

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 668

92ND GENERAL ASSEMBLY

1760L.20T

2003

AN ACT

To repeal sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236 and 523.050, RSMo, and to enact in lieu thereof twelve new sections relating to transportation accountability measures.

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

Section A. Sections 21.795, 226.030, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, and 523.050, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 21.795, 226.030, 226.033, 226.096, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, and 523.050, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. **Of the fourteen members to be appointed to the joint committee**, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate **and minority leader of the senate** and the seven house members shall be appointed by the speaker of the house of representatives **and the minority floor leader of the house of representatives**. No major party shall be represented by more than four members from the house of representatives nor more than four members from the senate. The ex officio members shall be the state auditor, the director of the oversight division

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

11 of the committee on legislative research, and the commissioner of the office of administration
12 or the designee of such auditor, director or commissioner. The joint committee shall be chaired
13 jointly by both chairs of the senate and house transportation committees. A majority of the
14 committee shall constitute a quorum, but the concurrence of a majority of the members, other
15 than the ex officio members, shall be required for the determination of any matter within the
16 committee's duties.

17 **2. The transportation inspector general shall be appointed by majority vote of a**
18 **group consisting of the speaker of the house of representatives, the minority floor leader**
19 **of the house of representatives, the president pro tempore of the senate, and the minority**
20 **floor leader of the senate. It shall be the duty of the inspector general to serve as the**
21 **executive director of the joint committee on transportation oversight. The compensation**
22 **of the inspector general and other personnel shall be paid from the joint contingent fund**
23 **or jointly from the senate and house contingent funds until an appropriation is made**
24 **therefor. No funds from highway user fees or other funds allocated for the operation of**
25 **the department of transportation shall be used for the compensation of the inspector**
26 **general and his or her staff. The joint committee inspector general initially appointed**
27 **pursuant to this section shall take office January 1, 2004, for a term ending June 30, 2005.**
28 **Subsequent joint committee on transportation oversight directors shall be appointed for**
29 **five year terms, beginning July 1, 2005. Any joint committee on transportation oversight**
30 **inspector general whose term is expiring shall be eligible for reappointment. The inspector**
31 **general of the joint committee on transportation oversight shall:**

32 **(1) Be qualified by training or experience in transportation policy, management of**
33 **transportation organizations, accounting, auditing, financial analysis, law, management**
34 **analysis, or public administration;**

35 **(2) Report to and be under the general supervision of the joint committee. The**
36 **joint committee on transportation oversight shall by a majority vote, direct the inspector**
37 **general to perform specific investigations, reviews, audits, or other studies of the state**
38 **department of transportation, in which instance the director shall report the findings and**
39 **recommendations directly to the joint committee on transportation oversight. All**
40 **investigations, reviews, audits, or other studies performed by the director shall be**
41 **conducted so that the general assembly can procure information to assist it in formulating**
42 **transportation legislation and policy for this state;**

43 **(3) Receive and process citizen complaints relating to transportation issues. The**
44 **inspector general shall, when necessary, submit a written complaint report to the joint**
45 **committee on transportation oversight and the highways and transportation commission.**
46 **The complaint report shall contain the date, time, nature of the complaint, and any**

47 **immediate facts and circumstances surrounding the initial report of the complaint. The**
48 **inspector general shall investigate a citizen complaint if he or she is directed to do so by a**
49 **majority of the joint committee on transportation oversight;**

50 **(4) Investigate complaints from current and former employees of the department**
51 **of transportation if the inspector general receives information from an employee which**
52 **shows:**

53 **(a) The department is violating a law, rule, or regulation;**

54 **(b) Gross mismanagement by department officers;**

55 **(c) Waste of funds by the department;**

56 **(d) That the department is engaging in activities which pose a danger to public**
57 **health and safety;**

58 **(5) Maintain confidentiality with respect to all matters and the identities of the**
59 **complainants or witnesses coming before the inspector general except insofar as disclosures**
60 **may be necessary to enable the inspector general to carry out duties and to support**
61 **recommendations;**

62 **(6) Maintain records of all investigations conducted, including any record or**
63 **document or thing, any summary, writing, complaint, data of any kind, tape or video**
64 **recordings, electronic transmissions, e-mail, or other paper or electronic documents,**
65 **records, reports, digital recordings, photographs, software programs and software, expense**
66 **accounts, phone logs, diaries, travel logs, or other things, including originals or copies of**
67 **any of the above. Records of investigations by the inspector general shall be an**
68 **"investigative report" of law enforcement agency pursuant to the provisions of section**
69 **610.100, RSMo. As provided in such section, such records shall be a closed record until**
70 **the investigation becomes inactive. If the inspector general refers a violation of law to the**
71 **appropriate prosecuting attorney or the attorney general, such records shall be transmitted**
72 **with the referral. If the inspector general finds no violation of law or determines not to**
73 **refer the subject of the investigation to the appropriate prosecuting attorney or the**
74 **attorney general regarding matters referred to the appropriate prosecuting attorney or the**
75 **attorney general and the statute of limitations expires without any action being filed, the**
76 **record shall remain closed. As provided in section 610.100, RSMo, any person may bring**
77 **an action pursuant to this section in the circuit court having jurisdiction to authorize**
78 **disclosure of information in the records of the inspector general which would otherwise be**
79 **closed pursuant to this section. Any disclosure of records by the inspector general in**
80 **violation of this section shall be grounds for a suit brought by any individual, person, or**
81 **corporation to recover damages, and upon award to the plaintiff reasonable attorney's fees.**

82 **[2.] 3. The department of transportation shall submit a written report prior to November**

83 tenth of each year to the governor, **lieutenant governor**, and every member of the senate and
84 house of representatives [which]. **The report shall be posted to the department's Internet**
85 **website so that general assembly members may elect to access a copy of the report**
86 **electronically. The written report** shall contain the following:

87 (1) A comprehensive financial report of all funds for the preceding state fiscal year
88 which shall include a report by independent certified public accountants, selected by the
89 commissioner of the office of administration, attesting that the financial statements present fairly
90 the financial position of the department in conformity with generally accepted government
91 accounting principles. This report shall include amounts of:

92 (a) State revenues by sources, **including all new state revenue derived from highway**
93 **users which results from action of the general assembly or voter-approved measures taken**
94 **after August 28, 2003, and projects funded in whole or in part from such new state**
95 **revenue, and** amounts of federal revenues by source;

96 (b) Any other revenues available to the department by source;

97 (c) Funds appropriated, the amount the department has budgeted and expended for the
98 following: contracts, right-of-way purchases, preliminary and construction engineering,
99 maintenance operations and administration;

100 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year
101 highway plan as adopted in 1992.

102 All expenditures made by, or on behalf of, the department for personal services including fringe
103 benefits, all categories of expense and equipment, real estate and capital improvements shall be
104 assigned to the categories listed in this subdivision in conformity with generally accepted
105 government accounting principles;

106 (2) A detailed explanation of the methods or criteria employed to select construction
107 projects, including a listing of any new or reprioritized projects not mentioned in a previous
108 report, and an explanation as to how the new or reprioritized projects meet the selection methods
109 or criteria;

110 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
111 the current fiscal year, at least the next four years, and for any period of time expressed in any
112 public transportation plan approved by either the general assembly or by the voters of Missouri.
113 This proposed allocation and expenditure of moneys shall include the amounts of proposed
114 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
115 subsection;

116 (4) The amounts which were planned, estimated and expended for projects in the state
117 highway and bridge construction program or any other projects relating to other modes of
118 transportation in the preceding state fiscal year and amounts which have been planned, estimated

119 or expended by project for construction work in progress;

120 (5) The current status as to completion, by project, of the fifteen-year road and bridge
121 program adopted in 1992. The first written report submitted pursuant to this section shall include
122 the original cost estimate, updated estimate and final completed cost by project. Each written
123 report submitted thereafter shall include the cost estimate at the time the project was placed on
124 the most recent five-year highway and bridge construction plan and the final completed cost by
125 project;

126 (6) The reasons for cost increases or decreases exceeding five million dollars or ten
127 percent relative to cost estimates and final completed costs for projects in the state highway and
128 bridge construction program or any other projects relating to other modes of transportation
129 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
130 comparing the cost estimate at the time the project was placed on the most recent five-year
131 highway and bridge construction plan and the final completed cost by project. The reasons shall
132 include the amounts resulting from inflation, department-wide design changes, changes in project
133 scope, federal mandates, or other factors;

134 (7) Specific recommendations for any statutory or regulatory changes necessary for the
135 efficient and effective operation of the department;

136 (8) An accounting of the total amount of state, federal and earmarked federal highway
137 funds expended in each district of the department of transportation; and

138 (9) Any further information specifically requested by the joint committee on
139 transportation oversight.

140 [3.] **4.** Prior to December first of each year, the committee shall [meet] **hold an annual**
141 **meeting** and call before its members, officials or employees of the state highways and
142 transportation commission or department of transportation, as determined by the committee, for
143 the sole purpose of receiving and examining the report required pursuant to subsection [2] **3** of
144 this section. **The joint committee may also call before its members at the annual meeting,**
145 **the inspector general of the joint committee on transportation oversight for purposes**
146 **authorized in this section.** The committee shall not have the power to modify projects or
147 priorities of the state highways and transportation commission or department of transportation.
148 The committee may make recommendations to the state highways and transportation commission
149 or the department of transportation. Disposition of those recommendations shall be reported by
150 the commission or the department to the joint committee on transportation oversight.

151 **5. In addition to the annual meeting required by subsection 4 of this section, the**
152 **committee shall meet two times each year. The co-chairs of the committee shall establish**
153 **an agenda for each meeting that may include, but not be limited to, the following items to**
154 **be discussed with the committee members throughout the year during the scheduled**

155 **meeting:**

156 **(1) Presentation of a prioritized plan for all modes of transportation;**

157 **(2) Discussion of department efficiencies and expenditure of cost-savings within the**
158 **department;**

159 **(3) Presentation of a status report on department of transportation revenues and**
160 **expenditures, including a detailed summary of projects funded by new state revenue as**
161 **provided in paragraph (a) of subdivision (1) of subsection 3 of this section;**

162 **(4) Review of any report from the joint committee inspector general; and**

163 **(5) Implementation of any actions as may be deemed necessary by the committee**
164 **as authorized by law.**

165

166 **The co-chairs of the committee may call special meetings of the committee with ten days'**
167 **notice to the members of the committee, the director of the department of transportation,**
168 **and the department of transportation.**

169 [4.] **6.** The committee shall submit records of its meetings to the secretary of the senate
170 and the chief clerk of the house of representatives in accordance with sections 610.020 and
171 610.023, RSMo.

226.030. **1.** The state highways and transportation commission shall consist of six
2 members, who shall be appointed by the governor, by and with the advice and consent of the
3 senate, not more than three thereof to be members of the same political party. Each
4 commissioner shall be a taxpayer and resident of state for at least five years prior to his
5 appointment. Any commissioner may be removed by the governor if fully satisfied of his
6 inefficiency, neglect of duty, or misconduct in office. [All commissioners appointed prior to
7 October 13, 1965, shall serve the term for which they were appointed.] Commissioners
8 appointed pursuant to this section shall be appointed for terms of six years. Upon the expiration
9 of each of the foregoing terms of these commissioners a successor shall be appointed for a term
10 of six years or until his successor is appointed and qualified which term of six years shall
11 thereafter be the length of term of each member of the commission unless removed as above
12 provided. The members of the commission shall receive as compensation for their services
13 twenty-five dollars per day for the time spent in the performance of their official duties, and also
14 their necessary traveling and other expenses incurred while actually engaged in the discharge of
15 their official duties. **Members whose terms otherwise expire December 1, 2003, shall serve**
16 **with terms expiring March 1, 2004, and new members or the members reappointed shall**
17 **be appointed for terms expiring March 1, 2005; a member whose term otherwise expires**
18 **December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term**
19 **otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and**

20 one member whose term otherwise expires October 13, 2007, shall serve with a term
21 expiring March 1, 2007; and one member whose term otherwise expires October 13, 2007,
22 shall serve with a term expiring March 1, 2009. If a vacancy occurs in any term of a
23 commissioner due to death, resignation, or removal, a successor shall be appointed for only
24 the remainder of the unexpired term.

25 2. Beginning August 28, 2003, when two members of the state highways and
26 transportation commission are within two years of expiration of their terms, the
27 commission shall appoint one of those two members as chair of the commission and the
28 other as vice chair, each to serve in such position for one year. At the end of such year, the
29 member currently serving as chair shall then serve as vice chair, and the member currently
30 serving as vice chair shall serve as chair, each to serve in such position for one year.

31 3. No more than one-half of the members of the state highways and transportation
32 commission shall be of the same political party. The selection and removal of all employees
33 of the department of highways and transportation shall be without regard to political
34 affiliation.

35 4. The present members of the state highways and transportation commission shall
36 serve as members of the state highways and transportation commission for the remainder
37 of the terms for which they were appointed, except as provided in subsection 1 of this
38 section.

39 5. The director of the department of transportation shall, by February fifteenth of
40 each year, present an annual state of the state of transportation to a joint session of the
41 general assembly. The six members of the state highways and transportation commission
42 shall be present and available at such presentations for questions by members. The
43 transportation inspector general may also be present and report to the general assembly
44 on any matter of concern within his or her statutory authority. The provisions of this
45 subsection shall expire August 28, 2008.

 226.033. Any commissioner appointed or reappointed after March 1, 2004, shall
2 not:

3 (1) Host or manage a political fund-raiser or solicit funds for any candidate who
4 is seeking a statewide or nationally elected office;

5 (2) Serve on the board or chair any political action committee, political party
6 committee, or continuing committee.

 226.096. 1. This section shall govern any controversy or claim to which the
2 Missouri department of transportation is a party that arises out of or relates to a contract
3 awarded pursuant to subdivision (9) of subsection 1 of section 226.130, and the claim
4 exceeds twenty-five thousand dollars, but is less than three hundred twenty-seven thousand

5 dollars as adjusted on an annual basis effective January first of each year in accordance
6 with the Implicit Price Deflator for Personal Consumption Expenditures as calculated
7 pursuant to subsection 5 of section 537.610, RSMo. Provided a claim has been filed
8 pursuant to the procedures set forth in the Missouri standard specifications for highway
9 construction, or its successor, upon issuance of a final decision as provided in such
10 standards or upon expiration of ninety days from the date the claim was filed, the
11 controversy or claim shall upon written demand by any party to the contract, be settled by
12 arbitration administered by the American Arbitration Association under its Construction
13 Industry Arbitration Rules, except as provided herein. The highway and transportation
14 commission shall promulgate rules pursuant to chapter 536, RSMo, to become effective on
15 or before July 1, 2004, establishing a method for appointment of arbitrators and allowing
16 for the mediation of claims upon agreement of both parties. Judgment upon awards
17 rendered under arbitration shall be entered in the circuit court of Cole County, Missouri.

18 2. Any contract specification, special provision, contract clause, or rule pertaining
19 to contracts governed by this section, which purports to waive, release or extinguish the
20 rights of a contractor to file a claim, or which purports to bind any court of competent
21 jurisdiction or alternate dispute resolution process to any determinations of fact rendered
22 by the Missouri department of transportation or its employees and agents so as to prevent
23 any such court or alternate dispute resolution process from fully considering the merits of
24 any controversy or claim governed by this section, is against public policy and shall be void
25 and unenforceable.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
27 that is created under the authority delegated in this section shall become effective only if
28 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
29 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
30 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
31 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
32 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
33 adopted after August 28, 2003, shall be invalid and void.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
2 voters from each county partially or totally within the proposed district may file a petition
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside
4 within the district, the owners of record of all of the real property, except public streets, located
5 within the proposed district may file a petition requesting the creation of a district. The petition
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any

8 county in which a proposed project may be located may file a petition in the circuit court of that
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of
11 one or more municipalities and counties[.]; **provided:**

12 (1) Property separated only by public streets, **easements or rights-of-way** shall be
13 considered contiguous;

14 (2) **In the case of a district formed pursuant to a petition filed by the owners of**
15 **record of all of the real property located within the proposed district, the proposed district**
16 **area need not contain contiguous properties if:**

17 (a) **The petition provides that the only funding method for project costs will be a**
18 **sales tax;**

19 (b) **The court finds that all of the real property located within the proposed district**
20 **will benefit by the projects to be undertaken by the district; and**

21 (c) **Each parcel within the district is within five miles of every other parcel; and**

22 (3) **In the case of a district created pursuant to subsection 5 of this section, property**
23 **separated only by public streets, easements, or rights-of-way or connected by a single**
24 **public street, easement, or right-of-way shall be considered contiguous.**

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,
27 if no persons eligible to be registered voters reside within the proposed district, the name and
28 address of each owner of record of real property located within the proposed district, or shall
29 recite that the petitioner is the governing body of a local transportation authority acting in its
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the
32 commission and each affected local transportation authority within the proposed district, except
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,
37 including a description of the approximate location of each project;

38 (5) The name of the proposed district;

39 (6) The number of members of the board of directors of the proposed district, which shall
40 be not less than five or more than fifteen;

41 (7) A statement that the terms of office of initial board members shall be staggered in
42 approximately equal numbers to expire in one, two or three years;

43 (8) If the petition was filed by registered voters or by a governing body, a request that

44 the question be submitted to the qualified voters within the limits of the proposed district
45 whether they will establish a transportation development district to develop a specified project
46 or projects;

47 (9) A proposal for funding the district initially, pursuant to the authority granted in
48 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to
49 the qualified voters residing within the limits of the proposed district; provided, however, the
50 funding method of special assessments may also be approved as provided in subsection 1 of
51 section 238.230; and

52 (10) A statement that the proposed district shall not be an undue burden on any owner
53 of property within the district and is not unjust or unreasonable.

54 **5. (1) As an alternative to the methods described in subsections 1 and 2 of this**
55 **section, if two or more local transportation authorities have adopted resolutions calling for**
56 **the joint establishment of a district, the governing body of any one such local**
57 **transportation authority may file a petition in the circuit court of any county in which the**
58 **proposed project is located requesting the creation of a district.**

59 (2) **The proposed district area shall be contiguous and may contain all or any**
60 **portion of one or more municipalities and counties. Property separated only by public**
61 **streets, easements, or rights-of-way or connected by a single public street, easement, or**
62 **right-of-way shall be considered contiguous.**

63 (3) **The petition shall set forth:**

64 (a) **That the petitioner is the governing body of a local transportation authority**
65 **acting in its official capacity;**

66 (b) **The name of each local transportation authority within the proposed district.**
67 **The resolution of the governing body of each local transportation authority calling for the**
68 **joint establishment of the district shall be attached to the petition;**

69 (c) **The name and address of each respondent. Respondents must include the**
70 **commission and each affected local transportation authority within the proposed district,**
71 **except a petitioning local transportation authority;**

72 (d) **A specific description of the proposed district boundaries including a map**
73 **illustrating such boundaries;**

74 (e) **A general description of each project proposed to be undertaken by the district,**
75 **including a description of the approximate location of each project;**

76 (f) **The name of the proposed district;**

77 (g) **The number of members of the board of directors of the proposed district;**

78 (h) **A request that the question be submitted to the qualified voters within the limits**
79 **of the proposed district whether they will establish a transportation development district**

80 **to develop the projects described in the petition;**

81 **(i) A proposal for funding the district initially, pursuant to the authority granted**
82 **in sections 238.200 to 238.275, together with a request that the imposition of the funding**
83 **proposal be submitted to the qualified voters residing within the limits of the proposed**
84 **district; provided, however, the funding method of special assessments may also be**
85 **approved as provided in subsection 1 of section 238.230; and**

86 **(j) A statement that the proposed district shall not be an undue burden on any**
87 **owner of property within the district and is not unjust or unreasonable.**

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve
2 a copy of the petition on the respondents who shall have thirty days after receipt of service to file
3 an answer stating agreement with or opposition to the creation of the district. If any respondent
4 files its answer opposing the creation of the district, it shall recite legal reasons why the petition
5 is defective, why the proposed district is illegal or unconstitutional, or why the proposed method
6 for funding the district is illegal or unconstitutional. The respondent shall ask the court for a
7 declaratory judgment respecting these issues. The answer of each respondent shall be served on
8 each petitioner and every other respondent named in the petition. Any resident, taxpayer, any
9 other entity, or any local transportation authority within the proposed district may join in or file
10 a petition supporting or answer opposing the creation of the district and seeking a declaratory
11 judgment respecting these same issues within thirty days after the date notice is last published
12 by the circuit clerk.

13 2. The court shall hear the case without a jury. If the court shall thereafter determine the
14 petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue
15 burden on any owner of property within the district or is unjust and unreasonable, it shall enter
16 its declaratory judgment to that effect and shall refuse to make the certifications requested in the
17 pleadings. If the court determines that any proposed funding method is illegal or
18 unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the
19 court determines the petition is not legally defective and the proposed district and method of
20 funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.
21 If the petition was filed by registered voters or by a governing body, the court shall then certify
22 the questions regarding district creation, project development, and proposed funding for voter
23 approval. **If the petition was filed by a governing body pursuant to subsection 5 of section**
24 **238.207, RSMo, the court shall then certify the single question regarding district creation,**
25 **project development, and proposed funding for voter approval.** If the petition was filed by
26 the owners of record of all of the real property located within the proposed district, the court shall
27 declare the district organized and certify the funding methods stated in the petition for qualified
28 voter approval; provided, however, the funding method of special assessments may also be

29 approved as provided in subsection 1 of section 238.230. In either case, if no objections to the
30 petition are timely filed, the court may make such certifications based upon the pleadings before
31 it without any hearing.

32 3. Any party having filed an answer or petition may appeal the circuit court's order or
33 declaratory judgment in the same manner provided for other appeals.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an
2 election pursuant to section 238.216.

3 2. At such election for voter approval of the qualified voters, the questions shall be
4 submitted in substantially the following form:

5 Shall there be organized in (here specifically describe the proposed district boundaries),
6 within the state of Missouri, a transportation development district, to be known as the ".....
7 Transportation Development District" for the purpose of developing the following transportation
8 project: (here summarize the proposed project or projects and require each voter to approve or
9 disapprove of each project) and have the power to fund the proposed project upon separate voter
10 approval by any or all of the following methods: (here specifically describe the proposed funding
11 methods and require each voter to approve or disapprove of each proposed funding method)?

12 **3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 and the**
13 **district desires to impose a sales tax as the only proposed funding mechanism, at such**
14 **election for voter approval of the qualified voters, the question shall be submitted in**
15 **substantially the following form:**

16 Shall there be organized in (here specifically describe the proposed district
17 boundaries), within the state of Missouri, a transportation development district, to be
18 known as the "..... Transportation Development District" for the purpose of developing
19 the following transportation project: (here summarize the proposed project or projects)
20 and be authorized to impose a transportation development district-wide sales tax at the
21 rate of(insert amount) for a period of(insert number) years from the date on
22 which such tax is first imposed for the purpose of funding the transportation project or
23 projects?

24 **(2) If the petition was filed pursuant to subsection 5 of section 238.207 and the**
25 **district desires to impose a funding mechanism other than a sales tax, at such election for**
26 **voter approval of the qualified voters, the question shall be submitted in substantially the**
27 **form set forth in subsection 2 of this section and the proposed funding mechanism shall**
28 **require separate voter approval at a subsequent election.**

29 [3.] 4. The results of the election shall be entered upon the records of the circuit court
30 of the county in which the petition was filed. Also, a certified copy thereof shall be filed with
31 the county clerk of each county in which a portion of the proposed district lies, who shall cause

32 the same to be spread upon the records of the county commission. If the results show that a
33 majority of the votes cast by the qualified voters were in favor of organizing the transportation
34 development district, the circuit court having jurisdiction of the matter shall declare the district
35 organized and certify the funding methods approved by the qualified voters. If the results show
36 that less than a majority of the votes cast by the qualified voters were in favor of the organization
37 of the district, the circuit court shall declare that the question has failed to pass, and the same
38 question shall not be again submitted for voter approval for two years.

39 **5. Notwithstanding the foregoing, if the election was held pursuant to subsection**
40 **3 of this section, the results of the election shall be entered upon the records of the circuit**
41 **court of the county in which the petition was filed. Also, a certified copy thereof shall be**
42 **filed with the county clerk of each county in which a portion of the proposed district lies.**
43 **If the results show that a majority of the votes cast by the qualified voters were in favor of**
44 **the proposition, the circuit court having jurisdiction of the matter shall declare the district**
45 **organized and the funding methods approved by the qualified voters to be in effect. If the**
46 **results show that less than a majority of the votes cast by the qualified voters were in favor**
47 **of the proposition, the circuit court shall declare that the question has failed to pass. A new**
48 **petition shall be filed pursuant to subsection 5 of section 238.207 prior to the question**
49 **being again submitted for voter approval.**

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if
2 any persons eligible to be registered voters reside within the district the following procedures
3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any
5 interested person order the county clerk to cause an election to be held in all areas of the district
6 within one hundred twenty days after the order establishing the district, to elect the district board
7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and
9 shall file with the election authority of such county a statement under oath that he or she
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate
13 receiving the most votes from qualified voters shall be elected to the position having the longest
14 term, the second highest total votes elected to the position having the next longest term, and so
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve
17 a three-year term. The directors shall nominate and elect an interim director to complete any
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) Each director shall be a resident of the district. Directors shall be registered voters
20 at least twenty-one years of age.

21 2. Notwithstanding anything to the contrary contained in section 238.216, if no persons
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23 (1) Within thirty days after the district has been declared organized, the circuit clerk of
24 the county in which the petition was filed shall, upon giving notice by causing publication to be
25 made once a week for two consecutive weeks in a newspaper of general circulation in the county,
26 the last publication of which shall be at least ten days before the day of the meeting required by
27 this section, call a meeting of the owners of real property within the district at a day and hour
28 specified in a public place in the county in which the petition was filed for the purpose of
29 electing a board of not less than five and not more than fifteen directors, to be composed of
30 owners or representatives of owners of real property in the district; provided that, if all the
31 owners of property in the district joined in the petition for formation of the district, such meeting
32 may be called by order of the court without further publication;

33 (2) The property owners, when assembled, shall organize by the election of a chairman
34 and secretary of the meeting who shall conduct the election. At the election, each acre of real
35 property within the district shall represent one share, and each owner may have one vote in
36 person or by proxy for every acre of real property owned by such person within the district;

37 (3) The one-third of the initial board members receiving the most votes shall be elected
38 to positions having a term of three years. The one-third of initial board members receiving the
39 next highest number of votes shall be elected to positions having a term of two years. The lowest
40 one-third of initial board members receiving sufficient votes shall be elected to positions having
41 a term of one year. Each initial director shall serve the term to which he or she was elected, and
42 until a successor is duly elected and qualified. Successor directors shall be elected in the same
43 manner as the initial directors at a meeting of the real property owners called by the board. Each
44 successor director shall serve a three-year term. The directors shall nominate and elect an
45 interim director to complete any unexpired term of a director caused by resignation or
46 disqualification;

47 (4) Directors shall be at least twenty-one years of age.

48 **3. Notwithstanding any provision of sections 238.216 and 238.220 to the contrary,**
49 **if the petition for formation of the district was filed pursuant to subsection 5 of section**
50 **238.207, the following procedures shall be followed:**

51 **(1) If the district is comprised of four or more local transportation authorities, the**
52 **board of directors shall consist of the presiding officer of each local transportation**
53 **authority within the district. If the district is comprised of two or three local**
54 **transportation authorities, the board of directors shall consist of the presiding officer of**

55 **each local transportation authority within the district and one person designated by the**
56 **governing body of each local transportation authority within the district;**

57 **(2) Each director shall be at least twenty-one years of age and a resident or**
58 **property owner of the local transportation authority the director represents. A director**
59 **designated by the governing body of a local transportation authority may be removed by**
60 **such governing body at any time with or without cause; and**

61 **(3) Upon the assumption of office of a new presiding officer of a local**
62 **transportation authority, such individual shall automatically succeed his predecessor as**
63 **a member of the board of directors. Upon the removal, resignation or disqualification of**
64 **a director designated by the governing body of a local transportation authority, such**
65 **governing body shall designate a successor director.**

66 [3.] **4.** The commission shall appoint one or more advisors to the board, who shall have
67 no vote but shall have the authority to participate in all board meetings and discussions, whether
68 open or closed, and shall have access to all records of the district and its board of directors.

69 [4.] **5.** If the proposed project is not intended to be merged into the state highways and
70 transportation system under the commission's jurisdiction, the local transportation authority that
71 will assume maintenance of the project shall appoint one or more advisors to the board of
72 directors who shall have the same rights as advisors appointed by the commission.

73 **6. Any county or counties located wholly or partially within the district which is not**
74 **a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section**
75 **238.202, may appoint one or more advisors to the board who shall have the same rights as**
76 **advisors appointed by the commission.**

238.222. 1. The board shall possess and exercise all of the district's legislative and
2 executive powers.

3 2. Within thirty days after the election of the initial directors **or the selection of the**
4 **initial directors pursuant to subsection 3 of section 238.220**, the board shall meet. The time
5 and place of the first meeting of the board shall be designated by the court that heard the petition
6 upon the court's own initiative or upon the petition of any interested person. At its first meeting
7 and after each election of new board members **or the selection of the initial directors pursuant**
8 **to subsection 3 of section 238.220** the board shall elect a chairman from its members.

9 3. The board shall appoint an executive director, district secretary, treasurer and such
10 other officers or employees as it deems necessary.

11 4. At the first meeting, the board, by resolution, shall define the first and subsequent
12 fiscal years of the district, and shall adopt a corporate seal.

13 5. A simple majority of the board shall constitute a quorum. If a quorum exists, a
14 majority of those voting shall have the authority to act in the name of the board, and approve any

15 board resolution.

16 6. Each director shall devote such time to the duties of the office as the faithful discharge
17 thereof may require and may be reimbursed for his actual expenditures in the performance of his
18 duties on behalf of the district.

238.235. 1. (1) Any transportation development district may by resolution impose a
2 transportation development district sales tax on all retail sales made in such transportation
3 development district which are subject to taxation pursuant to the provisions of sections 144.010
4 to 144.525, RSMo, except such transportation development district sales tax shall not apply to
5 the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity
6 or electrical current, water and gas, natural or artificial, nor to sales of service to telephone
7 subscribers, either local or long distance. Such transportation development district sales tax may
8 be imposed for any transportation development purpose designated by the transportation
9 development district in its ballot of submission to its qualified voters, except that no resolution
10 enacted pursuant to the authority granted by this section shall be effective unless:

11 (a) The board of directors of the transportation development district submits to the
12 qualified voters of the transportation development district a proposal to authorize the board of
13 directors of the transportation development district to impose [a] **or increase the levy of an**
14 **existing** tax pursuant to the provisions of this section; **or**

15 (b) **The voters approved the question certified by the petition filed pursuant to**
16 **subsection 5 of section 238.207.**

17 (2) **If the transportation district submits to the qualified voters of the**
18 **transportation development district a proposal to authorize the board of directors of the**
19 **transportation development district to impose or increase the levy of an existing tax**
20 **pursuant to the provisions of paragraph (a) of subdivision (1) of subsection 1 of this**
21 **section**, the ballot of submission shall contain, but need not be limited to, the following
22 language:

23 Shall the transportation development district of (transportation development
24 district's name) impose a transportation development district-wide sales tax at the rate of
25 (insert amount) for a period of (insert number) years from the date on which such tax is
26 first imposed for the purpose of (insert transportation development purpose)?

27 YES NO

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

30 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
31 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority
32 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of

33 directors of the transportation development district shall have no power to impose the sales tax
34 authorized by this section unless and until the board of directors of the transportation
35 development district shall again have submitted another proposal to authorize it to impose the
36 sales tax pursuant to the provisions of this section and such proposal is approved by a majority
37 of the qualified voters voting thereon.

38 (3) The sales tax authorized by this section shall become effective on the first day of the
39 month following adoption of the tax by the qualified voters.

40 (4) In each transportation development district in which a sales tax has been imposed in
41 the manner provided by this section, every retailer shall add the tax imposed by the transportation
42 development district pursuant to this section to the retailer's sale price, and when so added such
43 tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid,
44 and shall be recoverable at law in the same manner as the purchase price.

45 (5) In order to permit sellers required to collect and report the sales tax authorized by this
46 section to collect the amount required to be reported and remitted, but not to change the
47 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
48 fractions of pennies, the transportation development district may establish appropriate brackets
49 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
50 provided in section 144.285, RSMo.

51 (6) All revenue received by a transportation development district from the tax authorized
52 by this section which has been designated for a certain transportation development purpose shall
53 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon
54 the expiration of the period of years approved by the qualified voters pursuant to subdivision (2)
55 of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of
56 this section, all funds remaining in the special trust fund shall continue to be used solely for such
57 designated transportation development purpose. Any funds in such special trust fund which are
58 not needed for current expenditures may be invested by the board of directors in accordance with
59 applicable laws relating to the investment of other transportation development district funds.

60 (7) The sales tax may be imposed in increments of one-eighth of one percent, up to a
61 maximum of one percent on the receipts from the sale at retail of all tangible personal property
62 or taxable services at retail within the transportation development district adopting such tax, if
63 such property and services are subject to taxation by the state of Missouri pursuant to the
64 provisions of sections 144.010 to 144.525, RSMo, except such transportation development
65 district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard
66 motors nor to public utilities. Any transportation development district sales tax imposed
67 pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

68 2. The resolution imposing the sales tax pursuant to this section shall impose upon all

69 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
70 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
71 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant
72 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax
73 and the tax shall be reported and returned to and collected by the transportation development
74 district.

75 3. On and after the effective date of any tax imposed pursuant to this section, the
76 transportation development district shall perform all functions incident to the administration,
77 collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall
78 be collected and reported upon such forms and under such administrative rules and regulations
79 as may be prescribed by the transportation development district.

80 4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,
81 governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the
82 uniform confidentiality provision, shall apply to the collection of the tax imposed by this section,
83 except as modified in this section.

84 (2) All exemptions granted to agencies of government, organizations, persons and to the
85 sale of certain articles and items of tangible personal property and taxable services pursuant to
86 the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the
87 imposition and collection of the tax imposed by this section.

88 (3) The same sales tax permit, exemption certificate and retail certificate required by
89 sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax
90 shall satisfy the requirements of this section, and no additional permit or exemption certificate
91 or retail certificate shall be required; except that the transportation development district may
92 prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

93 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws
94 for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made
95 applicable to any taxes collected pursuant to the provisions of this section.

96 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525,
97 RSMo, for violation of those sections are hereby made applicable to violations of this section.

98 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
99 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
100 of business of the retailer unless the tangible personal property sold is delivered by the retailer
101 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
102 out-of-state destination. In the event a retailer has more than one place of business in this state
103 which participates in the sale, the sale shall be deemed to be consummated at the place of
104 business of the retailer where the initial order for the tangible personal property is taken, even

105 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or
106 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
107 business from which the employee works.

108 5. All sales taxes collected by the transportation development district shall be deposited
109 by the transportation development district in a special fund to be expended for the purposes
110 authorized in this section. The transportation development district shall keep accurate records
111 of the amount of money which was collected pursuant to this section, and the records shall be
112 open to the inspection of officers of each transportation development district and the general
113 public.

114 6. (1) No transportation development district imposing a sales tax pursuant to this
115 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
116 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
117 revenue bonds, notes or other obligations which it has issued or which have been issued by the
118 commission or any local transportation authority to finance any project or projects.

119 (2) Whenever the board of directors of any transportation development district in which
120 a transportation development sales tax has been imposed in the manner provided by this section
121 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
122 such transportation development sales tax, the board of directors shall, if such repeal will not
123 impair the district's ability to repay any liabilities which it has incurred, money which it has
124 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
125 issued by the commission or any local transportation authority to finance any project or projects,
126 submit to the qualified voters of such transportation development district a proposal to repeal the
127 transportation development sales tax imposed pursuant to the provisions of this section. If a
128 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
129 the proposal to repeal the transportation development sales tax, then the resolution imposing the
130 transportation development sales tax, along with any amendments thereto, is repealed. If a
131 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to
132 repeal the transportation development sales tax, then the ordinance or resolution imposing the
133 transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235,
2 and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed
3 by a transportation development district pursuant to section 238.235.

4 2. In lieu of the taxes allowed pursuant to section 238.235, any transportation
5 development district which consists of all of one or more entire counties, all of one or more
6 entire cities, or all of one or more entire counties and one or more entire cities which are totally
7 outside the boundaries of those counties may by resolution impose a transportation development

8 district sales tax on all retail sales made in such transportation development district which are
9 subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any
10 transportation development purpose designated by the transportation development district in its
11 ballot of submission to its qualified voters. No resolution enacted pursuant to the authority
12 granted by this section shall be effective unless:

13 (1) The board of directors of the transportation development district submits to the
14 qualified voters of the transportation development district, at a state general, primary, or special
15 election, a proposal to authorize the board of directors of the transportation development district
16 to impose [a] or increase the levy of an existing tax pursuant to the provisions of this section;
17 or

18 (2) The voters approved the question certified by the petition filed pursuant to
19 subsection 5 of section 238.207.

20 3. If the transportation development district submits to the qualified voters of the
21 transportation development district a proposal to authorize the board of directors of the
22 transportation development district to impose or increase the levy of an existing tax
23 pursuant to the provisions of subdivision (1) of subsection 2 of this section, the ballot of
24 submission shall contain, but need not be limited to, the following language:

25 Shall the transportation development district of(transportation development
26 district's name) impose a transportation development district-wide sales tax at the rate of
27 (insert amount) for a period of (insert number) years from the date on which such tax is
28 first imposed for the purpose of (insert transportation development
29 purpose)?

30 YES NO

31

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

35 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
36 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority
37 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of
38 directors of the transportation development district shall have no power to impose the sales tax
39 authorized by this section unless and until the board of directors of the transportation
40 development district shall again have submitted another proposal to authorize it to impose the
41 sales tax pursuant to the provisions of this section and such proposal is approved by a majority
42 of the qualified voters voting thereon.

43 4. Within ten days after the adoption of any resolution in favor of the adoption of a

44 transportation development district sales tax **which has been approved** by the qualified voters
45 of such transportation development district, the transportation development district shall forward
46 to the director of revenue, by United States registered mail or certified mail, a certified copy of
47 the resolution of its board of directors. The resolution shall reflect the effective date thereof.
48 The sales tax authorized by this section shall become effective on the first day of the second
49 calendar quarter after the director of revenue receives notice of adoption of such tax.

50 5. All revenue received by a transportation development district from the tax authorized
51 by this section which has been designated for a certain transportation development purpose shall
52 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon
53 the expiration of the period of years approved by the qualified voters pursuant to subsection 3
54 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this
55 section, all funds remaining in the special trust fund shall continue to be used solely for such
56 designated transportation development purpose. Any funds in such special trust fund which are
57 not needed for current expenditures may be invested by the board of directors in accordance with
58 applicable laws relating to the investment of other transportation development district funds.

59 6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one
60 percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from
61 the sale at retail of all tangible personal property or taxable services at retail within the
62 transportation development district adopting such tax, if such property and services are subject
63 to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525,
64 RSMo. Any transportation development district sales tax imposed pursuant to this section shall
65 be imposed at a rate that shall be uniform throughout the district.

66 7. The resolution imposing the sales tax pursuant to this section shall impose upon all
67 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
68 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
69 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant
70 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax.
71 The amount reported and returned to the director of revenue by the seller shall be computed on
72 the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and
73 the tax imposed by the [resolutions] **resolution** as authorized by this section, plus any amounts
74 imposed pursuant to other provisions of law.

75 8. On and after the effective date of any tax imposed pursuant to this section, the director
76 of revenue shall perform all functions incident to the administration, collection, enforcement, and
77 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes
78 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant
79 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be

80 collected together and reported upon such forms and pursuant to such administrative rules and
81 regulations as may be prescribed by the director of revenue.

82 9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing
83 the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section
84 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax
85 imposed by this section, except as modified in this section.

86 10. All sales taxes collected by the director of revenue pursuant to this section on behalf
87 of any transportation development district, less one percent for the cost of collection, which shall
88 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
89 provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the
90 "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the
91 transportation development district sales tax fund shall not be deemed to be state funds and shall
92 not be commingled with any funds of the state. All interest earned upon the balance in the
93 transportation development district sales tax fund shall be deposited to the credit of the same
94 fund. Any balance in the fund at the end of an appropriation period shall not be transferred to
95 the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund.
96 The director of revenue shall keep accurate records of the amount of money which was collected
97 in each transportation development district imposing a sales tax pursuant to this section, and the
98 records shall be open to the inspection of officers of each transportation development district and
99 the general public. Not later than the tenth day of each month, the director of revenue shall
100 distribute all moneys deposited in such fund during the preceding month to the proper
101 transportation development district.

102 11. The director of revenue may authorize the state treasurer to make refunds from the
103 amounts credited to any transportation development district for erroneous payments and
104 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
105 such districts. If any transportation development district repeals the tax authorized by this
106 section, the transportation development district shall notify the director of revenue of the action
107 at least ninety days prior to the effective date of the repeal and the director of revenue may order
108 retention, for a period of one year, of two percent of the amount collected after receipt of such
109 notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks
110 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective
111 date of repeal of the tax authorized by this section in such transportation development district,
112 the director of revenue shall remit the balance in the account to the transportation development
113 district and close the account of that transportation development district. The director of revenue
114 shall notify each transportation development district of each instance of any amount refunded
115 or any check redeemed from receipts due the transportation development district.

116 12. (1) No transportation development district imposing a sales tax pursuant to this
117 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
118 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
119 revenue bonds, notes or other obligations which it has issued or which have been issued by the
120 commission or any local transportation authority to finance any project or projects.

121 (2) Whenever the board of directors of any transportation development district in which
122 a transportation development sales tax has been imposed in the manner provided by this section
123 receives a petition, signed by ten percent of the qualified voters of such transportation
124 development district calling for an election to repeal such transportation development sales tax,
125 the board of directors shall, if such repeal will not impair the district's ability to repay any
126 liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other
127 obligations which it has issued or which have been issued by the commission or any local
128 transportation authority to finance any project or projects, submit to the voters of such
129 transportation development district a proposal to repeal the transportation development sales tax
130 imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal
131 by the qualified voters voting thereon are in favor of the proposal to repeal the transportation
132 development sales tax, then the resolution imposing the transportation development sales tax,
133 along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified
134 voters voting thereon are opposed to the proposal to repeal the transportation development sales
135 tax, then the [ordinance or] resolution imposing the transportation development sales tax, along
136 with any amendments thereto, shall remain in effect.

523.050. 1. Upon the filing of such report of said commissioners, the clerk of the court
2 wherein the same is filed shall duly notify the party whose property is affected of the filing
3 thereof; and the report of said commissioners may be reviewed by the court in which the
4 proceedings are had, on written exceptions, filed by either party in the clerk's office, within ten
5 days after the service of the notice aforesaid; and the court shall make such order therein as right
6 and justice may require, and may order a new appraisalment, upon good cause shown.

7 2. Such new appraisalment shall, at the request of either party, be made by a jury, under
8 the supervision of the court, as in ordinary cases of inquiry of damages; but notwithstanding such
9 exceptions, such company may proceed to erect said telephone or telegraph line, or construct said
10 road or railroad; and any subsequent proceedings shall only affect the amount of compensation
11 to be allowed. In all cases arising under the provisions of this chapter, the report of
12 commissioners, when signed by a majority of them, shall be taken and considered as the report
13 of all.

14 **3. If after ninety days after the award is paid into court no agreement has been filed**
15 **and no party having an interest in the award has filed a distribution motion, the court shall**

16 **determine the percentage of the award to which each party having an interest therein is**
17 **entitled.**