deemed  
52 to have abandoned their rights and claims in the lot, and the governing body may bring an  
53 action in the circuit court of the county in which the cemetery is located against all lot  
54 owners in default, joining as many parties so in default as it may desire in one action, to  
55 have the rights of the parties in such lots or parcels terminated and the property restored  
56 to the governing body of such cemetery free of any right, title or interest of all such  
57 defaulting parties or their heirs, administrators, trustees, legatees, devisees or assigns.  
58 Such action in all other respects shall be brought and determined in the same manner as  
59 ordinary actions to determine title to real estate;

60 (6) In all such cases the fact that the grantee, holder or lot owner has not, for a term  
61 of more than fifty successive years, had occasion to make an interment in the cemetery lot  
62 and the fact that such grantee, holder or lot owner did not upon notification assert a claim  
63 in such lot, pursuant to this section, shall be prima facie evidence that the party has  
64 abandoned any rights such party may have had in such lot;

65 (7) A certified copy of the judgments in such actions quieting title may be filed in  
66 the office of the recorder of deeds in and for the county in which the cemetery is situated;

67 (8) All notices and all proceedings pursuant to this section shall distinctly describe  
68 the portion of such cemetery lot unused for burial purposes and the county, city, town or  
69 village shall leave sufficient ingress to, and egress from, any grave upon the lot, either by  
70 duly dedicated streets or alleys in the cemetery, or by leaving sufficient amounts of the  
71 unused portions of the cemetery for such purposes;

72 (9) This section shall not apply to any lot in any cemetery where a perpetual care  
73 contract has been entered into between such cemetery, the county, city, town or village and  
74 the owner of such lot;

75 (10) Compliance with the terms of this section shall as fully revest the county, city,  
76 town or village with, and divest the lot owner of record of, the title to such portions of such  
77 cemetery lot unused for burial purposes as though the lot had never been conveyed to any  
78 person, and such county, city, town or village, shall have, hold and enjoy such unclaimed  
79 portions of such lots for its own uses and purposes, subject to the laws of this state, and to  
80 the charter, ordinances and rules of such cemetery and the county, city, town or village.

214.131. Every person who shall knowingly destroy, mutilate, disfigure, deface, injure  
2 or remove any tomb, monument or gravestone, or other structure placed in any abandoned family  
3 cemetery or private burying ground, or any fence, railing, or other work for the protection or  
4 ornamentation of any such cemetery or place of burial of any human being, or tomb, monument

5 or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within such  
6 cemetery is guilty of [a class A misdemeanor] **institutional vandalism pursuant to section**  
7 **574.085, RSMo.** For the purposes of this section and subsection 1 of section 214.132, an  
8 "abandoned family cemetery" or "private burying ground" shall include those cemeteries or  
9 burying grounds which have not been deeded to the public as provided in chapter 214, and in  
10 which no body has been interred for at least twenty-five years.

214.205. 1. If any cemetery not described in section 214.090 is found to be in violation  
2 of a city, town, village or county nuisance ordinance for failure to cut grass or weeds, or care for  
3 graves, grave markers, walls, fences, driveways or buildings, the governing body of such city,  
4 town, village or county shall be authorized to take those actions necessary to restore and maintain  
5 the cemetery, and the governing body shall be authorized to charge the expenses of such actions  
6 against the cemetery. If actions are taken by a city, town, village or county pursuant to this  
7 subsection, the city, town, village or county may assess all true costs of restoration, maintenance  
8 and operation against any responsible person, partnership or corporation whether such person,  
9 partnership or corporation is a lessee, lessor, equitable title holder or legal title holder to the  
10 unmaintained cemetery. Any city, town, village or county which assesses costs pursuant to this  
11 section reserves the right to pursue any and all legal, equitable or criminal remedies to collect  
12 such assessed costs. Any city, town, village or county which pursues a civil remedy pursuant to  
13 this section may employ independent attorneys and law firms to collect the costs of restoration,  
14 maintenance and operation of any unmaintained cemetery.

15 2. As used in this section, the term "abandoned cemetery" means any cemetery, except  
16 one described in section 214.090, in which, for a period of at least one year, there has been a  
17 substantial failure to cut grass or weeds or care for graves, grave markers, walls, fences,  
18 driveways and buildings or for which proper records have not been maintained pursuant to  
19 section 214.340.

20 3. Whenever the attorney general determines the existence of an abandoned cemetery  
21 in this state, the attorney general [shall immediately proceed to dissolve the cemetery] **may file**  
22 **a petition in the circuit court of Cole County or the county within which the cemetery is**  
23 **located for an order dissolving the corporation, partnership, limited liability company, trust,**  
24 **association or other entity owning the same. The petition shall name any person or entity**  
25 **that has recorded a lien on the property.**

26 4. **Upon a finding that a cemetery is an abandoned cemetery pursuant to this**  
27 **section, the circuit court shall dissolve the corporation, partnership, limited liability**  
28 **company, trust, association or other entity owning such abandoned cemetery. The circuit**  
29 **court may partition one or more sections of an abandoned cemetery for satisfaction of valid**

30 **liens after finding upon clear and convincing evidence that:**

31 **(1) A section to be partitioned does not contain any burial spaces within which**  
32 **human remains have been interred, or which have been sold or otherwise conveyed to**  
33 **another for the interment of human remains; and**

34 **(2) The partition of a section will not interfere with the normal operation, integrity**  
35 **and character of the remainder of the cemetery.**

36 **5. Upon the dissolution of such corporation, partnership, limited liability company,**  
37 **trust, association or other entity, the circuit court shall order that title to all property owned**  
38 **by the [cemetery corporation shall vest in] dissolved entity be transferred to the municipality**  
39 **or county in which the cemetery is located, [and] or, upon approval by the municipality or**  
40 **county, to a Missouri not-for-profit corporation, or religious or charitable association, that**  
41 **is unrelated to the previous cemetery owner or operator and is established for the exclusive**  
42 **purpose of maintaining, caring for and operating the cemetery.** The endowed care fund,  
43 together with all investments then outstanding, and all books, records and papers of such  
44 corporation shall be transferred to the treasurer of such municipality or county, **or to the not-for-**  
45 **profit corporation, or religious or charitable association,** and shall become the property  
46 thereof.

47 **6. Upon the transfer of such property and funds to a municipality or county,** the  
48 governing body of such municipality or county shall care for and maintain such cemetery with  
49 any moneys of the [cemetery corporation] **dissolved entity,** including the principal of and  
50 income from the endowed care funds, and, if such moneys are insufficient to properly maintain  
51 such cemetery, then it may use funds of the municipality or county.

52 **7. Upon the transfer of such property and funds to a not-for-profit corporation, or**  
53 **a religious or charitable association, that corporation or association shall care for and**  
54 **maintain such cemetery with the money and property of the dissolved entity. The principal**  
55 **and interest of the endowed care fund, if any, shall be preserved, managed and used by the**  
56 **not-for-profit corporation, or religious or charitable association, in accordance with the**  
57 **requirements of sections 214.270 to 214.410 and sections 214.500 to 214.516. This section**  
58 **shall not require the not-for-profit corporation, or religious or charitable organization, to**  
59 **restore deficiencies that existed in an endowed care trust fund before a transfer made**  
60 **pursuant to this section.**

61 **8. Except as provided in subsection 4 of this section, any and all liens, mortgages,**  
62 **deeds of trusts or other encumbrances existing against the title of the cemetery shall be**  
63 **extinguished upon a transfer of the cemetery pursuant to this section.**

64 **9. If a not-for-profit corporation, or a religious or charitable association, obtaining**

65 **ownership of a cemetery pursuant to this section desires to sell, grant, transfer or convey**  
66 **in the future additional rights for the internment of the human dead within the cemetery,**  
67 **it shall first elect to operate as an endowed care cemetery and fully comply with the**  
68 **requirements set forth in sections 214.270 to 214.410 and sections 214.500 to 214.516.**

69 [3.] **10.** In addition to those powers granted the attorney general in subsection [2] **3** of  
70 this section, every municipality or county in which any abandoned cemetery is located may  
71 acquire through its power of eminent domain such cemetery, together with all endowed care  
72 funds, maintenance equipment, books and records, accounts receivable and other personal  
73 property used or created in the operation of the cemetery and owned or controlled by the person  
74 or association which owns the cemetery. The municipality or county shall acquire the cemetery  
75 and related property subject to the rights of owners of burial lots or other interment spaces. Upon  
76 so acquiring the cemetery and related property, the acquiring municipality or county shall operate  
77 and maintain the cemetery as a public cemetery. The municipality or county which so acquires  
78 an abandoned cemetery shall not be liable for any act or transaction which occurred prior to such  
79 acquisition, including, without limitation, any obligation to third parties or incorrect lot  
80 ownership or burial records.

441.500. As used in sections 441.500 to 441.643, the following terms mean:

- 2 (1) "Abatement", the removal or correction, including demolition, of any condition at  
3 a property that violates the provisions of any duly enacted building or housing code, as well as  
4 the making of such other improvements or corrections as are needed to effect the rehabilitation  
5 of the property or structure, including the closing or physical securing of the structure;
- 6 (2) "Agent", a person authorized by an owner to act for him **or her**;
- 7 (3) "Code enforcement agency", the official, agency, or board that has been delegated  
8 the responsibility for enforcing the housing code by the governing body;
- 9 (4) "Community", any county or municipality;
- 10 (5) "County", any county in the state;
- 11 (6) "Dwelling unit", premises or part thereof occupied, used, or held out for use and  
12 occupancy as a place of abode for human beings, whether occupied or vacant;
- 13 (7) "Governing body", the board, body or persons in which the powers of a community  
14 are vested;
- 15 (8) "Housing code", a local building, fire, health, property maintenance, nuisance or  
16 other ordinance which contains standards regulating the condition or maintenance of residential  
17 buildings;
- 18 (9) "Local housing corporation", a not-for-profit corporation organized pursuant to the  
19 laws of the state of Missouri for the purpose of promoting housing development and

20 conservation within a specified area of a municipality or an unincorporated area;

21 (10) "Municipality", any incorporated city, town, or village;

22 (11) **"Neighborhood association", any group of persons organized for the sole**  
23 **purpose of improvement of a particular geographic area having specific boundaries within**  
24 **a municipality, provided that such association is recognized by the municipality as the sole**  
25 **association for such purpose within such geographic area;**

26 (12) "Notice of deficiency", a notice or other order issued by the code enforcement  
27 agency and requiring the elimination or removal of deficiencies found to exist under the housing  
28 code;

29 [(12)] (13) "Nuisance", a violation of provisions of the housing code applying to the  
30 maintenance of the buildings or dwellings which the code official in the exercise of reasonable  
31 discretion believes constitutes a threat to the public health, safety or welfare;

32 [(13)] (14) "Occupant", any person occupying a dwelling unit as his or her place of  
33 residence, whether or not that person is occupying the dwelling unit as a tenant from month to  
34 month or under a written lease, undertaking or other agreement;

35 [(14)] (15) "Owner", the record owner or owners, and the beneficial owner or owners  
36 when other than the record owner, of the freehold of the premises or lesser estate therein, a  
37 mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee,  
38 lessee, agent, or any other person in control of a dwelling unit;

39 [(15)] (16) "Person", any individual, corporation, association, partnership, or other entity.

441.510. 1. If any building or dwelling is found to be in violation of building or housing  
2 codes which the county [or], municipality, **local housing corporation or neighborhood**  
3 **association** in the exercise of reasonable discretion believes constitutes a threat to the public  
4 health, safety or welfare, **and alleges the nature of such threat in its petition**, the county [or],  
5 municipality, **local housing corporation or neighborhood association**, in addition to any other  
6 remedies available to it, may apply to a court of competent jurisdiction for the appointment of  
7 a receiver to perform an abatement.

8 2. At least sixty days prior to the filing of an application for appointment of a receiver  
9 pursuant to sections 441.500 to 441.643, the county [or], municipality, **local housing**  
10 **corporation or neighborhood association** shall give written notice by regular mail to all  
11 interested parties of its intent to file the application and information relative to:

12 (1) The identity of the property;

13 (2) The violations of the building or housing codes giving rise to the application for the  
14 receiver;

15 (3) The name, address and telephone number of the person or department where



16 additional information can be obtained concerning violations and their remedy; and

17 (4) The county [or], municipality, **local housing corporation or neighborhood**  
18 **association** which may seek the appointment of a receiver pursuant to sections 441.500 to  
19 441.643 unless action is taken within sixty days by an interested party.

20 3. A county [or], municipality, **local housing corporation or neighborhood association**  
21 may not apply for the appointment of a receiver pursuant to sections 441.500 to 441.643 if an  
22 interested party has commenced and is then prosecuting in a timely fashion an action or other  
23 judicial or nonjudicial proceeding to foreclose a security interest on the property, or to obtain  
24 specific performance of a land sale contract, or to forfeit a purchaser's interest under a land sale  
25 contract.

26 4. Notice of the application for the appointment of a receiver shall be served on all  
27 interested parties.

28 5. If, following the application for appointment of a receiver, one or more of the  
29 interested parties elects to correct the conditions at the property giving rise to the [county's or  
30 municipality's] application for the appointment of a receiver, the party or parties shall be required  
31 to post security in an amount and character as the court deems appropriate to ensure timely  
32 performance of all work necessary to make corrections, as well as such other conditions as the  
33 court deems appropriate to effect the timely completion of the corrections by the interested party  
34 or parties.

35 6. In the event that no interested party elects to act pursuant to subsection 5 of this  
36 section or fails to timely perform work undertaken pursuant to subsection 5 of this section, the  
37 court shall make a determination that the property is in an unsafe or insanitary condition and  
38 appoint a receiver to complete the abatement.

39 7. A receiver appointed by the court pursuant to sections 441.500 to 441.643 shall not  
40 be required to give security or bond of any sort prior to appointment.

441.520. 1. The action to appoint a receiver authorized by section 441.510 shall be  
2 commenced by the filing of a verified petition by the county [or], municipality, **local housing**  
3 **corporation or neighborhood association**.

4 2. There shall be named as defendants:

5 (1) The last owner of record of the dwelling as of the date of the filing of the petition;  
6 and

7 (2) The last holder of record of any mortgage, deed of trust, or other lien of record  
8 against the building as of the date of the filing of the petition.

9 3. Any owner of the dwelling who is not a party defendant may be permitted by the court  
10 to join as a party defendant.

11           4. (1) Any owner, whether or not a citizen or resident of this state, who in person or  
12 through agent, owns, uses, or is possessed of any real estate situated in this state thereby subjects  
13 himself or itself to the jurisdiction of the courts of this state as to any cause of action arising  
14 pursuant to the provisions of sections 441.500 to 441.643. Personal service of process shall be  
15 made in accordance with the rules of civil procedure; provided that, if such service cannot with  
16 due diligence be made, service of process may be made by personally serving process upon the  
17 defendant outside this state, or by service in accordance with the rules of civil procedure as in  
18 all cases affecting a res within the jurisdiction of the court.

19           (2) If a landlord of residential property is not a resident of this state or is a corporation,  
20 [he must] **the landlord shall** designate an agent upon whom service of process may be made in  
21 this state. The agent shall be a resident of this state or a corporation authorized to transact  
22 business in this state. The designation shall be in writing and include the address and the name  
23 of the registered agent and shall be filed in the office of the secretary of state. If no designation  
24 is made and filed or if process cannot be served in this state upon the designated agent, process  
25 may be served upon the secretary of state, but service upon him **or her** is not effective unless the  
26 petitioner forthwith mails a copy of the process and pleading by certified mail to the defendant  
27 or respondent at the address stated on the assessor's records for the subject property. An affidavit  
28 of compliance with this section shall be filed with the clerk of the court.

29           5. Any action brought pursuant to the provisions of sections 441.500 to 441.643 shall  
30 be expedited by the court and may be given precedence over other suits.

          441.550. In any application for receivership brought pursuant to sections 441.500 to  
2 441.643, the county [or], municipality, **local housing corporation or neighborhood association**  
3 shall file for record, with the recorder of deeds of the county in which any such real estate is  
4 situated, a written notice of the pendency of the suit pursuant to the requirements of section  
5 527.260, RSMo. From the time of filing such notice the pendency of suit shall be constructive  
6 notice to persons thereafter acquiring an interest in the building.

          441.590. 1. The court may, in any order entered pursuant to section 441.570:

2           (1) Authorize the receiver to draw upon the rents deposited in court to pay for the cost  
3 of necessary repairs upon presentment to the court of the original copy of any invoice for work  
4 performed or materials purchased;

5           (2) Appoint the code enforcement agency, the mortgagee or other lienor of record, a local  
6 housing corporation established to promote housing development and conservation in the area  
7 in which such property that is the subject of receivership is located **or, if no local housing**  
8 **corporation exists for such area, then the local neighborhood association**, a licensed attorney  
9 or real estate broker, or any other qualified person, as a receiver provided, however, that all

10 lienholders of record shall be given the right of first refusal to serve as receiver in the order in  
11 which their lien appears of record. In the event of the refusal of all lienholders of record to serve  
12 as receiver or in the absence of any lienholders of record, the local housing corporation that is  
13 established to promote housing development and conservation in the area in which such property  
14 that is the subject of receivership is located, if any, shall be given the right of first refusal to serve  
15 as receiver for any residential property consisting of four units or less; **provided that, if no local**  
16 **housing corporation exists for such area, then the local neighborhood association shall be**  
17 **given such right of first refusal; or**

18 (3) Where the building is vacant, appoint the code enforcement agency, the mortgagee  
19 or other lienor of record, a local housing corporation established to promote development and  
20 conservation in the area in which such property that is the subject of receivership is located **or,**  
21 **if no local housing corporation exists for such area, then the local neighborhood**  
22 **association,** a licensed attorney or real estate broker, or any other qualified person, as a receiver  
23 to remove all of the housing code violations which constitute a nuisance as found by the court,  
24 except that all lienholders of record shall be given the right of first refusal to serve as receiver  
25 in the order in which their liens appear of record. In the event of the refusal of all lienholders  
26 of record to serve as receiver or in the absence of any lienholders of record, the local housing  
27 corporation that is established to promote development and conservation in the area in which  
28 such property that is the subject of receivership is located, if any, shall be given the right of first  
29 refusal to serve as receiver for any residential property consisting of four units or less; **provided**  
30 **that, if no local housing corporation exists for such area, then the local neighborhood**  
31 **association shall be given such right of first refusal.**

32 2. The court may allow a receiver reasonable and necessary expenses, payable from the  
33 rent moneys.

34 3. No receiver appointed shall serve without bond. The amount and form of such bond  
35 shall be approved by the court and the cost of such bond shall be paid from the moneys so  
36 deposited.

37 4. The receiver may, on order of the court, take possession of the property, collect all  
38 rents and profits accruing from the property, and pay all costs of management, including all  
39 insurance premiums and all general and special real estate taxes or assessments.

40 5. The receiver shall with all reasonable speed remove all of the housing code violations  
41 which constitute a nuisance as found by the court, and may make other improvements to effect  
42 a rehabilitation of the property in such fashion as is consistent with maintaining safe and  
43 habitable conditions over the remaining useful life of the property. The receiver shall have the  
44 power to let contracts therefor, in accordance with the provisions of local laws, ordinances, rules

45 and regulations applicable to contracts.

46         6. The receiver may with the approval of the circuit court borrow money against, and  
47 encumber, the property as security therefor in such amounts as may be necessary to carry out his  
48 or her responsibilities pursuant to sections 441.500 to 441.643. The circuit court may authorize  
49 the receiver to issue receiver's certificates as security against such borrowings, which certificates  
50 shall be authorized investments for banks and savings and loan associations, and shall constitute  
51 a first lien upon the property and its income and shall be superior to any claims of the receiver  
52 and to all prior or subsequent liens and encumbrances except taxes and assessments, and shall  
53 be enforceable as provided in subsection 8 of this section.

54         7. In addition to issuance of receiver certificates, the receiver may pledge the rentals  
55 from the property and borrow or encumber the property on the strength of the rental income.

56         8. Any receiver appointed pursuant to the provisions of sections 441.500 to 441.643 shall  
57 have a lien, for the expenses necessarily incurred in the execution of an order, upon the rents  
58 receivable from the premises on or in respect of which the work required by such order has been  
59 done or expenses incurred, and this lien shall have priority over all other liens and encumbrances  
60 of record upon the rents receivable from the premises, except taxes, assessments, receiver's  
61 certificates, and mortgages recorded prior to October 13, 1969.

62         9. For the purposes of this section, "local housing corporation" shall mean only those  
63 local housing corporations established prior to April 28, 1999.

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

2         **(1) "Manufactured home", the same meaning as provided in section 700.010,**  
3 **RSMo;**

4         **(2) "Manufactured or mobile home land lease community", any area, lot, parcel**  
5 **or tract held in common ownership and on which individual portions of such area, lot,**  
6 **parcel or tract are leased for the placement of manufactured or mobile homes as a primary**  
7 **residence;**

8         **(3) "Mobile home", a residential building constructed or assembled in a factory**  
9 **which is not certified pursuant to the federal Housing and Urban Development (HUD)**  
10 **Code and which conforms to the American National Standards Institute (ANSI) standards**  
11 **for mobile homes.**

12         **2. A landlord of a manufactured or mobile home land lease community shall**  
13 **provide written notice to all of the community's tenants who own their manufactured or**  
14 **mobile homes at least one hundred eighty days prior to requiring such tenants to vacate**  
15 **the property due to a change in use of the property. In cases where more than one hundred**  
16 **eighty days remain on a current lease, the longer time period shall apply for purposes of**

17 **providing notice pursuant to this section. The landlord shall not increase the rent, except**  
18 **for a rent increase based solely on an increase in property taxes, for any tenant of the**  
19 **manufactured or mobile home land lease community within sixty days of providing such**  
20 **notice.**

21 **3. Nothing in this section shall be construed as prohibiting a landlord from evicting**  
22 **a tenant with less than one hundred eighty days' notice for a violation of the lease or as**  
23 **otherwise provided by law.**

447.620. As used in sections 447.620 to 447.640, the following terms mean:

2 (1) "Housing code", a local building, fire, health, property maintenance, nuisance or  
3 other ordinance which contains standards regulating the condition or maintenance of residential  
4 buildings;

5 (2) "Last known address", the address where the property is located or the address as  
6 listed in the property tax records;

7 (3) ["Low- or moderate-income housing", housing for persons and families who lack the  
8 amount of income necessary to rent or purchase adequate housing without financial assistance,  
9 as defined by such income limits as shall be established by the Missouri housing development  
10 commission for the purposes of determining eligibility under any program aimed at providing  
11 housing for low- and moderate-income families or persons;

12 [(4)] "Municipality", any incorporated city, town or village;

13 [(5)] (4) "Nuisance", any property which because of its physical condition or use is a  
14 public nuisance or any property which constitutes a blight on the surrounding area or any  
15 property which is in violation of the applicable housing code such that it constitutes a substantial  
16 threat to the life, health or safety of the public. For purposes of sections 447.620 to 447.640, any  
17 declaration of a public nuisance by a municipality pursuant to an ordinance adopted pursuant to  
18 sections 67.400 to 67.450, RSMo, shall constitute prima facie evidence that the property is a  
19 nuisance;

20 [(6)] (5) "Organization", any Missouri not-for-profit organization validly organized  
21 pursuant to law and whose purpose includes the provision or enhancement of housing  
22 opportunities in its community;

23 [(7)] (6) "Parties in interest", any owner or owners of record, occupant, lessee,  
24 mortgagee, trustee, personal representative, agent or other party having an interest in the property  
25 as shown by the land records of the recorder of deeds of the county wherein the property is  
26 located, except in any municipality contained wholly or partially within a county with a  
27 population of over six hundred thousand and less than nine hundred thousand, "parties in  
28 interest" shall mean owners, lessees, mortgagees or lienholders whose interest has been recorded

29 or filed in the public records;

30 [(8)] (7) "Rehabilitation", the process of improving the property, including, but not  
31 limited to, bringing the property into compliance with the applicable housing code.

447.622. Any organization may petition to have property declared abandoned pursuant  
2 to the provisions of sections 447.620 to 447.640 and for temporary possession of such property,  
3 if:

4 (1) The property has been continuously unoccupied by persons legally entitled to  
5 possession for at least one month prior to the filing of the petition; **and**

6 (2) The taxes are delinquent on the property; **and**

7 (3) The property is a nuisance; and

8 (4) The organization intends to rehabilitate the property [and use the property as low-  
9 or moderate-income housing].

513.605. As used in sections 513.600 to [513.645] **513.660**, unless the context clearly  
2 indicates otherwise, the following terms mean:

3 (1) (a) "Beneficial interest":

4 a. The interest of a person as a beneficiary under any other trust arrangement pursuant  
5 to which a trustee holds legal or record title to real property for the benefit of such person; or

6 b. The interest of a person under any other form of express fiduciary arrangement  
7 pursuant to which any other person holds legal or record title to real property for the benefit of  
8 such person;

9 (b) "Beneficial interest" does not include the interest of a stockholder in a corporation  
10 or the interest of a partner in either a general partnership or limited partnership. A beneficial  
11 interest shall be deemed to be located where the real property owned by the trustee is located;

12 (2) "Civil proceeding", any civil suit commenced by an investigative agency [under]  
13 **pursuant to** any provision of sections 513.600 to [513.645] **513.660**;

14 (3) "Criminal activity" is the commission, attempted commission, conspiracy to commit,  
15 or the solicitation, coercion or intimidation of another person to commit any crime which is  
16 chargeable by indictment or information [under] **pursuant to** the following Missouri laws:

17 (a) Chapter 195, RSMo, relating to drug regulations;

18 (b) Chapter 565, RSMo, relating to offenses against the person;

19 (c) Chapter 566, RSMo, relating to sexual offenses;

20 (d) Chapter 568, RSMo, relating to offenses against the family;

21 (e) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

22 (f) Chapter 570, RSMo, relating to stealing and related offenses;

23 (g) Chapter 567, RSMo, relating to prostitution;

- 24 (h) Chapter 573, RSMo, relating to pornography and related offenses;  
25 (i) Chapter 574, RSMo, relating to offenses against public order;  
26 (j) Chapter 575, RSMo, relating to offenses against the administration of justice;  
27 (k) Chapter 491, RSMo, relating to witnesses;  
28 (l) Chapter 572, RSMo, relating to gambling;  
29 (m) Chapter 311, RSMo, but relating only to felony violations of this chapter committed  
30 by persons not duly licensed by the supervisor of liquor control;  
31 (n) Chapter 571, RSMo, relating to weapons offenses;  
32 (o) Chapter 409, RSMo, relating to regulation of securities;  
33 (p) Chapter 301, RSMo, relating to registration and licensing of motor vehicles;  
34 **(q) Sections 260.211 and 260.212, RSMo, relating to the criminal disposition of**  
35 **waste in any city with at least three hundred fifty thousand inhabitants which is located**  
36 **in more than one county;**  
37 (4) "Criminal proceeding", any criminal prosecution commenced by an investigative  
38 agency [under] **pursuant to** any criminal law of this state;  
39 (5) "Investigative agency", the attorney general's office, or the office of any prosecuting  
40 attorney or circuit attorney;  
41 (6) "Pecuniary value":  
42 (a) Anything of value in the form of money, a negotiable instrument, a commercial  
43 interest, or anything else the primary significance of which is economic advantage; or  
44 (b) Any other property or service that has a value in excess of one hundred dollars;  
45 (7) "Real property", any estate or legal or equitable interest in land situated in this state  
46 or any interest in such real property, including, but not limited to, any lease or deed of trust upon  
47 such real property;  
48 (8) (a) "Trustee":  
49 a. Any person who holds legal or record title to real property for which any other person  
50 has a beneficial interest; or  
51 b. Any successor trustee or trustees to any of the foregoing persons;  
52 (b) "Trustee" does not include the following:  
53 a. Any person appointed or acting as a personal representative [under] **pursuant to**  
54 chapter 475, RSMo, or [under] **pursuant to** chapter 473, RSMo;  
55 b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of  
56 any indenture of trust under which any bonds are or are to be issued.  
57 **2. The provisions of paragraph (g) of subdivision (3) of subsection 1 of this section**  
58 **shall expire August 28, 2003.**

1           **513.660. Any person, upon receipt of notice of an action against such person**  
2 **pursuant to sections 513.600 to 513.660 for a violation of section 260.211 or 260.212, RSMo,**  
3 **may remove the material dumped within ten days of the receipt of notice. Adequate**  
4 **removal of such material shall be an affirmative defense to such action.**

          537.523. 1. Irrespective of any criminal prosecution or the result thereof, **any owner of**  
2 **property adjacent to an abandoned family cemetery or private burying ground, as defined**  
3 **in section 214.131, RSMo, any caretaker of an abandoned family cemetery or private**  
4 **burying ground, as defined in section 214.131, RSMo, any person related by blood or**  
5 **marriage to any person buried in such family cemetery or private burying ground, or any**  
6 **person incurring bodily injury or damage or loss to [his] such person's property as a result of**  
7 **conduct in violation of section 574.085[, 574.090 or 574.093] or conduct when the defendant's**  
8 **sentence is enhanced pursuant to section 557.035, RSMo, shall have a civil action to secure**  
9 **an injunction, damages or other appropriate relief in law or in equity against any and all persons**  
10 **who have violated section 574.085[, 574.090 or 574.093] RSMo, or any defendant whose**  
11 **sentence was enhanced pursuant to section 557.035, RSMo.**

12           2. In any such action, whether **a defendant's sentence was enhanced pursuant to**  
13 **section 557.035, RSMo, or** a violation of section 574.085, [574.090 or 574.093] **RSMo, has**  
14 **occurred shall be determined according to the burden of proof used in other civil actions for**  
15 **similar relief.**

16           3. Upon prevailing in such civil action, the plaintiff may recover:

- 17           (1) Both special and general damages; and  
18           (2) Reasonable attorney fees and costs.

          574.085. 1. A person commits the crime of institutional vandalism by knowingly  
2 vandalizing, defacing or otherwise damaging:

3           (1) Any church, synagogue or other building, structure or place used for religious  
4 worship or other religious purpose;

5           (2) Any cemetery, mortuary, military monument or other facility used for the purpose  
6 of burial or memorializing the dead;

7           (3) Any school, educational facility, community center, hospital or medical clinic owned  
8 and operated by a religious or sectarian group;

9           (4) The grounds adjacent to, and owned or rented by, any institution, facility, building,  
10 structure or place described in subdivision (1), (2), or (3) of this subsection;

11           (5) Any personal property contained in any institution, facility, building, structure or  
12 place described in subdivision (1), (2), or (3) of this subsection; or

13           (6) Any motor vehicle which is owned, operated, leased or under contract by a school



14 district or a private school for the transportation of school children.

15 2. Institutional vandalism is punishable as follows:

16 (1) Institutional vandalism is a class A misdemeanor[, except as provided in subdivisions  
17 (2) and (3) of this subsection] **if the damage to or loss of the property is valued at less than**  
18 **five hundred dollars;**

19 (2) Institutional vandalism is a class D felony if the [offender commits any act described  
20 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
21 amount in excess of one thousand dollars] **damage to or loss of the property is valued at at**  
22 **least five hundred dollars and not more than ten thousand dollars;**

23 (3) Institutional vandalism is a class C felony if the [offender commits any act described  
24 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
25 amount in excess of five thousand dollars] **damage to or loss of the property is valued at at**  
26 **least ten thousand dollars and less than one hundred thousand dollars;**

27 (4) **Institutional vandalism is a class C felony and the offender shall be sentenced**  
28 **to seven years incarceration without possibility of probation or parole, if the damage to or**  
29 **loss of the property is valued at at least one hundred thousand dollars.**

30 3. In determining the amount of damage to property or loss of property, for purposes of  
31 this section, damage includes the cost of repair or, where necessary, replacement of the property  
32 that was damaged or lost.

33 4. **In addition to any other penalty, the offender shall be ordered to pay restitution**  
34 **for the damage to or loss of the property.**

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

2 (1) "Benefit date", the date of receipt of an economic incentive. If the economic  
3 incentive involves the purchase, lease or donation of physical equipment, then the benefit  
4 date is the date the recipient puts the equipment into service. If the economic incentive is  
5 for improvements to property, then the benefit date is the earlier of either:

6 (a) The date the improvements are finished for the entire project; or

7 (b) The date the recipient occupies the property;

8 (2) "Economic incentive", any form of state or local assistance designed to  
9 encourage the recipient thereof to promote a specific public purpose, including but not  
10 limited to grants; subsidies; forgivable loans; loans at rates below those commercially  
11 available to the recipient; any guarantee of any payment under any loan, lease, other  
12 obligation; any reduction or deferral of any tax or fee, including tax credits; contributions  
13 of personal property, real property or infrastructure; and preferential use of government  
14 facilities; except that, the phrase shall not apply to tax deductions available to all

15 taxpayers;

16 (3) "Person", any sole proprietorship, partnership, limited partnership,  
17 corporation, limited liability corporation, S corporation or other entity;

18 (4) "Public purpose", a specific economic or social goal other than increasing the  
19 tax base.

20 2. Effective January 1, 2002, no person shall be eligible to receive an economic  
21 incentive unless such person enters into an agreement with the state or local agency,  
22 department or other entity administering the economic incentive on a form obtained from  
23 the department of economic development. Such agreement shall include:

24 (1) A description of the economic incentive, including the amount and type of  
25 economic incentive;

26 (2) A statement of the public purposes for the economic incentive;

27 (3) Goals for the economic incentive;

28 (4) A description of the financial obligation of the recipient if the goals are not met;

29 (5) A statement of why the economic incentive is needed;

30 (6) A commitment to continue operations at the site where the economic incentive  
31 is used for at least five years after the benefit date, if the economic incentive is intended to  
32 promote the creation of jobs;

33 (7) The name and address of the parent corporation of the recipient, if any; and

34 (8) A list of all other financial assistance received by the recipient for the same  
35 project.

36 3. A recipient which violates any term of an economic incentive agreement shall be  
37 required to repay the benefit received to the provider of the benefit plus reasonable interest  
38 and penalties and shall be ineligible to receive any economic incentives for a period of five  
39 years from the date of violation or until the recipient satisfies its repayment obligation  
40 pursuant to this section.

41 4. All providers of economic incentives shall monitor progress by the recipient in  
42 achieving agreement goals. A recipient shall provide information regarding goals and  
43 results for two years after the benefit date or until the goals are met. If the goals are not  
44 met, the recipient shall continue to provide information on the economic incentive until the  
45 economic incentive is repaid.

46 5. All providers of economic incentives shall prepare an annual report regarding  
47 all economic incentives administered in the previous calendar year and submit such report  
48 to the department of economic development by April first. The director of economic  
49 development shall promulgate rules governing the contents of such reports. No rule or

50 portion of a rule promulgated pursuant to the authority of this section shall become  
51 effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

52       6. The department of economic development shall publish a compilation and  
53 summary of the results of all such reports for the previous calendar year by July first of  
54 each year. The annual report shall be made available to the public and the department  
55 shall coordinate the production of annual reports so the useful comparisons across time  
56 periods and across providers can be made. The department's annual report shall include:

57       (1) The total amount of economic incentives awarded in each congressional district  
58 of the state;

59       (2) The distributions of economic incentives by the size of all business recipients;

60       (3) Distribution of economic incentives by time category, such as quarterly or  
61 monthly;

62       (4) Distribution of economic incentives by type and public purpose;

63       (5) Percent of all recipients of economic incentives that reached their goals;

64       (6) Percent of all recipients of economic incentives that failed to reach their goals  
65 by two years from the benefit date;

66       (7) Total dollar amount of recipients of economic incentives that failed to reach  
67 their goals by two years from the benefit date;

68       (8) Percent of recipients of economic incentives that failed to meet their goals and  
69 that did not repay the amount of the economic incentives received in full; and

70       (9) List of recipients that failed to meet the terms of their economic incentive  
71 agreement in the past five years and have not satisfied their repayment obligations.

72       7. The provisions of this section shall apply to all economic incentives allowed by  
73 law which are given or received after December 31, 2002; except that, no provision of this  
74 section shall apply to replace a comparable provision contained in a statute creating an  
75 economic incentive which was effective before January 1, 2003.

Section 1. 1. The Missouri housing development commission shall establish a pilot  
2 project, in conjunction with the governing body of any city not within a county, to renovate  
3 abandoned houses within any city not within a county, for sale to individuals with incomes  
4 at or below three hundred percent of the federal poverty level. The price of the renovated  
5 housing sale shall not exceed the costs incurred for the renovation.

6       2. The Missouri housing development commission shall establish a priority plan for  
7 renovating housing pursuant to subdivision 1 of this section, with areas within any city not  
8 within a county with the largest number of abandoned houses receiving first priority.

9       3. In addition to all court fees and costs prescribed by law, a surcharge of five

10 dollars shall be assessed as costs in each court proceeding filed within the twenty-second  
11 judicial circuit for all violations of traffic laws of the state including an infraction, except  
12 that no surcharge shall be collected in any proceeding in any court when the proceeding  
13 or defendant has been dismissed by the court or when costs are to be paid by the state,  
14 county or municipality.

15 4. Any city not within a county shall use all funds received pursuant to subdivision  
16 3 of this section to fund the housing renovation program pursuant to this section.

17 5. The provisions of this section shall expire on January 1, 2007.