

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE BILL NO. 668

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 21.795, 226.030, 238.207, 238.210,
2 238.215, 238.220, 238.222, 238.235, and 238.236, RSMo, are
3 repealed and eleven new sections enacted in lieu thereof, to be
4 known as sections 21.795, 226.030, 226.033, 226.096, 238.207,
5 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, to read as
6 follows:

7 21.795. 1. There is established a permanent joint
8 committee of the general assembly to be known as the "Joint
9 Committee on Transportation Oversight" to be composed of seven
10 members of the standing transportation committees of both the
11 senate and the house of representatives and three nonvoting ex
12 officio members. The senate members of the joint committee shall
13 be appointed by the president pro tem of the senate and the house

1 members shall be appointed by the speaker of the house of
2 representatives. No major party shall be represented by more
3 than four members from the house of representatives nor more than
4 four members from the senate. The ex officio members shall be
5 the state auditor, the director of the oversight division of the
6 committee on legislative research, and the commissioner of the
7 office of administration or the designee of such auditor,
8 director or commissioner. The joint committee shall be chaired
9 jointly by both chairs of the senate and house transportation
10 committees. A majority of the committee shall constitute a
11 quorum, but the concurrence of a majority of the members, other
12 than the ex officio members, shall be required for the
13 determination of any matter within the committee's duties.

14 2. The joint committee on transportation oversight shall
15 appoint a director of the joint committee and may employ other
16 personnel as it deems necessary. The compensation of the
17 director and other personnel shall be paid from the joint
18 contingent fund or jointly from the senate and house joint
19 contingent funds until an appropriation is made therefor. The
20 joint committee director initially appointed pursuant to this
21 section shall take office January 1, 2004, for a term ending June
22 30, 2005. Subsequent joint committee on transportation oversight
23 directors shall be appointed for five year terms, beginning July
24 1, 2005. The joint committee on transportation oversight
25 director may be removed by a two-thirds majority vote of the
26 joint committee for cause. Any joint committee on transportation
27 oversight director whose term is expiring shall be eligible for
28 reappointment. The director of the joint committee on

1 transportation oversight shall:

2 (1) Be qualified by training and/or experience in
3 transportation policy, management of transportation
4 organizations, accounting, auditing, financial analysis, law,
5 management analysis, or public administration. In addition, the
6 director shall have experience and general knowledge of the
7 construction, maintenance, planning, and building of roads and
8 bridges and possess an overall understanding of other modes of
9 transportation including the operations of airports, water ports,
10 transit, and railroads;

11 (2) Report to and be under the general supervision of the
12 joint committee. The joint committee on transportation oversight
13 shall by a majority vote, direct the director to perform specific
14 investigations, reviews, audits, or other studies of the state
15 department of transportation, in which instance the director
16 shall report the findings and recommendations directly to the
17 joint committee on transportation oversight. All investigations,
18 reviews, audits, or other studies performed by the director shall
19 be conducted so that the general assembly can procure information
20 to assist it in formulating transportation legislation and policy
21 for this state;

22 (3) Receive and process citizen complaints relating to
23 transportation issues. The director shall, on a quarterly basis,
24 submit a written complaint report to the joint committee on
25 transportation oversight and the highways and transportation
26 commission. The complaint report shall contain the date, time,
27 nature of the complaint, and any immediate facts and
28 circumstances surrounding the initial report of the complaint.

1 The director shall investigate a citizen complaint if he or she
2 is directed to do so by a majority of the joint committee on
3 transportation oversight;

4 (4) Investigate complaints from current and former
5 employees of the department of transportation if the director
6 receives information from an employee which shows:

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

8 (b) Gross mismanagement by department officers;

9 (c) Waste of funds by the department; or

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

12 (5) Maintain confidentiality with respect to all matters
13 and the identities of the complainants or witnesses coming before
14 the director except insofar as disclosures may be necessary to
15 enable the director to carry out duties and to support
16 recommendations.

17 [2.] 3. The department of transportation shall submit a
18 written report prior to November tenth of each year to the
19 governor and every member of the senate and house of
20 representatives which shall contain the following:

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

28 (a) State revenues by sources, including all new state

1 revenue derived from highway users which results from action of
2 the general assembly or voter-approved measures taken after
3 August 28, 2003, and projects funded in whole or in part from
4 such new state revenue, and amounts of federal revenues by
5 source;

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

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

12 (d) Total state and federal revenue compared to the revenue
13 estimate in the fifteen-year highway plan as adopted in 1992.
14 All expenditures made by, or on behalf of, the department for
15 personal services including fringe benefits, all categories of
16 expense and equipment, real estate and capital improvements shall
17 be assigned to the categories listed in this subdivision in
18 conformity with generally accepted government accounting
19 principles;

20 (2) A detailed explanation of the methods or criteria
21 employed to select construction projects, including a listing of
22 any new or reprioritized projects not mentioned in a previous
23 report, and an explanation as to how the new or reprioritized
24 projects meet the selection methods or criteria;

25 (3) The proposed allocation and expenditure of moneys and
26 the proposed work plan for the current fiscal year, at least the
27 next four years, and for any period of time expressed in any
28 public transportation plan approved by either the general

1 assembly or by the voters of Missouri. This proposed allocation
2 and expenditure of moneys shall include the amounts of proposed
3 allocation and expenditure of moneys in each of the categories
4 listed in subdivision (1) of this subsection;

5 (4) The amounts which were planned, estimated and expended
6 for projects in the state highway and bridge construction program
7 or any other projects relating to other modes of transportation
8 in the preceding state fiscal year and amounts which have been
9 planned, estimated or expended by project for construction work
10 in progress;

11 (5) The current status as to completion, by project, of the
12 fifteen-year road and bridge program adopted in 1992. The first
13 written report submitted pursuant to this section shall include
14 the original cost estimate, updated estimate and final completed
15 cost by project. Each written report submitted thereafter shall
16 include the cost estimate at the time the project was placed on
17 the most recent five-year highway and bridge construction plan
18 and the final completed cost by project;

19 (6) The reasons for cost increases or decreases exceeding
20 five million dollars or ten percent relative to cost estimates
21 and final completed costs for projects in the state highway and
22 bridge construction program or any other projects relating to
23 other modes of transportation completed in the preceding state
24 fiscal year. Cost increases or decreases shall be determined by
25 comparing the cost estimate at the time the project was placed on
26 the most recent five-year highway and bridge construction plan
27 and the final completed cost by project. The reasons shall
28 include the amounts resulting from inflation, department-wide

1 design changes, changes in project scope, federal mandates, or
2 other factors;

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

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

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

11 [3.] 4. Prior to December first of each year, the
12 committee shall [meet] hold an annual meeting and call before its
13 members, officials or employees of the state highways and
14 transportation commission or department of transportation, as
15 determined by the committee, for the sole purpose of receiving
16 and examining the report required pursuant to subsection [2] 3 of
17 this section. The joint committee may also call before its
18 members at the annual meeting, the director of the joint
19 committee on transportation oversight for purposes authorized in
20 this section. The committee shall not have the power to modify
21 projects or priorities of the state highways and transportation
22 commission or department of transportation. The committee may
23 make recommendations to the state highways and transportation
24 commission or the department of transportation. Disposition of
25 those recommendations shall be reported by the commission or the
26 department to the joint committee on transportation oversight.

27 5. In addition to the annual meeting required by subsection
28 4 of this section, the committee shall meet four times each year.

1 The co-chairs of the committee shall establish an agenda for each
2 meeting that may include, but not be limited to, the following
3 items to be discussed with the committee members throughout the
4 year during the quarterly meeting:

5 (1) Presentation of a prioritized plan for all modes of
6 transportation;

7 (2) Discussion of department efficiencies and expenditure
8 of cost-savings within the department;

9 (3) Presentation of a semiannual accountability report;

10 (4) Presentation of a status report on department of
11 transportation revenues and expenditures, including a detailed
12 summary of projects funded by new state revenue as provided in
13 paragraph (a) of subdivision (1) of subsection 3 of this section;

14 (5) Review of any report from the joint committee director;
15 and

16 (6) Implementation of any actions as may be deemed
17 necessary by the committee as authorized by law.

18 The co-chairs of the committee may call special meetings of the
19 committee with ten days' notice to the members of the committee,
20 the transportation inspector general, and the department of
21 transportation.

22 [4.] 6. The committee shall submit records of its meetings
23 to the secretary of the senate and the chief clerk of the house
24 of representatives in accordance with sections 610.020 and
25 610.023, RSMo.

26 226.030. 1. The state highways and transportation
27 commission shall consist of six members, who shall be appointed
28 by the governor, by and with the advice and consent of the

1 senate[,]. Not more than three [thereof to be] members of the
2 commission shall be of the same political party.

3 2. Each commissioner shall be a taxpayer and resident of
4 the state of Missouri for at least five years immediately prior
5 to [his] appointment. [Any commissioner may be removed by the
6 governor if fully satisfied of his inefficiency, neglect of duty,
7 or misconduct in office. All commissioners appointed prior to
8 October 13, 1965, shall serve the term for which they were
9 appointed.]

10 3. Commissioners appointed pursuant to this section shall
11 be appointed for terms of six years, except as otherwise provided
12 in this subsection, which terms shall begin on the first day of
13 December in odd-numbered years provided that no more than two
14 members' terms shall be scheduled to expire in the same year and
15 the terms of members who are of the same political party shall
16 not be scheduled to expire in the same year. [Upon the
17 expiration of each of the foregoing terms of these commissioners
18 a successor shall be appointed for a term of six years or until
19 his successor is appointed and qualified which term of six years
20 shall thereafter be the length of term of each member of the
21 commission unless removed as above provided.] The present
22 members of the commission may serve as members for the remainder
23 of the scheduled terms for which they were appointed. The
24 successors to the commissioners whose terms expire on December 1,
25 2003, shall be appointed for terms which shall expire on December
26 1, 2009. The successor to the commissioner whose term expires on
27 December 1, 2005, shall be appointed for a term which shall
28 expire on December 1, 2011. The successor to one of the

1 commissioners whose term expires on October 13, 2007, shall be
2 appointed for a term which shall expire on December 1, 2011. The
3 successor to the other commissioner whose term expires on October
4 13, 2007, shall be appointed for a term which shall expire on
5 December 1, 2013. The successor to the other commissioner whose
6 term expires on December 1, 2007, shall be appointed for a term
7 which shall expire on December 1, 2013.

8 4. A member shall serve until a successor is appointed and
9 qualified. If at any point a member is required to holdover and
10 continue to serve past the scheduled expiration date of their
11 term because a successor has not been appointed and qualified,
12 then at such time as a successor has been appointed and
13 qualified, such successor's term shall expire six years from the
14 originally scheduled expiration date of the holdover member's
15 term. If a vacancy occurs in any term of a commissioner due to
16 death, resignation, or removal, a successor shall be appointed
17 for only the remainder of the unexpired term.

18 5. All members of the commission shall, before entering
19 upon the duties of a member of the commission, take and subscribe
20 to an oath or affirmation to support the constitution and laws of
21 the United States and of this state, and to faithfully and
22 honestly discharge the duties of such office.

23 6. At the first regular meeting in January of each year,
24 the members of the commission shall elect by secret ballot a
25 member as chair and another member as vice chair of the
26 commission, each of whom shall hold their respective offices
27 until their successors are elected. The chair and vice chair
28 shall not be members of the same political party.

1 7. The members of the commission shall receive as
2 compensation for their services twenty-five dollars per day for
3 the time spent in the performance of their official duties, and
4 also their necessary traveling and other expenses incurred while
5 actually engaged in the discharge of their official duties.

6 8. Any commissioner may be removed from office by the
7 governor if fully satisfied of the commissioner's inefficiency,
8 neglect of duty, or misconduct in office.

9 226.033. 1. A commission member, during his or her tenure,
10 shall not use or allow to be used his or her official title of
11 commissioner in connection with any partisan political activity.
12 A commissioner shall not use or allow his or her official title
13 to be used in connection with:

- 14 (1) Political fund raising activities;
15 (2) The solicitation or receipt of political contributions;
16 (3) The management of a partisan political campaign; or
17 (4) Any partisan political advertisements, literature, or
18 endorsements. Nothing in this section shall prohibit a
19 commissioner from using his or her official title to endorse or
20 oppose an issue directly affecting the state transportation
21 system.

22 2. If a commission member engages in any of the activities
23 set forth in subsection 1 of this section, such activity shall be
24 considered misconduct pursuant to section 226.030. If the
25 governor finds that the commissioner's involvement in such
26 activities affects the commissioner's ability to carry out his or
27 her official duties in a nonpartisan manner, the governor may
28 remove the offending commissioner from the commission.

1 226.096. 1. This section shall govern any controversy or
2 claim to which the Missouri department of transportation is a
3 party that arises out of or relates to a contract awarded
4 pursuant to subdivision (9) of subsection 1 of section 226.130,
5 and the claim exceeds twenty-five thousand dollars. Provided a
6 claim has been filed pursuant to the procedures set forth in the
7 Missouri standard specifications for highway construction, or its
8 successor, upon issuance of a final decision as provided in such
9 standards or upon expiration of ninety days from the date the
10 claim was filed, the controversy or claim shall upon written
11 demand by any party to the contract, be settled by arbitration
12 administered by the American Arbitration Association under its
13 Construction Industry Arbitration Rules, except as provided
14 herein. The highway and transportation commission shall
15 promulgate rules pursuant to chapter 536, RSMo, to become
16 effective on or before July 1, 2004, establishing a method for
17 appointment of arbitrators and allowing for the mediation of
18 claims upon agreement of both parties. Judgment upon awards
19 rendered under arbitration shall be entered in the circuit court
20 of Cole County, Missouri.

21 2. Any contract specification, special provision, contract
22 clause, or rule pertaining to contracts governed by this section,
23 which purports to waive, release or extinguish the rights of a
24 contractor to file a claim, or which purports to bind any court
25 of competent jurisdiction or alternate dispute resolution process
26 to any determinations of fact rendered by the Missouri department
27 of transportation or its employees and agents so as to prevent
28 any such court or alternate dispute resolution process from fully

1 considering the merits of any controversy or claim governed by
2 this section, is against public policy and shall be void and
3 unenforceable.

4 3. Any rule or portion of a rule, as that term is defined
5 in section 536.010, RSMo, that is created under the authority
6 delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536, RSMo, and, if applicable, section 536.028, RSMo. This
9 section and chapter 536, RSMo, are nonseverable and if any of the
10 powers vested with the general assembly pursuant to chapter 536,
11 RSMo, to review, to delay the effective date, or to disapprove
12 and annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted
14 after August 28, 2003, shall be invalid and void.

15 238.207. 1. Whenever the creation of a district is
16 desired, not less than fifty registered voters from each county
17 partially or totally within the proposed district may file a
18 petition requesting the creation of a district. However, if no
19 persons eligible to be registered voters reside within the
20 district, the owners of record of all of the real property,
21 except public streets, located within the proposed district may
22 file a petition requesting the creation of a district. The
23 petition shall be filed in the circuit court of any county
24 partially or totally within the proposed district.

25 2. Alternatively, the governing body of any local
26 transportation authority within any county in which a proposed
27 project may be located may file a petition in the circuit court
28 of that county, requesting the creation of a district.

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

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

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

10 (a) The petition provides that the only funding method for
11 project costs will be a sales tax;

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

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

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

22 4. The petition shall set forth:

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

1 in its official capacity;

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

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

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

11 (5) The name of the proposed district;

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

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

18 (8) If the petition was filed by registered voters or by a
19 governing body, a request that the question be submitted to the
20 qualified voters within the limits of the proposed district
21 whether they will establish a transportation development district
22 to develop a specified project or projects;

23 (9) A proposal for funding the district initially, pursuant
24 to the authority granted in sections 238.200 to 238.275, together
25 with a request that the funding proposal be submitted to the
26 qualified voters residing within the limits of the proposed
27 district; provided, however, the funding method of special
28 assessments may also be approved as provided in subsection 1 of

1 section 238.230; and

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

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

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

17 (3) The petition shall set forth:

18 (a) That the petitioner is the governing body of a local
19 transportation authority acting in its official capacity;

20 (b) The name of each local transportation authority within
21 the proposed district. The resolution of the governing body of
22 each local transportation authority calling for the joint
23 establishment of the district shall be attached to the petition;

24 (c) The name and address of each respondent. Respondents
25 must include the commission and each affected local
26 transportation authority within the proposed district, except a
27 petitioning local transportation authority;

28 (d) A specific description of the proposed district

1 boundaries including a map illustrating such boundaries;

2 (e) A general description of each project proposed to be
3 undertaken by the district, including a description of the
4 approximate location of each project;

5 (f) The name of the proposed district;

6 (g) The number of members of the board of directors of the
7 proposed district;

8 (h) A request that the question be submitted to the
9 qualified voters within the limits of the proposed district
10 whether they will establish a transportation development district
11 to develop the projects described in the petition;

12 (i) A proposal for funding the district initially, pursuant
13 to the authority granted in sections 238.200 to 238.275, together
14 with a request that the imposition of the funding proposal be
15 submitted to the qualified voters residing within the limits of
16 the proposed district; provided, however, the funding method of
17 special assessments may also be approved as provided in
18 subsection 1 of section 238.230; and

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

22 238.210. 1. Within thirty days after the petition is
23 filed, the circuit court clerk shall serve a copy of the petition
24 on the respondents who shall have thirty days after receipt of
25 service to file an answer stating agreement with or opposition to
26 the creation of the district. If any respondent files its answer
27 opposing the creation of the district, it shall recite legal
28 reasons why the petition is defective, why the proposed district

1 is illegal or unconstitutional, or why the proposed method for
2 funding the district is illegal or unconstitutional. The
3 respondent shall ask the court for a declaratory judgment
4 respecting these issues. The answer of each respondent shall be
5 served on each petitioner and every other respondent named in the
6 petition. Any resident, taxpayer, any other entity, or any local
7 transportation authority within the proposed district may join in
8 or file a petition supporting or answer opposing the creation of
9 the district and seeking a declaratory judgment respecting these
10 same issues within thirty days after the date notice is last
11 published by the circuit clerk.

12 2. The court shall hear the case without a jury. If the
13 court shall thereafter determine the petition is defective or the
14 proposed district is illegal or unconstitutional, or shall be an
15 undue burden on any owner of property within the district or is
16 unjust and unreasonable, it shall enter its declaratory judgment
17 to that effect and shall refuse to make the certifications
18 requested in the pleadings. If the court determines that any
19 proposed funding method is illegal or unconstitutional, it shall
20 enter its judgment striking that funding method in whole or part.
21 If the court determines the petition is not legally defective and
22 the proposed district and method of funding are neither illegal
23 nor unconstitutional, the court shall enter its judgment to that
24 effect. If the petition was filed by registered voters or by a
25 governing body, the court shall then certify the questions
26 regarding district creation, project development, and proposed
27 funding for voter approval. If the petition was filed by a
28 governing body pursuant to subsection 5 of section 239.207, RSMo,

1 the court shall then certify the single question regarding
2 district creation, project development, and proposed funding for
3 voter approval. If the petition was filed by the owners of
4 record of all of the real property located within the proposed
5 district, the court shall declare the district organized and
6 certify the funding methods stated in the petition for qualified
7 voter approval; provided, however, the funding method of special
8 assessments may also be approved as provided in subsection 1 of
9 section 238.230. In either case, if no objections to the
10 petition are timely filed, the court may make such certifications
11 based upon the pleadings before it without any hearing.

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

15 238.215. 1. If the circuit court certifies the petition
16 for voter approval, it shall call an election pursuant to section
17 238.216.

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

21 Shall there be organized in (here specifically describe the
22 proposed district boundaries), within the state of Missouri, a
23 transportation development district, to be known as the
24 "..... Transportation Development District" for the
25 purpose of developing the following transportation project: (here
26 summarize the proposed project or projects and require each voter
27 to approve or disapprove of each project) and have the power to
28 fund the proposed project upon separate voter approval by any or

1 all of the following methods: (here specifically describe the
2 proposed funding methods and require each voter to approve or
3 disapprove of each proposed funding method)?

4 3. (1) If the petition was filed pursuant to subsection 5
5 of section 238.207 and the district desires to impose a sales tax
6 as the only proposed funding mechanism, at such election for
7 voter approval of the qualified voters, the question shall be
8 submitted in substantially the following form:

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

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

27 [3.] 4. The results of the election shall be entered upon
28 the records of the circuit court of the county in which the

1 petition was filed. Also, a certified copy thereof shall be
2 filed with the county clerk of each county in which a portion of
3 the proposed district lies, who shall cause the same to be spread
4 upon the records of the county commission. If the results show
5 that a majority of the votes cast by the qualified voters were in
6 favor of organizing the transportation development district, the
7 circuit court having jurisdiction of the matter shall declare the
8 district organized and certify the funding methods approved by
9 the qualified voters. If the results show that less than a
10 majority of the votes cast by the qualified voters were in favor
11 of the organization of the district, the circuit court shall
12 declare that the question has failed to pass, and the same
13 question shall not be again submitted for voter approval for two
14 years.

15 5. Notwithstanding the foregoing, if the election was held
16 pursuant to subsection 3 of this section, the results of the
17 election shall be entered upon the records of the circuit court
18 of the county in which the petition was filed. Also, a certified
19 copy thereof shall be filed with the county clerk of each county
20 in which a portion of the proposed district lies. If the results
21 show that a majority of the votes cast by the qualified voters
22 were in favor of the proposition, the circuit court having
23 jurisdiction of the matter shall declare the district organized
24 and the funding methods approved by the qualified voters to be in
25 effect. If the results show that less than a majority of the
26 votes cast by the qualified voters were in favor of the
27 proposition, the circuit court shall declare that the question
28 has failed to pass. A new petition shall be filed pursuant to

1 subsection 5 of section 238.207 prior to the question being again
2 submitted for voter approval.

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

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

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

20 (3) The director or directors to be elected shall be
21 elected at large. The candidate receiving the most votes from
22 qualified voters shall be elected to the position having the
23 longest term, the second highest total votes elected to the
24 position having the next longest term, and so forth. Each
25 initial director shall serve the one-, two- or three-year term to
26 which he or she was elected, and until a successor is duly
27 elected and qualified. Each successor director shall serve a
28 three-year term. The directors shall nominate and elect an

1 interim director to complete any unexpired term of a director
2 caused by resignation or disqualification; and

3 (4) Each director shall be a resident of the district.

4 Directors shall be registered voters at least twenty-one years of
5 age.

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

9 (1) Within thirty days after the district has been declared
10 organized, the circuit clerk of the county in which the petition
11 was filed shall, upon giving notice by causing publication to be
12 made once a week for two consecutive weeks in a newspaper of
13 general circulation in the county, the last publication of which
14 shall be at least ten days before the day of the meeting required
15 by this section, call a meeting of the owners of real property
16 within the district at a day and hour specified in a public place
17 in the county in which the petition was filed for the purpose of
18 electing a board of not less than five and not more than fifteen
19 directors, to be composed of owners or representatives of owners
20 of real property in the district; provided that, if all the
21 owners of property in the district joined in the petition for
22 formation of the district, such meeting may be called by order of
23 the court without further publication;

24 (2) The property owners, when assembled, shall organize by
25 the election of a chairman and secretary of the meeting who shall
26 conduct the election. At the election, each acre of real
27 property within the district shall represent one share, and each
28 owner may have one vote in person or by proxy for every acre of

1 real property owned by such person within the district;

2 (3) The one-third of the initial board members receiving
3 the most votes shall be elected to positions having a term of
4 three years. The one-third of initial board members receiving
5 the next highest number of votes shall be elected to positions
6 having a term of two years. The lowest one-third of initial
7 board members receiving sufficient votes shall be elected to
8 positions having a term of one year. Each initial director shall
9 serve the term to which he or she was elected, and until a
10 successor is duly elected and qualified. Successor directors
11 shall be elected in the same manner as the initial directors at a
12 meeting of the real property owners called by the board. Each
13 successor director shall serve a three-year term. The directors
14 shall nominate and elect an interim director to complete any
15 unexpired term of a director caused by resignation or
16 disqualification;

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

18 3. Notwithstanding any provision of sections 238.216 and
19 238.220 to the contrary, if the petition for formation of the
20 district was filed pursuant to subsection 5 of section 238.207,
21 the following procedures shall be followed:

22 (1) If the district is comprised of four or more local
23 transportation authorities, the board of directors shall consist
24 of the presiding officer of each local transportation authority
25 within the district. If the district is comprised of two or
26 three local transportation authorities, the board of directors
27 shall consist of the presiding officer of each local
28 transportation authority within the district and one person

1 designated by the governing body of each local transportation
2 authority within the district;

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

8 (3) Upon the assumption of office of a new presiding
9 officer of a local transportation authority, such individual
10 shall automatically succeed his predecessor as a member of the
11 board of directors. Upon the removal, resignation or
12 disqualification of a director designated by the governing body
13 of a local transportation authority, such governing body shall
14 designate a successor director.

15 [3.] 4. The commission shall appoint one or more advisors
16 to the board, who shall have no vote but shall have the authority
17 to participate in all board meetings and discussions, whether
18 open or closed, and shall have access to all records of the
19 district and its board of directors.

20 [4.] 5. If the proposed project is not intended to be
21 merged into the state highways and transportation system under
22 the commission's jurisdiction, the local transportation authority
23 that will assume maintenance of the project shall appoint one or
24 more advisors to the board of directors who shall have the same
25 rights as advisors appointed by the commission.

26 6. Any county or counties located wholly or partially
27 within the district which is not a "local transportation
28 authority" pursuant to subdivision (4) of subsection 1 of section

1 238.202, may appoint one or more advisors to the board who shall
2 have the same rights as advisors appointed by the commission.

3 238.222. 1. The board shall possess and exercise all of
4 the district's legislative and executive powers.

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

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

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

21 5. A simple majority of the board shall constitute a
22 quorum. If a quorum exists, a majority of those voting shall
23 have the authority to act in the name of the board, and approve
24 any board resolution.

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

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

17 (a) The board of directors of the transportation
18 development district submits to the qualified voters of the
19 transportation development district a proposal to authorize the
20 board of directors of the transportation development district to
21 impose [a] or increase the levy of an existing tax pursuant to
22 the provisions of this section; or

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

25 (2) If the transportation district submits to the qualified
26 voters of the transportation development district a proposal to
27 authorize the board of directors of the transportation
28 development district to impose or increase the levy of an

1 effective on the first day of the month following adoption of the
2 tax by the qualified voters.

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

11 (5) In order to permit sellers required to collect and
12 report the sales tax authorized by this section to collect the
13 amount required to be reported and remitted, but not to change
14 the requirements of reporting or remitting tax or to serve as a
15 levy of the tax, and in order to avoid fractions of pennies, the
16 transportation development district may establish appropriate
17 brackets which shall be used in the district imposing a tax
18 pursuant to this section in lieu of those brackets provided in
19 section 144.285, RSMo.

20 (6) All revenue received by a transportation development
21 district from the tax authorized by this section which has been
22 designated for a certain transportation development purpose shall
23 be deposited in a special trust fund and shall be used solely for
24 such designated purpose. Upon the expiration of the period of
25 years approved by the qualified voters pursuant to subdivision
26 (2) of this subsection or if the tax authorized by this section
27 is repealed pursuant to subsection 6 of this section, all funds
28 remaining in the special trust fund shall continue to be used

1 solely for such designated transportation development purpose.
2 Any funds in such special trust fund which are not needed for
3 current expenditures may be invested by the board of directors in
4 accordance with applicable laws relating to the investment of
5 other transportation development district funds.

6 (7) The sales tax may be imposed in increments of
7 one-eighth of one percent, up to a maximum of one percent on the
8 receipts from the sale at retail of all tangible personal
9 property or taxable services at retail within the transportation
10 development district adopting such tax, if such property and
11 services are subject to taxation by the state of Missouri
12 pursuant to the provisions of sections 144.010 to 144.525, RSMo,
13 except such transportation development district sales tax shall
14 not apply to the sale or use of motor vehicles, trailers, boats
15 or outboard motors nor to public utilities. Any transportation
16 development district sales tax imposed pursuant to this section
17 shall be imposed at a rate that shall be uniform throughout the
18 district.

19 2. The resolution imposing the sales tax pursuant to this
20 section shall impose upon all sellers a tax for the privilege of
21 engaging in the business of selling tangible personal property or
22 rendering taxable services at retail to the extent and in the
23 manner provided in sections 144.010 to 144.525, RSMo, and the
24 rules and regulations of the director of revenue issued pursuant
25 thereto; except that the rate of the tax shall be the rate
26 imposed by the resolution as the sales tax and the tax shall be
27 reported and returned to and collected by the transportation
28 development district.

1 3. On and after the effective date of any tax imposed
2 pursuant to this section, the transportation development district
3 shall perform all functions incident to the administration,
4 collection, enforcement, and operation of the tax. The tax
5 imposed pursuant to this section shall be collected and reported
6 upon such forms and under such administrative rules and
7 regulations as may be prescribed by the transportation
8 development district.

9 4. (1) All applicable provisions contained in sections
10 144.010 to 144.525, RSMo, governing the state sales tax, sections
11 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform
12 confidentiality provision, shall apply to the collection of the
13 tax imposed by this section, except as modified in this section.

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

20 (3) The same sales tax permit, exemption certificate and
21 retail certificate required by sections 144.010 to 144.525, RSMo,
22 for the administration and collection of the state sales tax
23 shall satisfy the requirements of this section, and no additional
24 permit or exemption certificate or retail certificate shall be
25 required; except that the transportation development district may
26 prescribe a form of exemption certificate for an exemption from
27 the tax imposed by this section.

28 (4) All discounts allowed the retailer pursuant to the

1 provisions of the state sales tax laws for the collection of and
2 for payment of taxes pursuant to such laws are hereby allowed and
3 made applicable to any taxes collected pursuant to the provisions
4 of this section.

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

9 (6) For the purpose of a sales tax imposed by a resolution
10 pursuant to this section, all retail sales except retail sales of
11 motor vehicles shall be deemed to be consummated at the place of
12 business of the retailer unless the tangible personal property
13 sold is delivered by the retailer or the retailer's agent to an
14 out-of-state destination or to a common carrier for delivery to
15 an out-of-state destination. In the event a retailer has more
16 than one place of business in this state which participates in
17 the sale, the sale shall be deemed to be consummated at the place
18 of business of the retailer where the initial order for the
19 tangible personal property is taken, even though the order must
20 be forwarded elsewhere for acceptance, approval of credit,
21 shipment or billing. A sale by a retailer's employee shall be
22 deemed to be consummated at the place of business from which the
23 employee works.

24 5. All sales taxes collected by the transportation
25 development district shall be deposited by the transportation
26 development district in a special fund to be expended for the
27 purposes authorized in this section. The transportation
28 development district shall keep accurate records of the amount of

1 money which was collected pursuant to this section, and the
2 records shall be open to the inspection of officers of each
3 transportation development district and the general public.

4 6. (1) No transportation development district imposing a
5 sales tax pursuant to this section may repeal or amend such sales
6 tax unless such repeal or amendment will not impair the
7 district's ability to repay any liabilities which it has
8 incurred, money which it has borrowed or revenue bonds, notes or
9 other obligations which it has issued or which have been issued
10 by the commission or any local transportation authority to
11 finance any project or projects.

12 (2) Whenever the board of directors of any transportation
13 development district in which a transportation development sales
14 tax has been imposed in the manner provided by this section
15 receives a petition, signed by ten percent of the qualified
16 voters calling for an election to repeal such transportation
17 development sales tax, the board of directors shall, if such
18 repeal will not impair the district's ability to repay any
19 liabilities which it has incurred, money which it has borrowed or
20 revenue bonds, notes or other obligations which it has issued or
21 which have been issued by the commission or any local
22 transportation authority to finance any project or projects,
23 submit to the qualified voters of such transportation development
24 district a proposal to repeal the transportation development
25 sales tax imposed pursuant to the provisions of this section. If
26 a majority of the votes cast on the proposal by the qualified
27 voters voting thereon are in favor of the proposal to repeal the
28 transportation development sales tax, then the resolution

1 imposing the transportation development sales tax, along with any
2 amendments thereto, is repealed. If a majority of the votes cast
3 by the qualified voters voting thereon are opposed to the
4 proposal to repeal the transportation development sales tax, then
5 the ordinance or resolution imposing the transportation
6 development sales tax, along with any amendments thereto, shall
7 remain in effect.

8 238.236. 1. This section shall not apply to any tax levied
9 pursuant to section 238.235, and no tax shall be imposed pursuant
10 to the provisions of this section if a tax has been imposed by a
11 transportation development district pursuant to section 238.235.

12 2. In lieu of the taxes allowed pursuant to section
13 238.235, any transportation development district which consists
14 of all of one or more entire counties, all of one or more entire
15 cities, or all of one or more entire counties and one or more
16 entire cities which are totally outside the boundaries of those
17 counties may by resolution impose a transportation development
18 district sales tax on all retail sales made in such
19 transportation development district which are subject to taxation
20 pursuant to the provisions of sections 144.010 to 144.525, RSMo,
21 for any transportation development purpose designated by the
22 transportation development district in its ballot of submission
23 to its qualified voters. No resolution enacted pursuant to the
24 authority granted by this section shall be effective unless:

25 (1) The board of directors of the transportation
26 development district submits to the qualified voters of the
27 transportation development district, at a state general, primary,
28 or special election, a proposal to authorize the board of

1 directors of the transportation development district to impose
2 [a] or increase the levy of an existing tax pursuant to the
3 provisions of this section; or

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

6 3. If the transportation development district submits to
7 the qualified voters of the transportation development district a
8 proposal to authorize the board of directors of the
9 transportation development district to impose or increase the
10 levy of an existing tax pursuant to the provisions of subdivision
11 (1) of subsection 2 of this section, the ballot of submission
12 shall contain, but need not be limited to, the following
13 language:

14 Shall the transportation development district of
15(transportation development district's name) impose a
16 transportation development district-wide sales tax at the rate of
17 (insert amount) for a period of (insert
18 number) years from the date on which such tax is first imposed
19 for the purpose of (insert
20 transportation development purpose)?

21 YES NO

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

25 If a majority of the votes cast on the proposal by the qualified
26 voters voting thereon are in favor of the proposal, then the
27 resolution and any amendments thereto shall be in effect. If a
28 majority of the votes cast by the qualified voters voting are

1 opposed to the proposal, then the board of directors of the
2 transportation development district shall have no power to impose
3 the sales tax authorized by this section unless and until the
4 board of directors of the transportation development district
5 shall again have submitted another proposal to authorize it to
6 impose the sales tax pursuant to the provisions of this section
7 and such proposal is approved by a majority of the qualified
8 voters voting thereon.

9 4. Within ten days after the adoption of any resolution in
10 favor of the adoption of a transportation development district
11 sales tax which has been approved by the qualified voters of such
12 transportation development district, the transportation
13 development district shall forward to the director of revenue, by
14 United States registered mail or certified mail, a certified copy
15 of the resolution of its board of directors. The resolution
16 shall reflect the effective date thereof. The sales tax
17 authorized by this section shall become effective on the first
18 day of the second calendar quarter after the director of revenue
19 receives notice of adoption of such tax.

20 5. All revenue received by a transportation development
21 district from the tax authorized by this section which has been
22 designated for a certain transportation development purpose shall
23 be deposited in a special trust fund and shall be used solely for
24 such designated purpose. Upon the expiration of the period of
25 years approved by the qualified voters pursuant to subsection 3
26 of this section or if the tax authorized by this section is
27 repealed pursuant to subsection 12 of this section, all funds
28 remaining in the special trust fund shall continue to be used

1 solely for such designated transportation development purpose.
2 Any funds in such special trust fund which are not needed for
3 current expenditures may be invested by the board of directors in
4 accordance with applicable laws relating to the investment of
5 other transportation development district funds.

6 6. The sales tax may be imposed at a rate of one-eighth of
7 one percent, one-fourth of one percent, three-eighths of one
8 percent, one-half of one percent or one percent on the receipts
9 from the sale at retail of all tangible personal property or
10 taxable services at retail within the transportation development
11 district adopting such tax, if such property and services are
12 subject to taxation by the state of Missouri pursuant to the
13 provisions of sections 144.010 to 144.525, RSMo. Any
14 transportation development district sales tax imposed pursuant to
15 this section shall be imposed at a rate that shall be uniform
16 throughout the district.

17 7. The resolution imposing the sales tax pursuant to this
18 section shall impose upon all sellers a tax for the privilege of
19 engaging in the business of selling tangible personal property or
20 rendering taxable services at retail to the extent and in the
21 manner provided in sections 144.010 to 144.525, RSMo, and the
22 rules and regulations of the director of revenue issued pursuant
23 thereto; except that the rate of the tax shall be the rate
24 imposed by the resolution as the sales tax. The amount reported
25 and returned to the director of revenue by the seller shall be
26 computed on the basis of the combined rate of the tax imposed by
27 sections 144.010 to 144.525, RSMo, and the tax imposed by the
28 [resolutions] resolution as authorized by this section, plus any

1 amounts imposed pursuant to other provisions of law.

2 8. On and after the effective date of any tax imposed
3 pursuant to this section, the director of revenue shall perform
4 all functions incident to the administration, collection,
5 enforcement, and operation of the tax, and the director of
6 revenue shall collect, in addition to all other sales taxes
7 imposed by law, the additional tax authorized pursuant to this
8 section. The tax imposed pursuant to this section and the taxes
9 imposed pursuant to all other laws of the state of Missouri shall
10 be collected together and reported upon such forms and pursuant
11 to such administrative rules and regulations as may be prescribed
12 by the director of revenue.

13 9. All applicable provisions contained in sections 144.010
14 to 144.525, RSMo, governing the state sales tax, sections 32.085
15 and 32.087, RSMo, governing local sales taxes, and section
16 32.057, RSMo, the uniform confidentiality provision, shall apply
17 to the collection of the tax imposed by this section, except as
18 modified in this section.

19 10. All sales taxes collected by the director of revenue
20 pursuant to this section on behalf of any transportation
21 development district, less one percent for the cost of
22 collection, which shall be deposited in the state's general
23 revenue fund after payment of premiums for surety bonds as
24 provided in section 32.087, RSMo, shall be deposited in the state
25 treasury to the credit of the "Transportation Development
26 District Sales Tax Fund", which is hereby created. Moneys in the
27 transportation development district sales tax fund shall not be
28 deemed to be state funds and shall not be commingled with any

1 funds of the state. All interest earned upon the balance in the
2 transportation development district sales tax fund shall be
3 deposited to the credit of the same fund. Any balance in the
4 fund at the end of an appropriation period shall not be
5 transferred to the general revenue fund and the provisions of
6 section 33.080, RSMo, shall not apply to the fund. The director
7 of revenue shall keep accurate records of the amount of money
8 which was collected in each transportation development district
9 imposing a sales tax pursuant to this section, and the records
10 shall be open to the inspection of officers of each
11 transportation development district and the general public. Not
12 later than the tenth day of each month, the director of revenue
13 shall distribute all moneys deposited in such fund during the
14 preceding month to the proper transportation development
15 district.

16 11. The director of revenue may authorize the state
17 treasurer to make refunds from the amounts credited to any
18 transportation development district for erroneous payments and
19 overpayments made, and may redeem dishonored checks and drafts
20 deposited to the credit of such districts. If any transportation
21 development district repeals the tax authorized by this section,
22 the transportation development district shall notify the director
23 of revenue of the action at least ninety days prior to the
24 effective date of the repeal and the director of revenue may
25 order retention, for a period of one year, of two percent of the
26 amount collected after receipt of such notice to cover possible
27 refunds or overpayment of such tax and to redeem dishonored
28 checks and drafts deposited to the credit of such accounts.

1 After one year has elapsed after the effective date of repeal of
2 the tax authorized by this section in such transportation
3 development district, the director of revenue shall remit the
4 balance in the account to the transportation development district
5 and close the account of that transportation development
6 district. The director of revenue shall notify each
7 transportation development district of each instance of any
8 amount refunded or any check redeemed from receipts due the
9 transportation development district.

10 12. (1) No transportation development district imposing a
11 sales tax pursuant to this section may repeal or amend such sales
12 tax unless such repeal or amendment will not impair the
13 district's ability to repay any liabilities which it has
14 incurred, money which it has borrowed or revenue bonds, notes or
15 other obligations which it has issued or which have been issued
16 by the commission or any local transportation authority to
17 finance any project or projects.

18 (2) Whenever the board of directors of any transportation
19 development district in which a transportation development sales
20 tax has been imposed in the manner provided by this section
21 receives a petition, signed by ten percent of the qualified
22 voters of such transportation development district calling for an
23 election to repeal such transportation development sales tax, the
24 board of directors shall, if such repeal will not impair the
25 district's ability to repay any liabilities which it has
26 incurred, money which it has borrowed or revenue bonds, notes or
27 other obligations which it has issued or which have been issued
28 by the commission or any local transportation authority to

1 finance any project or projects, submit to the voters of such
2 transportation development district a proposal to repeal the
3 transportation development sales tax imposed pursuant to the
4 provisions of this section. If a majority of the votes cast on
5 the proposal by the qualified voters voting thereon are in favor
6 of the proposal to repeal the transportation development sales
7 tax, then the resolution imposing the transportation development
8 sales tax, along with any amendments thereto, is repealed. If a
9 majority of the votes cast by the qualified voters voting thereon
10 are opposed to the proposal to repeal the transportation
11 development sales tax, then the [ordinance or] resolution
12 imposing the transportation development sales tax, along with any
13 amendments thereto, shall remain in effect.