

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

**HOUSE BILL NOS. 795, 972,
1128 & 1161
92ND GENERAL ASSEMBLY**

2494L.10T

2004

AN ACT

To repeal sections 49.272, 49.650, 50.339, 50.515, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 64.930, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1360, 67.1401, 67.1706, 67.1754, 89.410, 137.100, 137.298, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429, 493.050, and 644.032, RSMo, and to enact in lieu thereof sixty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

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

Section A. Sections 49.272, 49.650, 50.339, 50.515, 50.740, 50.1110, 50.1140, 50.1250,
2 52.269, 52.271, 64.520, 64.805, 64.825, 64.930, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493,
3 67.793, 67.799, 67.1360, 67.1401, 67.1706, 67.1754, 89.410, 137.100, 137.298, 137.720,
4 144.030, 144.615, 144.757, 144.759, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305,
5 260.831, 304.010, 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429,
6 493.050, and 644.032, RSMo, are repealed and sixty-two new sections enacted in lieu thereof,
7 to be known as sections 49.272, 49.650, 50.339, 50.515, 50.740, 50.1110, 50.1140, 50.1250,
8 52.269, 52.271, 59.331, 64.520, 64.805, 64.825, 64.930, 67.320, 67.793, 67.799, 67.1360,

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.

9 67.1401, 67.1706, 67.1754, 67.2000, 67.2500, 67.2505, 67.2510, 67.2515, 67.2520, 67.2525,
10 67.2530, 70.225, 89.410, 137.100, 137.298, 137.720, 138.011, 144.030, 144.615, 144.757,
11 144.759, 190.306, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010,
12 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429, 493.050, 537.550,
13 644.032, 1, and 2, to read as follows:

49.272. The county commission of any county of the first classification without a charter
2 form of government and with more than one hundred thirty-five thousand four hundred but less
3 than one hundred thirty-five thousand five hundred inhabitants, **and in any county of the first**
4 **classification without a charter form of government having a population of at least eighty-**
5 **two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, and**
6 **any county of the first classification with more than two hundred forty thousand three**
7 **hundred but less than two hundred forty thousand four hundred inhabitants,** which has
8 an appointed county counselor and which adopts or has adopted rules, regulations or ordinances
9 under authority of a statute which prescribes or authorizes a violation of such rules, regulations
10 or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or
11 ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines
12 imposed and collected under such rules, regulations or ordinances shall be payable to the county
13 general fund to be used to pay for the cost of enforcement of such rules, regulations or
14 ordinances.

49.650. 1. The governing authority of each county [of the first, second, or fourth
2 classification] without a charter form of government shall have the power to adopt ordinances
3 or resolutions relating to its property, affairs, and local government for which no provision has
4 been made in the constitution of this state or state statute regarding the following:

- 5 (1) County roads controlled by the county;
- 6 (2) Emergency management, as it specifically relates to the actual occurrence of a natural
7 or man-made disaster of major proportions within the county when the safety and welfare of the
8 inhabitants of such county are jeopardized;
- 9 (3) Nuisance abatement, excluding agricultural and horticultural property as defined in
10 section 137.016, RSMo;
- 11 (4) Storm water control, excluding agricultural and horticultural property as defined in
12 section 137.016, RSMo;
- 13 (5) The promotion of economic development for job creation purposes; [and]
- 14 (6) Parks and recreation; **and**
- 15 (7) **Protection of the environment from the risks posed by methamphetamine**
16 **production. Nothing in this subdivision shall be construed to allow a noncharter county**
17 **to adopt an ordinance or resolution regulating the sale or display at any retail outlet of any**

18 **drug having an active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine,**
19 **or any of their salts, optical isomers, or salts of optical isomers. Each county shall have the**
20 **authority by ordinance to authorize specified officeholders to receive donations for**
21 **specified purposes to defray costs of administration of programs set forth in said**
22 **ordinance.**

23

24 If any such ordinance, order, or resolution conflicts with a municipal, fire protection district, or
25 ambulance district ordinance, the provisions of such municipality, fire protection district, or
26 ambulance district shall prevail within the corporate boundaries of the municipality, of such
27 municipality, fire protection district, or ambulance district. All ordinances adopted pursuant to
28 this section shall remain effective until repealed or amended by the governing authority, except
29 that the general assembly shall have the power to further define, broaden, limit, or otherwise
30 regulate the power of each such county to adopt ordinances, resolutions, or regulations.

31 2. The governing body of each county [of the first, second, or fourth classification]
32 without a charter form of government may submit to the qualified voters of the county any
33 ordinance, resolution, or regulation proposed pursuant to this section for the approval of the
34 qualified voters of the county. Any ordinance, resolution, or regulation submitted to the
35 qualified voters pursuant to this section shall become effective if a majority of the qualified
36 voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no
37 ordinance, resolution, or regulation shall become effective if a majority of the qualified voters
38 voting on the ordinance, resolution, or regulation are opposed to its adoption.

39 3. Notwithstanding any other provision of this section to the contrary, no tax or fee shall
40 be submitted to the voters of the county unless the tax or fee has been authorized by statute by
41 the general assembly.

42 4. No county of the first, second, **third**, or fourth classification shall have the power to
43 adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad
44 company, telecommunications or wireless companies, public utilities, rural electric cooperatives,
45 or municipal utilities.

46 **5. No county commission of any county of the third classification shall enact an**
47 **ordinance with regard to agricultural operations under this section. Any zoning ordinance**
48 **adopted by any county of the third classification before August 28, 2004, shall be exempt**
49 **from this subsection.**

50.339. 1. In any county of the first classification with more than seventy-one thousand
2 three hundred but less than seventy-one thousand four hundred inhabitants, the salary
3 commission at its meeting in 2003 and at any meeting held in 2004 may equalize the base salary
4 for each office to an amount not greater than that set by law as the maximum compensation.

5 Nothing in this section shall be construed to prevent offices which have additional compensation
6 specified in law from receiving such compensation or from having such compensation added to
7 the base compensation in excess of the equalized salary.

8 **2. Notwithstanding any provision of section 50.343 to the contrary, in any county**
9 **of the first classification with more than sixty-eight thousand six hundred but less than**
10 **sixty-eight thousand seven hundred inhabitants, the salary commission may meet in the**
11 **year 2004 to determine whether to equalize the base salary for the office of treasurer with**
12 **the base salaries of other county officers at an amount not greater than the amount set as**
13 **the maximum compensation in subdivision (1) of subsection 1 of section 50.343.**

50.515. The governing body of any county may, by order of such governing body,
2 impose an administrative service fee on the county park fund or the county road and bridge fund,
3 or any specific purpose capital improvements fund, authorized pursuant to the provisions of
4 section 67.547, 67.550 or 67.700, RSMo. Such administrative service fee shall only be imposed
5 to recoup expenditures made from the county general revenue fund to provide administrative
6 services to the county park fund or the county road and bridge fund, or any specific purpose
7 capital improvements fund authorized pursuant to section 67.547, 67.550 or 67.700, RSMo,
8 including, but limited to, accounting, bookkeeping, legal services, auditing, investment control,
9 fiscal management, and revenue collection. Any administrative service fee imposed under this
10 section shall be imposed at a rate which will only generate revenue sufficient to recoup actual
11 expenditures made from the general revenue fund of the county to provide administrative
12 services to the fund against which such service fee is imposed, including both direct and indirect
13 expenditures as determined by an independent audit; provided, that no administrative service fee
14 shall exceed three percent of the total budget of the fund on which such fee is imposed, **except**
15 **in any county of the third classification, in which no administrative service fee shall exceed**
16 **five percent of the total budget of the fund on which such fee is imposed.**

50.740. 1. It is hereby made the first duty of the county commission in counties of
2 classes three and four at its regular [February] **January** term to go over the estimates and revise
3 and amend the same in such way as to promote efficiency and economy in county government.
4 The commission may alter or change any estimate as public interest may require and to balance
5 the budget, first giving the person preparing supporting data an opportunity to be heard. After
6 the county commission shall have revised the estimate it shall be the duty of the clerk of said
7 commission forthwith to enter such revised estimate on the record of the said commission and
8 the commission shall forthwith enter thereon its approval.

9 2. The county clerk shall within five days after the date of approval of such budget
10 estimate, file a certified copy thereof with the county treasurer, taking [his] **a** receipt therefor, and
11 he shall also forward a certified copy thereof to the state auditor by registered mail. The county

12 treasurer shall not pay nor enter protest on any warrant **except payroll** for the current year until
13 such budget estimate shall have been so filed. If any county treasurer shall pay or enter for
14 protest any warrant **except payroll** before the budget estimate shall have been filed, as by
15 sections 50.525 to 50.745 provided, [he] **the county treasurer** shall be liable on [his] **the** official
16 bond for such act. Immediately upon receipt of the estimated budget the state auditor shall send
17 to the county clerk [his] **the** receipt therefor by registered mail.

18 3. Any order of the county commission of any county authorizing [and/or] **or** directing
19 the issuance of any warrant contrary to any provision of this law shall be void and of no binding
20 force or effect; and any county clerk, county treasurer, or other officer participating in the
21 issuance or payment of any such warrant shall be liable therefor upon [his] **the** official bond.

50.1110. 1. The normal annuity of a member shall be paid to a member during his or
2 her lifetime. Upon the member's death no further payments shall be made.

3 2. In lieu of the normal annuity otherwise payable to a member, the member may elect
4 in the member's application for retirement to receive the actuarial equivalent of the member's
5 normal annuity in reduced monthly payments for life during retirement with the provision that
6 upon the member's death, either one hundred percent, seventy-five percent or fifty percent of the
7 reduced normal annuity, as elected by the member, shall be continued throughout the life of and
8 paid to the member's beneficiary.

9 3. The election may be made only in the application for retirement and such application
10 shall be filed prior to the date on which the retirement of the member is to be effective. A
11 member shall not be permitted to change the form of benefit elected or the designated beneficiary
12 after benefits commence to him, even if the designated beneficiary dies before the member.

13 4. If a member dies after completing eight or more years of creditable service, the
14 surviving spouse shall be entitled to survivorship benefits under the fifty-percent annuity option
15 as set forth in this section. If the member was age sixty-two or older at death, the surviving
16 spouse's benefit will commence the first day of the month following the member's death. If the
17 member was under age sixty-two at death, the surviving spouse's benefits will commence on the
18 first day of the month following the date the member would have attained age sixty-two had the
19 member lived. Alternatively, the surviving spouse may elect to receive the actuarial equivalent
20 benefit payable on the first day of any month following the date of the member's death and prior
21 to the date the member would have attained age sixty-two, reduced for early commencement.

22 5. Actuarial equivalence shall be determined in accordance with assumptions adopted
23 by the board after consulting with the actuary of the retirement system.

24 **6. If a member dies prior to retirement and after completing eight or more years**
25 **service and there is no surviving spouse, the member's designated beneficiary shall be**

26 **entitled to receive a refund of the member's contributions under section 50.1040, RSMo.**
27 **If there is no designated beneficiary, the contributions shall be paid to the member's estate.**

50.1140. 1. Upon termination of employment, any member with less than eight years
2 of creditable service shall forfeit all rights in the fund, including the member's accrued creditable
3 service as of the date of the member's termination of employment, but may receive any refund
4 of contributions to which the member is entitled pursuant to subsection 3 of this section.

5 2. A member who terminates employment with at least eight years of creditable service
6 shall be entitled to an annuity from the fund, determined in accordance with the formula
7 described in section 50.1060. The member may elect to defer the receipt of his or her annuity,
8 until the member's attainment of age sixty-two, or the member may elect to begin receiving his
9 or her annuity on the first day of any month following the later of the date of termination of
10 employment or age fifty-five. If the member begins receiving an annuity before age sixty-two
11 and termination of employment occurs on or after age fifty-five, the annuity shall be reduced by
12 four-tenths of one percent for each month the commencement date of the annuity precedes age
13 sixty-two, and an additional three-tenths of one percent for each month the commencement date
14 of the annuity precedes age sixty.

15 3. In the event a member ceases to be a member other than by death before the date the
16 member becomes vested in the system, the member shall be paid, upon his or her written
17 application filed with the board, the member's accumulated contributions standing to his or her
18 credit in the members' deposit fund.

19 4. A former member who has forfeited creditable service may have the creditable service
20 restored by again becoming an employee, completing a total of eight years of uninterrupted
21 creditable service, and purchasing the forfeited service [at the rate of two percent, or one percent
22 if in LAGERS, of compensation plus interest equal to the current prime rate plus two percent
23 from the date of payment of the refund] **by paying into the fund the forfeited amount**
24 **previously refunded to the participant or credited to the participant's county plus interest**
25 **equal to the current prime rate plus two percent.**

50.1250. 1. If a member has less than five years of creditable service upon termination
2 of employment, the member shall forfeit the portion of his or her defined contribution account
3 attributable to board matching contributions or county matching contributions pursuant to section
4 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made
5 by the board for the calendar year in which the forfeiture occurs. If the board does not approve
6 a matching contribution, then forfeitures shall revert to the county employees' retirement fund.
7 The proceeds of such forfeiture with respect to county matching contributions shall be applied
8 toward matching contributions made by the respective county in accordance with rules prescribed
9 by the board.

10 2. A member shall be eligible to receive a distribution of the member's defined
11 contribution account [as soon as administratively feasible following termination of employment,
12 or may choose to receive the account balance at a later time, but no later than his or her required
13 beginning date. The member's account balance shall be paid in a single sum] **in such form**
14 **selected by the member as permitted under and in accordance with the rules and**
15 **regulations formulated and adopted by the board from time to time, and commencing as**
16 **soon as administratively feasible following separation from service, unless the member**
17 **elects to receive the account balance at a later time, but no later than his or her required**
18 **beginning date. Notwithstanding the foregoing, if the value of a member's defined**
19 **contribution account balance is five thousand dollars or less at the time of the member's**
20 **separation from service, without respect to any board matching contributions or employer**
21 **matching contribution which might be allocated following the member's separation from**
22 **service, then his or her defined contribution account shall be distributed to the member in**
23 **a single sum as soon as administratively feasible following his or her separation from**
24 **service.** The amount of the distribution shall be the amount determined as of the valuation date
25 described in section 50.1240, if the member has at least five years of creditable service. If the
26 member has less than five years of creditable service upon his or her [termination of
27 employment] **separation from service**, then the amount of the distribution shall equal the
28 portion of the member's defined contribution account attributable to the member's seed
29 contributions pursuant to section 50.1220, if any, determined as of the valuation date.

30 3. If the member dies before receiving the member's account balance, the member's
31 designated beneficiary shall receive the member's defined contribution account balance, as
32 determined as of the immediately preceding valuation date, in a single sum. The member's
33 beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the
34 member designates an alternative beneficiary in accordance with procedures established by the
35 board.

52.269. 1. In all counties, except first classification counties having a charter form of
2 government and first classification counties not having a charter form of government and not
3 containing any part of a city with a population of three hundred thousand or more, the county
4 collector shall receive an annual salary which shall be paid in equal monthly installments by the
5 county. The salary shall be computed on an assessed valuation basis as provided in this
6 subsection. The assessed valuation factor shall be the amount as shown for the year next
7 preceding the annual salary computation. A county collector subject to the provisions of this
8 section shall not receive an annual compensation less than the total compensation being received
9 by the county collector in that county for services rendered or performed for the period beginning
10 March 1, 1987, and ending February 29, 1988. The county collector shall receive the same

11 percentage adjustments provided by the county salary commissions for county officers in that
 12 county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or
 13 require a reduction in the amount of compensation being paid for the office of county collector
 14 on January 1, 1997, or less than the total compensation being received for the services rendered
 15 or performed for the period beginning March 1, 1987, and ending February 29, 1988. The salary
 16 shall be computed on the basis of the following schedule:

| 17 Assessed Valuation | Salary |
|-------------------------------|----------|
| 18 \$18,000,000 to 40,999,999 | \$29,000 |
| 19 41,000,000 to 53,999,999 | 30,000 |
| 20 54,000,000 to 65,999,999 | 32,000 |
| 21 66,000,000 to 85,999,999 | 34,000 |
| 22 86,000,000 to 99,999,999 | 36,000 |
| 23 100,000,000 to 130,999,999 | 38,000 |
| 24 131,000,000 to 159,999,999 | 40,000 |
| 25 160,000,000 to 189,999,999 | 41,000 |
| 26 190,000,000 to 249,999,999 | 41,500 |
| 27 250,000,000 to 299,999,999 | 43,000 |
| 28 300,000,000 or more | 45,000 |

29 2. Two thousand dollars of the salary authorized in this section shall be payable to the
 30 collector only if the collector has completed at least twenty hours of classroom instruction each
 31 calendar year relating to the operations of the collector's office when approved by a professional
 32 association of the county collectors of Missouri unless exempted from the training by the
 33 professional association. The professional association approving the program shall provide a
 34 certificate of completion to each collector who completes the training program and shall send
 35 a list of certified collectors to the treasurer of each county. Expenses incurred for attending the
 36 training session may be reimbursed to the county collector in the same manner as other expenses
 37 as may be appropriated for that purpose.

38 3. Any provision of law to the contrary notwithstanding, any fee provided for in section
 39 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the
 40 county and deposited into the county general revenue fund. Such fee shall be retained by the
 41 collector as compensation for his services, in addition to any amount provided for such collector
 42 in this section. [Any fee which may be retained by the collector under the terms of such contract
 43 may be retained in addition to all other compensation provided by law.]

44 4. Except as provided in subsection 3 of this section, after the next general election
 45 following January 1, 1988, all fees collected by the collector shall be collected on behalf of the
 46 county and deposited in the county general revenue fund.

52.271. 1. **Notwithstanding any provisions of law to the contrary, or any other provision of law in conflict with the provisions of this section,** the county collector in each county [of the third class] **shall be allowed to employ not less than one full-time deputy and is entitled to employ such number of deputies and assistants as may be necessary to promptly and correctly perform the duties of the collector's office,** and for the deputies and assistants is allowed not less than the amount allowed in [1992 or 1993] **2001 or 2002,** whichever is greater.

2. For the purpose of computing the various amounts under the provisions of subsection 1 of this section, the salary of the county collector is the total compensation provided in section 52.269.

59.331. The preparer of a document shall not include an individual's federal social security number in a document that is prepared and presented for recording in the office of the recorder of deeds. This section does not apply to state or federal tax liens, military separation or discharge papers, and other documents required by law to contain such information that are filed or recorded in the office of the recorder of deeds.

64.520. Such county planning commission shall consist of the county highway engineer **or head of the highway department,** and one resident of the county appointed by the county commission, from the unincorporated part of each township in the county, except that no such [freeholder] **resident** shall be appointed from a township in which there is no unincorporated area. The township representatives are hereinafter referred to as appointed members. The term of each appointed member shall be four years or until his successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years. The term of the county highway engineer shall be only for the duration of his tenure of official position. All members of the county planning commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses for hearings, and for not to exceed two administrative meetings per month, may be paid to the appointed members of the planning commission in an amount, as set by the county commission, not to exceed [fifteen] **twenty-five** dollars for each meeting. The planning commission shall elect its chairman, who shall serve for one year.

64.805. The county planning commission shall consist of the county highway engineer, and one resident of the county appointed by the county commission, from the unincorporated part of each township in the county, except that no such person shall be appointed from a township in which there is no unincorporated area. The township representatives are hereinafter referred to as appointed members. The term of each appointed member shall be four years or until his successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years. The term of the county highway

8 engineer shall be only for the duration of his tenure of official position. All members of the
9 county planning commission shall serve as such without compensation, except that an attendance
10 fee as reimbursement for expenses, for not to exceed four meetings per year, may be paid to the
11 appointed members of the county planning commission in an amount, as set by the county
12 commission, not to exceed [ten] **twenty-five** dollars per meeting. The planning commission shall
13 elect its chairman, who shall serve for one year.

64.825. The county planning commission may also prepare, with the approval of the
2 county commission, as parts of the official master plan or otherwise, sets of regulations
3 governing subdivisions of land in unincorporated areas, and amend or change same from time
4 to time as herein provided, which regulations may provide for the proper location and width of
5 streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of
6 population, including minimum width and area of lots. Such regulations may also include the
7 extent to which and the manner in which streets shall be graded and improved, and the extent to
8 which water, sewer and other utility services shall be provided, to protect public health and
9 general welfare. Such regulations may provide that in lieu of the immediate completion or
10 installation of the work, the county planning commission may accept bond for the county
11 commission in the amount and with surety **bond, cash bond, cash deposit with the county**
12 **treasurer, letter of credit, or certificate of deposit** and conditions satisfactory to the county
13 commission, providing for and securing to the county commission the actual construction of the
14 improvements and utilities within a period specified by the county planning commission, and the
15 county commission shall have power to enforce the bond, **surety bond, cash bond, cash deposit**
16 **with the county treasurer, letter of credit, or certificate of deposit** by all proper remedies.
17 The subdivision regulations shall be adopted, changed or amended, certified and filed as
18 provided in section 64.815. The subdivision regulations shall be adopted, changed or amended
19 only after a public hearing has been held thereon, public notice of which shall be given in the
20 manner as provided for the hearing in section 64.815.

64.930. 1. The county sports complex authority shall consist of five commissioners who
2 shall be qualified voters of the state of Missouri, and residents of such county. The
3 commissioners of the county commission by a majority vote thereof shall submit a panel of nine
4 names to the governor who shall select with the advice and consent of the senate five
5 commissioners from such panel, no more than three of which shall be of any one political party,
6 who shall constitute the members of such authority; provided, however, that no elective or
7 appointed official of any political subdivision of the state of Missouri shall be a member of the
8 county sports complex authority.

9 2. The authority shall elect from its number a chairman and may appoint such officers
10 and employees as it may require for the performance of its duties and fix and determine their

11 qualifications, duties and compensation. No action of the authority shall be binding unless taken
12 at a meeting at which at least three members are present and unless a majority of the members
13 present at such meeting shall vote in favor thereof.

14 3. Such sports complex commissioners shall serve in the following manner: One for two
15 years, one for three years, one for four years, one for five years, and one for six years. Successors
16 shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each
17 sports complex commissioner shall hold office until his successor has been appointed and
18 qualified.

19 4. In the event a vacancy exists a new panel of three names shall be submitted by
20 majority vote of the county commission to the governor for appointment. All such vacancies
21 shall be filled within thirty days from the date thereof. **If the county commission has not**
22 **submitted a panel of three names to the governor within thirty days of the expiration of a**
23 **commissioner's term, the governor shall immediately make an appointment to the**
24 **commission with the advice and consent of the senate. In the event the governor does not**
25 **appoint a replacement, no commissioner shall continue to serve beyond the expiration of**
26 **that commissioner's term.**

27 5. The compensation of the sports complex commissioners to be paid by the authority
28 shall be determined by the sports complex commissioners, but in no event shall exceed the sum
29 of three thousand dollars per annum. In addition, the sports complex commissioners shall be
30 reimbursed by the authority for the actual and necessary expenses incurred in the performance
31 of their duties. **No commissioner shall continue to serve beyond the expiration of that**
32 **commissioner's term.**

67.320. 1. Any county of the first classification with more than one hundred ninety-
2 **eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants**
3 **may prosecute and punish violations of its county orders in the circuit court of such**
4 **counties in the manner and to the extent herein provided or in a county municipal court**
5 **if creation of a county municipal court is approved by order of the county commission.**
6 **The county may adopt orders with penal provisions consistent with state law but only in**
7 **the areas of traffic violations, solid waste management and animal control. Any county**
8 **municipal court established pursuant to the provisions of this section shall have**
9 **jurisdiction over violations of that county's orders and the ordinances of municipalities**
10 **with which the county has a contract to prosecute and punish violations of municipal**
11 **ordinances of the municipality.**

12 2. **In any county which has elected to establish a county municipal court pursuant**
13 **to this section, the judges for such court shall be appointed by the county commission of**
14 **such county, subject to confirmation by the legislative body of such county in the same**

15 **manner as confirmation for other county appointed officers. The number of judges**
16 **appointed, and qualifications for their appointment, shall be established by order of the**
17 **commission.**

18 **3. The practice and procedure of each prosecution shall be conducted in compliance**
19 **with all of the terms and provisions of sections 66.010 to 66.140, RSMo, except as provided**
20 **for in this section.**

21 **4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall be**
22 **synonymous with the term order for purposes of this section.**

67.793. 1. Whenever the creation of a regional recreational district is desired, one
2 hundred or more persons residing in the proposed district may file with the county clerk in which
3 the greater part of the proposed district's population resides a petition requesting the creation of
4 the regional recreational district. In case the proposed district is situated in two or more counties,
5 the petition shall be filed in the office of the county clerk of the county in which the greater part
6 of the proposed district's population resides, and the governing body of that county shall set the
7 petition for public hearing and conduct such hearing. The petition shall set forth:

- 8 (1) A description of the territory to be embraced in the proposed district;
- 9 (2) The names of the municipalities located within the proposed district;
- 10 (3) The name of the proposed district;
- 11 (4) The population of the proposed district;
- 12 (5) The assessed valuation of the proposed district;
- 13 (6) The type and rate of tax proposed to be levied; and
- 14 (7) A request that the question be submitted to the voters residing within the limits of
15 the proposed regional recreational district whether they will establish a regional recreational
16 district pursuant to the provisions of sections 67.792 to 67.799 to be known as ". . . Regional
17 Recreational District" for the purpose of establishing, operating and maintaining public parks,
18 neighborhood trails and recreational facilities within the boundaries of the district.

19 2. Whenever one hundred or more persons residing in an area contiguous to an existing
20 regional recreational district desire to become part of that contiguous district, such persons may
21 file a petition with the county clerk of the county in which the greater part of the population
22 within the proposed addition to the district resides, and the governing body of that county shall
23 set the petition for public hearing and conduct such hearing. The petition for the addition to a
24 district shall set forth the same facts required for the creation of such a district pursuant to
25 subdivisions (1) to (7) of subsection 1 of this section, except that:

- 26 (1) Subdivision (6) of subsection 1 of this section shall only permit the imposition of a
27 tax on the real property located within the addition to the district; and

13 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
14 of the proposal, then the tax shall become effective. If a majority of the votes cast by the
15 qualified voters voting are opposed to the proposal, then the board of directors shall have no
16 power to impose the tax unless and until the board of directors of the district submits another
17 proposal to authorize the tax and such proposal is approved by a majority of the qualified voters
18 voting thereon.

19 3. The property tax authorized in subsections 1 and 2 of this section shall be levied and
20 collected in the same manner as other ad valorem property taxes are levied and collected.

21 4. (1) A regional recreational district may, by a majority vote of its board of directors,
22 impose a tax not to exceed one-half of one cent on all retail sales subject to taxation pursuant to
23 sections 144.010 to 144.525, RSMo, for the purpose of funding the creation, operation and
24 maintenance of public parks, recreational facilities and grounds within the boundaries of a
25 regional recreational district. The tax authorized by this subsection shall be in addition to all
26 other sales taxes allowed by law. No tax pursuant to this subsection shall become effective
27 unless the board of directors submits to the voters of the district, at a county or state general,
28 primary or special election, a proposal to authorize the tax, and such tax shall become effective
29 only after the majority of the voters voting on such tax approve such tax. [Only whole counties
30 participating in a regional recreational district shall be able to impose a sales tax pursuant to this
31 subsection.]

32 (2) In the event the district seeks to impose a sales tax pursuant to this subsection, the
33 question shall be submitted in substantially the following form:

34 Shall a . . . cent sales tax be levied on all retail sales within the district for public parks
35 and recreational facilities?

36 YES

NO

37

38 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
39 of the proposal, then the tax shall become effective. If a majority of the votes cast by the
40 qualified voters voting are opposed to the proposal, then the board of directors shall have no
41 power to impose the tax unless and until another proposal to authorize the tax is submitted to the
42 voters of the district and such proposal is approved by a majority of the qualified voters voting
43 thereon. The provisions of sections 32.085 and 32.087, RSMo, shall apply to any tax approved
44 pursuant to this subsection.

45 **5. As used in this section, "qualified voters" or "voters" means any individuals**
46 **residing within the proposed district who are eligible to be registered voters and who have**
47 **registered to vote under chapter 115, RSMo, or, if no individuals eligible and registered to**
48 **vote reside within the proposed district, all of the owners of real property located within**

49 **the proposed district who have unanimously petitioned for or consented to the adoption**
50 **of an ordinance by the governing body imposing a tax authorized in this section. If the**
51 **owner of the property within the proposed district is a political subdivision or corporation**
52 **of the state, the governing body of such political subdivision or corporation shall be**
53 **considered the owner for purposes of this section.**

67.1360. The governing body of:

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

32 (12) Any city of the fourth class with a population of more than one thousand eight
33 hundred but less than two thousand in a county of the third classification with a township form
34 of government and a population of at least twenty-eight thousand but not more than thirty
35 thousand;

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

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

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

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

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

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

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

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

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

66 (22) Any third class city with a population of more than nine thousand five hundred but
67 less than nine thousand seven hundred inhabitants located in a county of the first classification

68 without a charter form of government and with a population of more than one hundred
69 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

70 (23) Any city of the fourth classification with more than five thousand two hundred but
71 less than five thousand three hundred inhabitants located in a county of the third classification
72 without a township form of government and with more than twenty-four thousand five hundred
73 but less than twenty-four thousand six hundred inhabitants; [or]

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

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

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

85 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
86 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
87 recreational boats which are used by transients for sleeping, which shall be at least two percent,
88 but not more than five percent per occupied room per night, except that such tax shall not
89 become effective unless the governing body of the city or county submits to the voters of the city
90 or county at a state general, primary or special election, a proposal to authorize the governing
91 body of the city or county to impose a tax pursuant to the provisions of this section and section
92 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
93 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
94 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
95 of tourism. Such tax shall be stated separately from all other charges and taxes.

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the
2 "Community Improvement District Act".

3 2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

4 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
5 67.1571, a simple majority of those qualified voters voting in the election;

6 (2) "Assessed value", the assessed value of real property as reflected on the tax records
7 of the county clerk of the county in which the property is located, or the collector of revenue if
8 the property is located in a city not within a county, as of the last completed assessment;

9 (3) "Blighted area", an area which:

10 (a) By reason of the predominance of defective or inadequate street layout, insanitary or
11 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
12 or the existence of conditions which endanger life or property by fire and other causes, or any
13 combination of such factors, retards the provision of housing accommodations or constitutes an
14 economic or social liability or a menace to the public health, safety, morals or welfare in its
15 present condition and use; or

16 (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law
17 including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
18 99.300 to 99.715, RSMo;

19 (4) "Board", if the district is a political subdivision, the board of directors of the district,
20 or if the district is a not-for-profit corporation, the board of directors of such corporation;

21 (5) "Director of revenue", the director of the department of revenue of the state of
22 Missouri;

23 (6) "District", a community improvement district, established pursuant to sections
24 67.1401 to 67.1571;

25 (7) "Election authority", the election authority having jurisdiction over the area in which
26 the boundaries of the district are located pursuant to chapter 115, RSMo;

27 (8) "Municipal clerk", the clerk of the municipality;

28 (9) "Municipality", any city located in a county of the first classification or second
29 classification, **any unincorporated area that is located in any county with a charter form**
30 **of government and with more than one million inhabitants**, any city not within a county and
31 any county;

32 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
33 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes
34 or to refund outstanding obligations;

35 (11) "Owner", for real property, the individual or individuals or entity or entities who
36 own the fee of real property or their legally authorized representative; for business organizations
37 and other entities, the owner shall be deemed to be the individual which is legally authorized to
38 represent the entity in regard to the district;

39 (12) "Per capita", one head count applied to each individual, entity or group of
40 individuals or entities having fee ownership of real property within the district whether such
41 individual, entity or group owns one or more parcels of real property in the district as joint
42 tenants, tenants in common, tenants by the entirety or tenants in partnership;

43 (13) "Petition", a petition to establish a district as it may be amended in accordance with
44 the requirements of section 67.1421;

- 45 (14) "Qualified voters",
46 (a) For purposes of elections for approval of real property taxes:
47 a. Registered voters; or
48 b. If no registered voters reside in the district, the owners of one or more parcels of real
49 property which is to be subject to such real property taxes and is located within the district per
50 the tax records for real property of the county clerk, or the collector of revenue if the district is
51 located in a city not within a county, as of the thirtieth day prior to the date of the applicable
52 election;
- 53 (b) For purposes of elections for approval of business license taxes or sales taxes:
54 a. Registered voters; or
55 b. If no registered voters reside in the district, the owners of one or more parcels of real
56 property located within the district per the tax records for real property of the county clerk as of
57 the thirtieth day before the date of the applicable election; and
- 58 (c) For purposes of the election of directors of the board, registered voters and owners
59 of real property which is not exempt from assessment or levy of taxes by the district and which
60 is located within the district per the tax records for real property of the county clerk, or the
61 collector of revenue if the district is located in a city not within a county, of the thirtieth day prior
62 to the date of the applicable election; and
- 63 (15) "Registered voters", persons who reside within the district and who are qualified
64 and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election
65 authority as of the thirtieth day prior to the date of the applicable election.

67.1706. The metropolitan district shall have as its [primary] duty the development,
2 operation and maintenance of a public system of interconnecting trails and parks throughout the
3 counties comprising the district. **Nothing in this section shall restrict the district's entering**
4 **into and initiating projects dealing with parks not necessarily connected to trails.** The
5 metropolitan district shall supplement but shall not substitute for the powers and responsibilities
6 of the other parks and recreation systems within the metropolitan district **or other conservation**
7 **and environmental regulatory agencies** and shall have the power to contract with other parks
8 and recreation systems as well as with other public and private entities. **Nothing in this section**
9 **shall give the metropolitan district authority to regulate water quality, watershed or land**
10 **use issues in the counties comprising the district.**

67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and
2 allocated as follows:

- 3 (1) Fifty percent of the sales taxes collected from each county shall be deposited in the
4 metropolitan park and recreational fund to be administered by the board of directors of the
5 district to pay costs associated with the establishment, administration, operation and maintenance

6 of public recreational facilities, parks, and public recreational grounds associated with the
7 district. Costs for office administration beginning in the second fiscal year of district operations
8 may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this
9 subdivision;

10 (2) Fifty percent of the sales taxes collected from each county shall be returned to the
11 source county for park purposes, except that forty percent of such fifty percent amount shall be
12 reserved for distribution to municipalities within the county in the form of grant revenue sharing
13 funds. Each county in the district shall establish its own process for awarding the grant proceeds
14 to its municipalities for park purposes **provided the purposes of such grants are consistent**
15 **with the purpose of the district.** In the case of a county of the first classification with a charter
16 form of government having a population of at least nine hundred thousand inhabitants, such grant
17 proceeds shall be awarded to municipalities by a municipal grant commission as described in
18 section 67.1757.

**67.2000. 1. This section shall be known as the "Exhibition Center and Recreational
2 Facility District Act".**

3 **2. Whenever not less than fifty owners of real property located within any county**
4 **of the first classification with more than seventy-one thousand three hundred but less than**
5 **seventy-one thousand four hundred inhabitants, or any county of the first classification**
6 **with more than one hundred ninety-eight thousand but less than one hundred ninety-nine**
7 **thousand two hundred inhabitants, or any county of the first classification with more than**
8 **eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or any**
9 **county of the second classification with more than fifty-two thousand six hundred but less**
10 **than fifty-two thousand seven hundred inhabitants, or any county of the first classification**
11 **with more than one hundred four thousand six hundred but less than one hundred four**
12 **thousand seven hundred inhabitants, or any county of the third classification without a**
13 **township form of government and with more than seventeen thousand nine hundred but**
14 **less than eighteen thousand inhabitants, or any county of the first classification with more**
15 **than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants,**
16 **or any county of the third classification without a township form of government and with**
17 **more than twenty-three thousand five hundred but less than twenty-three thousand six**
18 **hundred inhabitants, or any county of the third classification without a township form of**
19 **government and with more than nineteen thousand three hundred but less than nineteen**
20 **thousand four hundred inhabitants, or any county of the first classification with more than**
21 **two hundred forty thousand three hundred but less than two hundred forty thousand four**
22 **hundred inhabitants, desire to create an exhibition center and recreational facility district,**
23 **the property owners shall file a petition with the governing body of each county located**

24 **within the boundaries of the proposed district requesting the creation of the district. The**
25 **district boundaries may include all or part of the counties described in this section. The**
26 **petition shall contain the following information:**

27 **(1) The name and residence of each petitioner and the location of the real property**
28 **owned by the petitioner;**

29 **(2) A specific description of the proposed district boundaries, including a map**
30 **illustrating the boundaries; and**

31 **(3) The name of the proposed district.**

32 **3. Upon the filing of a petition pursuant to this section, the governing body of any**
33 **county described in this section may, by resolution, approve the creation of a district. Any**
34 **resolution to establish such a district shall be adopted by the governing body of each**
35 **county located within the proposed district, and shall contain the following information:**

36 **(1) A description of the boundaries of the proposed district;**

37 **(2) The time and place of a hearing to be held to consider establishment of the**
38 **proposed district;**

39 **(3) The proposed sales tax rate to be voted on within the proposed district; and**

40 **(4) The proposed uses for the revenue generated by the new sales tax.**

41 **4. Whenever a hearing is held as provided by this section, the governing body of**
42 **each county located within the proposed district shall:**

43 **(1) Publish notice of the hearing on two separate occasions in at least one**
44 **newspaper of general circulation in each county located within the proposed district, with**
45 **the first publication to occur not more than thirty days before the hearing, and the second**
46 **publication to occur not more than fifteen days or less than ten days before the hearing;**

47 **(2) Hear all protests and receive evidence for or against the establishment of the**
48 **proposed district; and**

49 **(3) Rule upon all protests, which determinations shall be final.**

50 **5. Following the hearing, if the governing body of each county located within the**
51 **proposed district decides to establish the proposed district, it shall adopt an order to that**
52 **effect; if the governing body of any county located within the proposed district decides to**
53 **not establish the proposed district, the boundaries of the proposed district shall not include**
54 **that county. The order shall contain the following:**

55 **(1) The description of the boundaries of the district;**

56 **(2) A statement that an exhibition center and recreational facility district has been**
57 **established;**

58 **(3) The name of the district;**

59 (4) The uses for any revenue generated by a sales tax imposed pursuant to this
60 section; and

61 (5) A declaration that the district is a political subdivision of the state.

62 6. A district established pursuant to this section may, at a general, primary, or
63 special election, submit to the qualified voters within the district boundaries a sales tax of
64 one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales
65 within the district, which are subject to taxation pursuant to sections 144.010 to 144.525,
66 RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and
67 promotion of an exhibition center and recreational facilities. The ballot of submission shall
68 be in substantially the following form:

69 Shall the (name of district) impose a sales tax of one-fourth of one percent to
70 fund the acquisition, construction, maintenance, operation, improvement, and promotion
71 of an exhibition center and recreational facilities, for a period of (insert number of
72 years)?

73 YES NO

74

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

77

78 If a majority of the votes cast in the portion of any county that is part of the proposed
79 district favor the proposal, then the sales tax shall become effective in that portion of the
80 county that is part of the proposed district on the first day of the first calendar quarter
81 immediately following the election. If a majority of the votes cast in the portion of a county
82 that is a part of the proposed district oppose the proposal, then that portion of such county
83 shall not impose the sales tax authorized in this section until after the county governing
84 body has submitted another such sales tax proposal and the proposal is approved by a
85 majority of the qualified voters voting thereon. However, if a sales tax proposal is not
86 approved, the governing body of the county shall not resubmit a proposal to the voters
87 pursuant to this section sooner than twelve months from the date of the last proposal
88 submitted pursuant to this section. If the qualified voters in two or more counties that
89 have contiguous districts approve the sales tax proposal, the districts shall combine to
90 become one district.

91 7. There is hereby created a board of trustees to administer any district created and
92 the expenditure of revenue generated pursuant to this section consisting of four individuals
93 to represent each county approving the district, as provided in this subsection. The
94 governing body of each county located within the district, upon approval of that county's

95 sales tax proposal, shall appoint four members to the board of trustees; at least one shall
96 be an owner of a nonlodging business located within the taxing district, or their designee,
97 at least one shall be an owner of a lodging facility located within the district, or their
98 designee, and all members shall reside in the district except that one nonlodging business
99 owner, or their designee, and one lodging facility owner, or their designee, may reside
100 outside the district. Each trustee shall be at least twenty-five years of age and a resident
101 of this state. Of the initial trustees appointed from each county, two shall hold office for
102 two years, and two shall hold office for four years. Trustees appointed after expiration of
103 the initial terms shall be appointed to a four-year term by the governing body of the county
104 the trustee represents, with the initially appointed trustee to remain in office until a
105 successor is appointed, and shall take office upon being appointed. Each trustee may be
106 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating
107 the office was originally appointed. The trustees shall not receive compensation for their
108 services, but may be reimbursed for their actual and necessary expenses. The board shall
109 elect a chair and other officers necessary for its membership. Trustees may be removed
110 if:

111 (1) By a two-thirds vote, the board moves for the member's removal and submits
112 such motion to the governing body of the county from which the trustee was appointed;
113 and

114 (2) The governing body of the county from which the trustee was appointed, by a
115 majority vote, adopts the motion for removal.

116 8. The board of trustees shall have the following powers, authority, and privileges:

117 (1) To have and use a corporate seal;

118 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

119 (3) To enter into contracts, franchises, and agreements with any person or entity,
120 public or private, affecting the affairs of the district, including contracts with any
121 municipality, district, or state, or the United States, and any of their agencies, political
122 subdivisions, or instrumentalities, for the funding, including without limitation interest
123 rate exchange or swap agreements, planning, development, construction, acquisition,
124 maintenance, or operation of a single exhibition center and recreational facilities or to
125 assist in such activity. "Recreational facilities", means locations explicitly designated for
126 public use where the primary use of the facility involves participation in hobbies or athletic
127 activities;

128 (4) To borrow money and incur indebtedness and evidence the same by certificates,
129 notes, or debentures, to issue bonds and use any one or more lawful funding methods the
130 district may obtain for its purposes at such rates of interest as the district may determine.

131 Any bonds, notes, and other obligations issued or delivered by the district may be secured
132 by mortgage, pledge, or deed of trust of any or all of the property and income of the
133 district. Every issue of such bonds, notes, or other obligations shall be payable out of
134 property and revenues of the district and may be further secured by other property of the
135 district, which may be pledged, assigned, mortgaged, or a security interest granted for such
136 payment, without preference or priority of the first bonds issued, subject to any agreement
137 with the holders of any other bonds pledging any specified property or revenues. Such
138 bonds, notes, or other obligations shall be authorized by resolution of the district board,
139 and shall bear such date or dates, and shall mature at such time or times, but not in excess
140 of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall
141 be in such denomination, bear interest at such rate or rates, be in such form, either coupon
142 or registered, be issued as current interest bonds, compound interest bonds, variable rate
143 bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in
144 such place or places, and be subject to redemption as such resolution may provide,
145 notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be
146 sold at either public or private sale, at such interest rates, and at such price or prices as the
147 district shall determine;

148 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and
149 personal property in furtherance of district purposes;

150 (6) To refund any bonds, notes or other obligations of the district without an
151 election. The terms and conditions of refunding obligations shall be substantially the same
152 as those of the original issue, and the board shall provide for the payment of interest at not
153 to exceed the legal rate, and the principal of such refunding obligations in the same manner
154 as is provided for the payment of interest and principal of obligations refunded;

155 (7) To have the management, control and supervision of all the business and affairs
156 of the district, and the construction, installation, operation, and maintenance of district
157 improvements therein; to collect rentals, fees, and other charges in connection with its
158 services or for the use of any of its facilities;

159 (8) To hire and retain agents, employees, engineers, and attorneys;

160 (9) To receive and accept by bequest, gift, or donation any kind of property;

161 (10) To adopt and amend bylaws and any other rules and regulations not in conflict
162 with the constitution and laws of this state, necessary for the carrying on of the business,
163 objects, and affairs of the board and of the district; and

164 (11) To have and exercise all rights and powers necessary or incidental to or
165 implied from the specific powers granted by this section.

166 **9. There is hereby created the "Exhibition Center and Recreational Facility District**
167 **Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to**
168 **this section. The director of revenue shall be custodian of the trust fund, and moneys in**
169 **the trust fund shall be used solely for the purposes authorized in this section. Moneys in**
170 **the trust fund shall be considered nonstate funds pursuant to section 15, article IV,**
171 **constitution of Missouri. The director of revenue shall invest moneys in the trust fund in**
172 **the same manner as other funds are invested. Any interest and moneys earned on such**
173 **investments shall be credited to the trust fund. All sales taxes collected by the director of**
174 **revenue pursuant to this section on behalf of the district, less one percent for the cost of**
175 **collection which shall be deposited in the state's general revenue fund after payment of**
176 **premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the**
177 **trust fund. The director of revenue shall keep accurate records of the amount of moneys**
178 **in the trust fund which was collected in the district imposing a sales tax pursuant to this**
179 **section, and the records shall be open to the inspection of the officers of each district and**
180 **the general public. Not later than the tenth day of each month, the director of revenue**
181 **shall distribute all moneys deposited in the trust fund during the preceding month to the**
182 **district. The director of revenue may authorize refunds from the amounts in the trust fund**
183 **and credited to the district for erroneous payments and overpayments made, and may**
184 **redeem dishonored checks and drafts deposited to the credit of the district.**

185 **10. The sales tax authorized by this section is in addition to all other sales taxes**
186 **allowed by law. Except as modified in this section, all provisions of sections 32.085 and**
187 **32.087, RSMo, apply to the sales tax imposed pursuant to this section.**

188 **11. Any sales tax imposed pursuant to this section shall not extend past the initial**
189 **term approved by the voters unless an extension of the sales tax is submitted to and**
190 **approved by the qualified voters in each county in the manner provided in this section.**
191 **Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot**
192 **of submission for the extension shall be in substantially the following form:**

193 **Shall the (name of district) extend the sales tax of one-fourth of one percent**
194 **for a period of (insert number of years) years to fund the acquisition, construction,**
195 **maintenance, operation, improvement, and promotion of an exhibition center and**
196 **recreational facilities?**

197 **YES**

NO

198

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

201

202 **If a majority of the votes cast favor the extension, then the sales tax shall remain in effect**
203 **at the rate and for the time period approved by the voters. If a sales tax extension is not**
204 **approved, the district may submit another sales tax proposal as authorized in this section,**
205 **but the district shall not submit such a proposal to the voters sooner than twelve months**
206 **from the date of the last extension submitted.**

207 **12. Once the sales tax authorized by this section is abolished or terminated by any**
208 **means, all funds remaining in the trust fund shall be used solely for the purposes approved**
209 **in the ballot question authorizing the sales tax. The sales tax shall not be abolished or**
210 **terminated while the district has any financing or other obligations outstanding; provided**
211 **that any new financing, debt, or other obligation or any restructuring or refinancing of an**
212 **existing debt or obligation incurred more than ten years after voter approval of the sales**
213 **tax provided in this section or more than ten years after any voter approved extension**
214 **thereof shall not cause the extension of the sales tax provided in this section or cause the**
215 **final maturity of any financing or other obligations outstanding to be extended. Any funds**
216 **in the trust fund which are not needed for current expenditures may be invested by the**
217 **district in the securities described in subdivisions (1) to (12) of subsection 1 of section**
218 **30.270, RSMo, or repurchase agreements secured by such securities. If the district**
219 **abolishes the sales tax, the district shall notify the director of revenue of the action at least**
220 **ninety days before the effective date of the repeal, and the director of revenue may order**
221 **retention in the trust fund, for a period of one year, of two percent of the amount collected**
222 **after receipt of such notice to cover possible refunds or overpayment of the sales tax and**
223 **to redeem dishonored checks and drafts deposited to the credit of such accounts. After one**
224 **year has elapsed after the effective date of abolition of the sales tax in the district, the**
225 **director of revenue shall remit the balance in the account to the district and close the**
226 **account of the district. The director of revenue shall notify the district of each instance of**
227 **any amount refunded or any check redeemed from receipts due the district.**

228 **13. In the event that the district is dissolved or terminated by any means, the**
229 **governing bodies of the counties in the district shall appoint a person to act as trustee for**
230 **the district so dissolved or terminated. Before beginning the discharge of duties, the**
231 **trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and**
232 **shall give bond with sufficient security, approved by the governing bodies of the counties,**
233 **to the use of the dissolved or terminated district, for the faithful discharge of duties. The**
234 **trustee shall have and exercise all powers necessary to liquidate the district, and upon**
235 **satisfaction of all remaining obligations of the district, shall pay over to the county**
236 **treasurer of each county in the district and take receipt for all remaining moneys in**
237 **amounts based on the ratio the levy of each county bears to the total levy for the district**

238 in the previous three years or since the establishment of the district, whichever time period
239 is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of
240 the governing body of any county in the district all books, papers, records, and deeds
241 belonging to the dissolved district.

67.2500. 1. The governing body of any city, town, or village that is within a first
2 class county with a charter form of government with a population over two hundred fifty
3 thousand that adjoins a first class county with a charter form of government with a
4 population over nine hundred thousand, may establish a theater, cultural arts, and
5 entertainment district in the manner provided in section 67.2505.

6 2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural Arts, and
7 Entertainment District Act".

8 3. As used in sections 67.2500 to 67.2530, the following terms mean:

9 (1) "District", a theater, cultural arts, and entertainment district organized under
10 this section;

11 (2) "Qualified electors", "qualified voters", or "voters", registered voters residing
12 within the district or subdistrict, or proposed district or subdistrict, who have registered
13 to vote pursuant to chapter 115, RSMo, or, if there are no persons eligible to be registered
14 voters residing in the district or subdistrict, proposed district or subdistrict, property
15 owners, including corporations and other entities, that are owners of real property;

16 (3) "Registered voters", persons qualified and registered to vote pursuant to
17 chapter 115, RSMo; and

18 (4) "Subdistrict", a subdivision of a district, but not a separate political
19 subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2505. 1. A district may be created to fund, promote, and provide educational,
2 civic, musical, theatrical, cultural, concerts, lecture series, and related or similar
3 entertainment events or activities, and to fund, promote, plan, design, construct, improve,
4 maintain, and operate public improvements, transportation projects, and related facilities
5 in the district.

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

7 3. The name of a district shall consist of a name chosen by the original petitioners,
8 preceding the words "theater, cultural arts, and entertainment district".

9 4. The district shall include a minimum of fifty contiguous acres.

10 5. Subdistricts shall be formed for the purpose of voting upon proposals for the
11 creation of the district or subsequent proposed subdistrict, voting upon the question of
12 imposing a proposed sales tax, and for representation on the board of directors, and for
13 no other purpose.

14 **6. Whenever the creation of a district is desired, one or more registered voters from**
15 **each subdistrict of the proposed district, or one or more property owners who collectively**
16 **own one or more parcels of real estate comprising at least a majority of the land situated**
17 **in the proposed subdistricts within the proposed district, may file a petition requesting the**
18 **creation of a district with the governing body of the city, town, or village within which the**
19 **proposed district is to be established. The petition shall contain the following information:**

20 **(1) The name, address, and phone number of each petitioner and the location of the**
21 **real property owned by the petitioner;**

22 **(2) The name of the proposed district;**

23 **(3) A legal description of the proposed district, including a map illustrating the**
24 **district boundaries, which shall be contiguous, and the division of the district into at least**
25 **five, but not more than fifteen, subdistricts that shall contain, or are projected to contain**
26 **upon full development of the subdistricts, approximately equal populations;**

27 **(4) A statement indicating the number of directors to serve on the board, which**
28 **shall be not less than five or more than fifteen;**

29 **(5) A request that the district be established;**

30 **(6) A general description of the activities that are planned for the district;**

31 **(7) A proposal for a sales tax to fund the district initially, pursuant to the authority**
32 **granted in sections 67.2500 to 67.2530, together with a request that the imposition of the**
33 **sales tax be submitted to the qualified voters within the district;**

34 **(8) A statement that the proposed district shall not be an undue burden on any**
35 **owner of property within the district and is not unjust or unreasonable;**

36 **(9) A request that the question of the establishment of the district be submitted to**
37 **the qualified voters of the district;**

38 **(10) A signed statement that the petitioners are authorized to submit the petition**
39 **to the governing body; and**

40 **(11) Any other items the petitioners deem appropriate.**

41 **7. Upon the filing of a petition pursuant to this section, the governing body of any**
42 **city, town, or village described in this section may pass a resolution containing the**
43 **following information:**

44 **(1) A description of the boundaries of the proposed district and each subdistrict;**

45 **(2) The time and place of a hearing to be held to consider establishment of the**
46 **proposed district;**

47 **(3) The timeframe and manner for the filing of protests;**

48 **(4) The proposed sales tax rate to be voted upon within the subdistricts of the**
49 **proposed district;**

50 (5) The proposed uses for the revenue to be generated by the new sales tax; and

51 (6) Such other matters as the governing body may deem appropriate.

52 8. Prior to the governing body certifying the question of the district's creation and
53 imposing a sales tax for approval by the qualified electors, a hearing shall be held as
54 provided by this subsection. The governing body of the municipality approving a
55 resolution as set forth in subsection 7 of this section shall:

56 (1) Publish notice of the hearing, which shall include the information contained in
57 the resolution cited in subsection 7 of this section, on two separate occasions in at least one
58 newspaper of general circulation in the county where the proposed district is located, with
59 the first publication to occur not more than thirty days before the hearing, and the second
60 publication to occur not more than fifteen days or less than ten days before the hearing;

61 (2) Hear all protests and receive evidence for or against the establishment of the
62 proposed district; and

63 (3) Consider all protests, which determinations shall be final.

64

65 The costs of printing and publication of the notice shall be paid by the petitioners. If the
66 district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be
67 reimbursed for such costs out of the revenues received by the district.

68 9. Following the hearing, the governing body of any city, town, or village within
69 which the proposed district will be located may order an election on the questions of the
70 district creation and sales tax funding for voter approval and certify the questions to the
71 municipal clerk. The election order shall include the date on which the ballots will be
72 mailed to qualified electors, which shall be not sooner than the eighth Tuesday from the
73 issuance of the order. The election regarding the incorporation of the district and the
74 imposing of the sales tax shall follow the procedure set forth in section 67.2520, and shall
75 be held pursuant to the order and certification by the governing body. Only those
76 subdistricts approving the question of creating the district and imposing the sales tax shall
77 become part of the district.

78 10. If the results of the election conducted in accordance with section 67.2520 show
79 that a majority of the votes cast were in favor of organizing the district and imposing the
80 sales tax, the governing body may establish the proposed district in those subdistricts
81 approving the question of creating the district and imposing the sales tax, by adopting an
82 ordinance to that effect. The ordinance establishing the district shall contain the following:

83 (1) The description of the boundaries of the district and each subdistrict;

84 (2) A statement that a theater, cultural arts, and entertainment district has been
85 established;

- 86 (3) A declaration that the district is a political subdivision of the state;
- 87 (4) The name of the district;
- 88 (5) The date on which the sales tax election in the subdistricts was held, and the
- 89 result of the election;
- 90 (6) The uses for any revenue generated by a sales tax imposed pursuant to this
- 91 section;
- 92 (7) A certification to the newly created district of the election results, including the
- 93 election concerning the sales tax; and
- 94 (8) Such other matters as the governing body deems appropriate.

95 11. Any subdistrict that does not approve the creation of the district and imposing
96 the sales tax shall not be a part of the district and the sales tax shall not be imposed until
97 after the district board of directors has submitted another proposal for the inclusion of the
98 area into the district and such proposal and the sales tax proposal are approved by a
99 majority of the qualified voters in the subdistrict voting thereon. Such subsequent
100 elections shall be conducted in accordance with section 67.2520; provided, however, that
101 the district board of directors may place the question of the inclusion of a subdistrict
102 within a district and the question of imposing a sales tax before the voters of a proposed
103 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the circuit
104 court, shall conduct the election. In subsequent elections, the election judges shall certify
105 the election results to the district board of directors.

67.2510. As a complete alternative to the procedure establishing a district set forth
2 in section 67.2505, a circuit court with jurisdiction over any city, town, or village that is
3 within a first class county with a charter form of government with a population over two
4 hundred fifty thousand that adjoins a first class county with a charter form of government
5 with a population over nine hundred thousand, may establish a theater, cultural arts, and
6 entertainment district in the manner provided in section 67.2515.

67.2515. 1. Whenever the creation of a theater, cultural arts, and entertainment
2 district is desired, one or more registered voters from each subdistrict of the proposed
3 district, or if there are no registered voters in a subdistrict, one or more property owners
4 who collectively own one or more parcels of real estate comprising at least a majority of the
5 land situated in the proposed subdistricts within the proposed district may file a petition
6 with the circuit court requesting the creation of a theater, cultural arts, and entertainment
7 district. The petition shall contain the following information:

- 8 (1) The name, address, and phone number of each petitioner and the location of the
- 9 real property owned by the petitioner;
- 10 (2) The name of the proposed district;

11 **(3) A legal description of the proposed district, including a map illustrating the**
12 **district boundaries, which shall be contiguous, and the division of the district into at least**
13 **five, but not more than fifteen, subdistricts that shall contain, or are projected to contain**
14 **upon full development of the subdistricts, approximately equal populations;**

15 **(4) A statement indicating the number of directors to serve on the board, which**
16 **shall be not less than five or more than fifteen;**

17 **(5) A request that the district be established;**

18 **(6) A general description of the activities that are planned for the district;**

19 **(7) A proposal for a sales tax to fund the district initially, pursuant to the authority**
20 **granted in sections 67.2500 to 67.2530, together with a request that the imposing of the**
21 **sales tax be submitted to the qualified voters within the district;**

22 **(8) A statement that the proposed district shall not be an undue burden on any**
23 **owner of property within the district and is not unjust or unreasonable;**

24 **(9) A request that the question of the establishment of the district be submitted to**
25 **the qualified voters of the district;**

26 **(10) A signed statement that the petitioners are authorized to submit the petition**
27 **to the circuit court; and**

28 **(11) Any other items the petitioners deem appropriate.**

29 **2. The circuit clerk of the county in which the petition is filed pursuant to this**
30 **section shall present the petition to the judge, who shall thereupon set the petition for**
31 **hearing not less than thirty days nor more than forty days after the filing. The judge shall**
32 **cause publication of the notice of the hearing on two separate occasions in at least one**
33 **newspaper of general circulation in the county where the proposed district is located, with**
34 **the first publication to occur not more than thirty days before the hearing, and the second**
35 **publication to occur not more than fifteen days or less than ten days before the hearing.**
36 **The notice shall recite the following information:**

37 **(1) A description of the boundaries of the proposed district and each subdistrict;**

38 **(2) The time and place of a hearing to be held to consider establishment of the**
39 **proposed district;**

40 **(3) The timeframe and manner for the filing of the petitions or answers in the case;**

41 **(4) The proposed sales tax rate to be voted on within the subdistricts of the**
42 **proposed district;**

43 **(5) The proposed uses for the revenue generated by the new sales tax; and**

44 **(6) Such other matters as the circuit court may deem appropriate.**

45

46 **The costs of printing and publication of the notice shall be paid by the petitioners. If the**
47 **district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be**
48 **reimbursed for such costs out of the revenues received by the district.**

49 **3. Any registered voter or owner of real property within the proposed district may**
50 **join in or file a petition supporting or answer opposing the creation of the district and**
51 **seeking a judgment respecting these same issues; provided, however, that all pleadings**
52 **must be filed with the court no later than five days before the case is heard.**

53 **4. The court shall hear the case without a jury. If the court determines the petition**
54 **is defective or the proposed district or its plan of operation is unconstitutional, it shall enter**
55 **its judgment to that effect and shall refuse to incorporate the district as requested in the**
56 **pleadings. If the court determines the petition is not legally defective and the proposed**
57 **district and plan of operation are not unconstitutional, the court shall order an election on**
58 **the questions of the district creation and sales tax funding for voter approval and certify**
59 **the questions to the circuit clerk. The election order shall include the date on which the**
60 **ballots will be mailed to qualified electors, which shall be not sooner than the eighth**
61 **Tuesday from the issuance of the order. The election regarding the incorporation of the**
62 **district and the imposing the sales tax shall follow the procedure set forth in section**
63 **67.2520, and shall be held pursuant to the order and certification by the circuit judge.**
64 **Only those subdistricts approving the question of creating the district and imposing the**
65 **sales tax shall become part of the district.**

66 **5. If the results of the election conducted in accordance with section 67.2520 show**
67 **that a majority of the votes cast were in favor of organizing the district and imposing the**
68 **sales tax, the circuit judge shall establish the proposed district in those subdistricts**
69 **approving the question of creating the district and imposing the sales tax by issuing an**
70 **order to that effect. The court shall determine and declare the district organized and**
71 **incorporated and issue an order that includes the following:**

72 **(1) The description of the boundaries of the district and each subdistrict;**

73 **(2) A statement that a theater, cultural arts, and entertainment district has been**
74 **established;**

75 **(3) A declaration that the district is a political subdivision of the state;**

76 **(4) The name of the district;**

77 **(5) The date on which the sales tax election in the subdistricts was held, and the**
78 **result of the election;**

79 **(6) The uses for any revenue generated by a sales tax imposed pursuant to this**
80 **section;**

81 **(7) A certification to the newly created district of the election results, including the**
82 **election concerning the sales tax; and**

83 **(8) Such other matters as the circuit court deems appropriate.**

84 **6. Any subdistrict that does not approve the creation of the district and imposing**
85 **the sales tax shall not be a part of the district and the sales tax shall not be imposed until**
86 **after the district board of directors has submitted another proposal for the inclusion of the**
87 **area into the district and such proposal and the sales tax proposal are approved by a**
88 **majority of the qualified voters in the subdistrict voting thereon. Such subsequent**
89 **elections shall be conducted in accordance with section 67.2520; provided, however, that**
90 **the district board of directors may place the question of the inclusion of a subdistrict**
91 **within a district and the question of imposing a sales tax in the proposed subdistrict before**
92 **the voters of a proposed subdistrict, and the circuit clerk shall conduct the subsequent**
93 **election. In subsequent elections, the election judges shall certify the election results to the**
94 **district board of directors.**

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

67.2520. 1. If a governing body or circuit court judge has certified the question
2 **regarding the district creation and sales tax funding for voter approval, the municipal**
3 **clerk in which the district is located, or the circuit clerk if the order and certification has**
4 **been by a circuit judge, shall conduct the election. The questions shall be submitted to the**
5 **qualified voters of each subdistrict within the district boundaries who have filed an**
6 **application pursuant to this section. The municipal clerk, or the circuit clerk if the district**
7 **is being formed by the circuit court, shall publish notice of the election in at least one**
8 **newspaper of general circulation in the county where the proposed district is located, with**
9 **the publication to occur not more than fifteen days but not less than ten days before the**
10 **date when applications for ballots will be accepted. The notice shall include a description**
11 **of the district boundaries, the timeframe and manner of applying for a ballot, the questions**
12 **to be voted upon, and where and when applications for ballots will be accepted. The**
13 **municipal clerk, or circuit clerk if the district is being formed by the circuit court, shall**
14 **also send a notice of the election to all registered voters in the proposed district, which shall**
15 **include the information in the published notice. The costs of printing and publication of**
16 **the notice, and mailing of the notices to registered voters, shall be paid by the petitioners.**
17 **If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be**
18 **reimbursed for such costs out of the revenues received by the district.**

19 **2. For elections held in subdistricts pursuant to this section, if all the owners of**
20 **property in a subdistrict joined in the petition for formation of the district, such owners**
21 **may cast their ballot by unanimous petition approving any measure submitted to them as**
22 **subdistrict voters pursuant to this section. Each owner shall receive one vote per acre**
23 **owned. Fractional votes shall be allowed. The petition shall be submitted to the municipal**
24 **clerk, or the circuit court clerk if the district is being formed by the circuit court, who shall**
25 **verify the authenticity of all signatures thereon. The filing of a unanimous petition shall**
26 **constitute an election in the subdistrict under this section and the results of said election**
27 **shall be entered pursuant to this section.**

28 **3. The sales tax shall be not more than one-half of one percent on all retail sales**
29 **within the district, which are subject to taxation pursuant to section 67.2530, to fund,**
30 **promote, and provide educational, civic, musical, theatrical, cultural, concerts, lecture**
31 **series, and related or similar entertainment events or activities, and to fund, promote, plan,**
32 **design, construct, improve, maintain, and operate public improvements, transportation**
33 **projects, and related facilities in the district.**

34 **4. Application for a ballot shall be made as provided in this subsection:**

35 **(1) Persons entitled to apply for a ballot in an election shall be:**

36 **(a) A resident registered voter of the district; or**

37 **(b) If there are no registered voters in a subdistrict, a person, including a**
38 **corporation or other entity, which owns real property within the subdistrict. Each voter**
39 **which is not an individual shall determine how to cast its vote as provided for in its articles**
40 **of incorporation, articles of organization, articles of partnership, bylaws, or other**
41 **document which sets forth an appropriate mechanism for the determination of the entity's**
42 **vote. If a voter has no such mechanism, then its vote shall be cast as determined by a**
43 **majority of the persons who run the day-to-day affairs of the voter. Each property owner**
44 **shall receive one vote;**

45 **(2) Only persons entitled to apply for a ballot in elections pursuant to this**
46 **subsection shall apply. Such persons shall apply with the municipal clerk, or the circuit**
47 **clerk if the district is formed by the circuit court. Each person applying shall provide:**

48 **(a) Such person's name, address, mailing address, and phone number;**

49 **(b) An authorized signature; and**

50 **(c) Evidence that such person is entitled to vote. Such evidence shall be a copy of:**

51 **a. For resident individuals, proof of registration from the election authority;**

52 **b. For owners of real property, a tax receipt or deed or other document which**
53 **evidences an equitable ownership, and identifies the real property by location;**

54 (3) Applications for ballot applications shall be made not later than the fourth
55 Tuesday before the ballots are mailed to qualified electors. The ballot of submission shall
56 be in substantially the following form:

57 "Shall there be organized in (here specifically describe the proposed district
58 boundaries), within the state of Missouri, a district, to be known as the "..... Theater,
59 Cultural Arts, and Entertainment District" for the purpose of funding, promoting, and
60 providing educational, civic, musical, theatrical, cultural, concerts, lecture series, and
61 related or similar entertainment events or activities, and funding, promoting, planning,
62 designing, constructing, improving, maintaining, and operating public improvements,
63 transportation projects, and related facilities in the district?

64 YES NO

65
66 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
67 opposed to the question, place an "X" in the box opposite "NO".

68 Shall the (name of district) impose a sales tax of (insert rate) to fund,
69 promote, and provide educational, civic, musical, theatrical, cultural, concerts, lecture
70 series, and related or similar entertainment events or activities, and to fund, promote, plan,
71 design, construct, improve, maintain, and operate public improvements, transportation
72 projects, and related facilities in the district?

73 YES NO

74
75 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
76 opposed to the question, place an "X" in the box opposite "NO";

77 (4) Not sooner than the fourth Tuesday after the deadline for applying for ballots,
78 the municipal clerk, or the circuit clerk if the district is being formed by the circuit court,
79 shall mail a ballot to each qualified voter who applied for a ballot pursuant to this
80 subsection along with a return addressed envelope directed to the municipal clerk or the
81 circuit clerk's office, with a sworn affidavit on the reverse side of such envelope for the
82 voter's signature. Such affidavit shall be in the following form:

83 "I hereby declare under penalties of perjury that I am qualified to vote, or to affix
84 my authorized signature in the name of an entity which is entitled to vote, in this election.

85
86 Authorized Signature
87 Printed Name of Voter Signature of notary or other officer authorized to administer oaths.
88 Mailing Address of Voter (if different)
89 Subscribed and sworn to before me this day of....., 20.."

90 **(5) Each qualified voter shall have one vote, except as provided for in section**
91 **67.2520. Each voted ballot shall be signed with the authorized signature as provided for**
92 **in this subsection;**

93 **(6) Voted ballots shall be returned to the municipal clerk, or the clerk of the circuit**
94 **court if the district is being formed by the circuit court, by mail or hand delivery no later**
95 **than 5:00 p.m. on the fourth Tuesday after the date for mailing the ballots. The municipal**
96 **clerk, or circuit clerk if the district is being formed by the circuit court, shall transmit all**
97 **voted ballots to a team of judges of not less than four, with an equal number from each of**
98 **the two major political parties. The judges shall be selected by the city, town, or village,**
99 **or the circuit clerk, from lists compiled by the county election authority. Upon receipt of**
100 **the voted ballots the judges shall verify the authenticity of the ballots, canvass the votes,**
101 **and certify the results. Certification by the election judges shall be final and shall be**
102 **immediately transmitted to the governing body of the city, town, or village for further**
103 **action, or the circuit judge for further action if the district is being formed by the circuit**
104 **court. Any voter who applied for such election may contest the result in the same manner**
105 **as provided in chapter 115, RSMo.**

67.2525. 1. Each member of the board of directors shall have the following
2 **qualifications:**

3 **(1) As to those subdistricts in which there are registered voters, a resident**
4 **registered voter in the subdistrict that he or she represents, or be a property owner or, as**
5 **to those subdistricts in which there are not registered voters who are residents, a property**
6 **owner or representative of a property owner in the subdistrict he or she represents;**

7 **(2) Be at least twenty-one years of age and a registered voter in the district.**

8 **2. The district shall be subdivided into at least five, but not more than fifteen**
9 **subdistricts, which shall be represented by one representative on the district board of**
10 **directors. All board members shall have terms of four years, including the initial board**
11 **of directors. All members shall take office upon being appointed and shall remain in office**
12 **until a successor is appointed by the mayor or chairman of the municipality in which the**
13 **district is located, or elected by the property owners in those subdistricts without registered**
14 **voters.**

15 **3. For those subdistricts which contain one or more registered voters, the mayor**
16 **or chairman of the city, town, or village shall, with the consent of the governing body,**
17 **appoint a registered voter residing in the subdistrict to the board of directors.**

18 **4. For those subdistricts which contain no registered voters, the property owners**
19 **who collectively own one or more parcels of real estate comprising more than half of the**
20 **land situated in each subdistrict shall meet and shall elect a representative to serve upon**

21 the board of directors. The clerk of the city, town, or village in which the petition was filed
22 shall, unless waived in writing by all property owners in the subdistrict, give notice by
23 causing publication to be made once a week for two consecutive weeks in a newspaper of
24 general circulation in the county, the last publication of which shall be at least ten days
25 before the day of the meeting required by this section, to call a meeting of the owners of
26 real property within the subdistrict at a day and hour specified in a public place in the city,
27 town, or village in which the petition was filed for the purpose of electing members of the
28 board of directors.

29 5. The property owners, when assembled, shall organize by the election of a
30 temporary chairman and secretary of the meeting who shall conduct the election. An
31 election shall be conducted for each subdistrict, with the eligible property owners voting
32 in that subdistrict. At the election, each acre of real property within the subdistrict shall
33 represent one share, and each owner, including corporations and other entities, may have
34 one vote in person or for every acre of real property owned by such person within the
35 subdistrict. Each voter which is not an individual shall determine how to cast its vote as
36 provided for in its articles of incorporation, articles of organization, articles of partnership,
37 bylaws, or other document which sets forth an appropriate mechanism for the
38 determination of the entity's vote. If a voter has no such mechanism, then its vote shall be
39 cast as determined by a majority of the persons who run the day-to-day affairs of the voter.
40 The results of the meeting shall be certified by the temporary chairman and secretary to
41 the municipal clerk if the district is established by a municipality described in this section,
42 or to the circuit clerk if the district is established by a circuit court.

43 6. Successor boards shall be appointed or elected, depending upon the presence or
44 absence of resident registered voters, by the mayor or chairman of a city, town, or village
45 described in this section, or the property owners as set forth above; provided, however,
46 that elections held by the property owners after the initial board is elected shall be certified
47 to the municipal clerk of the city, town, or village where the district is located and the
48 board of directors of the district.

49 7. Should a vacancy occur on the board of directors, the mayor or chairman of the
50 city, town, or village if there are registered voters within the subdistrict, or a majority of
51 the owners of real property in a subdistrict if there are not registered voters in the
52 subdistrict, shall have the authority to appoint or elect, as set forth in this section, an
53 interim director to complete any unexpired term of a director caused by resignation or
54 disqualification.

55 8. The board shall possess and exercise all of the district's legislative and executive
56 powers, including:

57 **(1) The power to fund, promote and provide educational, civic, musical, theatrical,**
58 **cultural, concerts, lecture series, and related or similar entertainment events or activities,**
59 **and fund, promote, plan, design, construct, improve, maintain, and operate public**
60 **improvements, transportation projects, and related facilities within the district;**

61 **(2) The power to accept and disburse tax or other revenue collected in the district;**
62 **and**

63 **(3) The power to receive property by gift or otherwise.**

64 **9. Within thirty days after the selection of the initial directors, the board shall meet.**
65 **At its first meeting and annually thereafter the board shall elect a chairman from its**
66 **members.**

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

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

71 **12. A simple majority of the board shall constitute a quorum. If a quorum exists,**
72 **a majority of those voting shall have the authority to act in the name of the board, and**
73 **approve any board resolution.**

74 **13. At the first meeting, the board, by resolution, shall receive the certification of**
75 **the election regarding the sales tax, and may impose the sales tax in all subdistricts**
76 **approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales**
77 **tax shall become effective on the first day of the first calendar quarter immediately**
78 **following the action by the district board of directors imposing the tax.**

79 **14. Each director shall devote such time to the duties of the office as the faithful**
80 **discharge thereof and may require and be reimbursed for his actual expenditures in the**
81 **performance of his duties on behalf of the district. Directors may be compensated, but**
82 **such compensation shall not exceed one hundred dollars per month.**

83 **15. In addition to all other powers granted by sections 67.2500 to 67.2530, the**
84 **district shall have the following general powers:**

85 **(1) To sue and be sued in its own name, and to receive service of process, which**
86 **shall be served upon the district secretary;**

87 **(2) To fix compensation of its employees and contractors;**

88 **(3) To enter into contracts, franchises, and agreements with any person or entity,**
89 **public or private, affecting the affairs of the district, including contracts with any**
90 **municipality, district, or state, or the United States, and any of their agencies, political**
91 **subdivisions, or instrumentalities, for the funding, including without limitation, interest**

92 rate exchange or swap agreements, planning, development, construction, acquisition,
93 maintenance, or operation of a district facility or to assist in such activity;

94 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange,
95 mortgage, and encumber real and personal property in furtherance of district purposes;

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

97 (6) To collect taxes and other revenues;

98 (7) To borrow money and incur indebtedness and evidence the same by certificates,
99 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying
100 all or any part of the cost of land, construction, development, or equipping of any facilities
101 or operations of the district;

102 (8) To own or lease real or personal property for use in connection with the exercise
103 of powers pursuant to this subsection;

104 (9) To provide for the election or appointment of officers, including a chairman,
105 treasurer, and secretary. Officers shall not be required to be residents of the district, and
106 one officer may hold more than one office;

107 (10) To hire and retain agents, employees, engineers, and attorneys;

108 (11) To enter into entertainment contracts binding the district and artists, agencies,
109 or performers, management contracts, contracts relating to the booking of entertainment
110 and the sale of tickets, and all other contracts which relate to the purposes of the district;

111 (12) To contract with a local government, a corporation, partnership, or individual
112 regarding funding, promotion, planning, designing, constructing, improving, maintaining,
113 or operating a project or to assist in such activity;

114 (13) To contract for transfer to a city, town, or village such district facilities and
115 improvements free of cost or encumbrance on such terms set forth by contract;

116 (14) To exercise such other powers necessary or convenient for the district to
117 accomplish its purposes which are not inconsistent with its express powers.

118 16. A district may at any time authorize or issue notes, bonds, or other obligations
119 for any of its powers or purposes. Such notes, bonds, or other obligations:

120 (1) Shall be in such amounts as deemed necessary by the district, including costs
121 of issuance thereof;

122 (2) Shall be payable out of all or any portion of the revenues or other assets of the
123 district;

124 (3) May be secured by any property of the district which may be pledged, assigned,
125 mortgaged, or otherwise encumbered for payment;

126 **(4) Shall be authorized by resolution of the district, and if issued by the district,**
127 **shall bear such date or dates, and shall mature at such time or times, but not in excess of**
128 **forty years, as the resolution shall specify;**

129 **(5) Shall be in such denomination, bear interest at such rates, be in such form, be**
130 **issued as current interest bonds, compound interest bonds, variable rate bonds, convertible**
131 **bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places**
132 **and subject to redemption as such resolution may provide; and**

133 **(6) May be sold at either public or private sale, at such interest rates, and at such**
134 **price or prices as the district shall determine.**

135 **The provisions of this subsection are applicable to the district notwithstanding the**
136 **provisions of section 108.170, RSMo.**

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded
2 **at any time by the district by issuing refunding bonds in such amount as the district may**
3 **deem necessary. Such bonds shall be subject to, and shall have the benefit of the foregoing**
4 **provisions regarding notes, bonds, and other obligations. Without limiting the generality**
5 **of the foregoing, refunding bonds may include amounts necessary to finance any premium,**
6 **unpaid interest, and costs of issuance in connection with the refunding bonds. Any such**
7 **refunding may be effected whether the bonds to be refunded then shall have matured or**
8 **thereafter shall mature, either by sale of the refunding bonds and the application of the**
9 **proceeds thereof to the payment of the obligations being refunded or the exchange of the**
10 **refunding bonds for the obligations being refunded with the consent of the holders of the**
11 **obligations being refunded.**

12 **2. Notes, bonds, or other indebtedness of the district shall be exclusively the**
13 **responsibility of the district payable solely out of the district funds and property and shall**
14 **not constitute a debt or liability of the state of Missouri or any agency or political**
15 **subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state**
16 **on their face that they are not obligations of the state of Missouri or any agency or political**
17 **subdivision thereof other than the district.**

18 **3. Any district may by resolution impose a district sales tax of up to one half of one**
19 **percent on all retail sales made in such district that are subject to taxation pursuant to the**
20 **provisions of sections 144.010 to 144.525, RSMo. Upon voter approval, and receiving the**
21 **necessary certifications from the governing body of the municipality in which the district**
22 **is located, or from the circuit court if the district was formed by the circuit court, the board**
23 **of directors shall have the power to impose a sales tax at its first meeting, or any meeting**
24 **thereafter. Voter approval of the question of the imposing sales tax shall be in accordance**
25 **with section 67.2520 of this section. The sales tax shall become effective in those**

26 subdistricts that approve the sales tax on the first day of the first calendar quarter
27 immediately following the passage of a resolution by the board of directors imposing the
28 sales tax.

29 4. In each district in which a sales tax has been imposed in the manner provided
30 by this section, every retailer shall add the tax imposed by the district pursuant to this
31 section to the retailer's sale price, and when so added, such tax shall constitute a part of the
32 price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable
33 at law in the same manner as the purchase price.

34 5. In order to permit sellers required to collect and report the sales tax authorized
35 by this section to collect the amount required to be reported and remitted, but not to
36 change the requirements of reporting or remitting tax or to serve as a levy of the tax, and
37 in order to avoid fractions of pennies, the district may establish appropriate brackets
38 which shall be used in the district imposing a tax pursuant to this section in lieu of those
39 brackets provided in section 144.285, RSMo.

40 6. All revenue received by a district from the sales tax authorized by this section
41 shall be deposited in a special trust fund and shall be used solely for the purposes of the
42 district. Any funds in such special trust fund which are not needed for the district's
43 current expenditures may be invested by the district board of directors in accordance with
44 applicable laws relating to the investment of other district funds.

45 7. The sales tax may be imposed at a rate of up to one half of one percent on the
46 receipts from the sale at retail of all tangible personal property or taxable services at retail
47 within the district adopting such tax, if such property and services are subject to taxation
48 by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.
49 Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall
50 be uniform throughout the subdistricts approving the sales tax.

51 8. The resolution imposing the sales tax pursuant to this section shall impose upon
52 all sellers a tax for the privilege of engaging in the business of selling tangible personal
53 property or rendering taxable services at retail to the extent and in the manner provided
54 in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of
55 revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed
56 by the resolution as the sales tax and the tax shall be reported and returned to and
57 collected by the district.

58 9. (1) On and after the effective date of any sales tax imposed pursuant to this
59 section, the district shall perform all functions incident to the administration, collection,
60 enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall

61 be collected and reported upon such forms and under such administrative rules and
62 regulations as may be prescribed by the district.

63 (2) All such sales taxes collected by the district shall be deposited by the district in
64 a special fund to be expended for the purposes authorized in this section. The district shall
65 keep accurate records of the amount of money which was collected pursuant to this section,
66 and the records shall be open to the inspection of officers of each district and the general
67 public.

68 (3) The district may contract with the municipality that the district is within for the
69 municipality to collect any revenue received by the district and, after deducting the cost of
70 such collection, but not to exceed one percent of the total amount collected, deposit such
71 revenue in a special trust account. Such revenue and interest may be applied by the
72 municipality to expenses, costs, or debt service of the district at the direction of the district
73 as set forth in a contract between the municipality and the district.

74 10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,
75 governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo,
76 the uniform confidentiality provision, shall apply to the collection of the tax imposed by
77 this section, except as modified in this section.

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

82 (3) The same sales tax permit, exemption certificate, and retail certificate required
83 by sections 144.010 to 144.525, RSMo, for the administration and collection of the state
84 sales tax shall satisfy the requirements of this section, and no additional permit or
85 exemption certificate or retail certificate shall be required; except that the district may
86 prescribe a form of exemption certificate for an exemption from the tax imposed by this
87 section.

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

92 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to
93 144.525, RSMo, for violation of those sections are hereby made applicable to violations of
94 this section.

95 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section,
96 all retail sales shall be deemed to be consummated at the place of business of the retailer

97 unless the tangible personal property sold is delivered by the retailer or the retailer's agent
 98 to an out-of-state destination or to a common carrier for delivery to an out-of-state
 99 destination. In the event a retailer has more than one place of business in this state which
 100 participates in the sale, the sale shall be deemed to be consummated at the place of business
 101 of the retailer where the initial order for the tangible personal property is taken, even
 102 though the order must be forwarded elsewhere for acceptance, approval of credit,
 103 shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated
 104 at the place of business from which the employee works.

105 (7) Subsequent to the initial approval by the voters and implementation of a sales
 106 tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-
 107 half of one percent on retail sales as provided in this subsection. The election shall be
 108 conducted in accordance with section 67.2520; provided, however, that the district board
 109 of directors may place the question of the increase of the sales tax before the voters of the
 110 district by resolution, and the municipal clerk of the city, town, or village which originally
 111 conducted the incorporation of the district, or the circuit clerk of the court which originally
 112 conducted the incorporation of the district, shall conduct the subsequent election. In
 113 subsequent elections, the election judges shall certify the election results to the district
 114 board of directors. The ballot of submission shall be in substantially the following form:

115 "Shall (name of district) increase the (insert amount) percent
 116 district sales tax now in effect to..... (insert amount) in the (name of
 117 district)?

118 YES NO

119

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

122

123 If a majority of the votes cast on the proposal by the qualified voters of the district voting
 124 thereon are in favor of the increase, the increase shall become effective December
 125 thirty-first of the calendar year in which such increase was approved.

126 11. (1) There shall not be any election as provided for in this section while the
 127 district has any financing or other obligations outstanding.

128 (2) The board, when presented with a petition signed by at least one-third of the
 129 registered voters in a district that voted in the last gubernatorial election, or signed by at
 130 least two-thirds of property owners of the district, calling for an election to dissolve and
 131 repeal the tax shall submit the question to the voters using the same procedure by which

132 the imposing tax was voted. The ballot of submission shall be in substantially the following
133 form:

134 "Shall (name of district) dissolve and repeal the (insert
135 amount) percent district sales tax now in effect in the (name of district)?

136 YES NO

137

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

140

141 Such subsequent elections for the repeal of the sales tax shall be conducted in accordance
142 with section 67.2520; provided, however, that the district board of directors may place the
143 question of the repeal of the sales tax before the voters of the district, and the municipal
144 clerk of the city, town, or village which originally conducted the incorporation of the
145 district, or the circuit clerk of the court which originally conducted the incorporation of
146 the district, shall conduct the subsequent election. In subsequent elections the election
147 judges shall certify the election results to the district board of directors.

148 (3) If a majority of the votes cast on the proposal by the qualified voters of the
149 district voting thereon are in favor of repeal, that repeal shall become effective December
150 thirty-first of the calendar year in which such repeal was approved or after the repayment
151 of the district's indebtedness, whichever occurs later.

152 12. (1) At such time as the board of directors of the district determines that further
153 operation of the district is not in the best interests of the inhabitants of the district, and that
154 the district should dissolve, the board shall submit for a vote in an election held throughout
155 the district the question of whether the district should be abolished. The question shall be
156 submitted in substantially the following form:

157 "Shall the theater, cultural arts, and entertainment district be abolished?

158 YES NO

159

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

162 (2) The district board shall not propose the question to abolish the district while
163 there are outstanding claims or causes of action pending against the district, while the
164 district liabilities exceed its assets, while indebtedness of the district is outstanding, or while
165 the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court.
166 Prior to submitting the question to abolish the district to a vote of the entire district, the
167 state auditor shall audit the district to determine the financial status of the district, and

168 whether the district may be abolished pursuant to law. The vote on the abolition of the
169 district shall be conducted by the municipal clerk of the city, town, or village in which the
170 district is located. The procedure shall be the same as in section 67.2520, except that the
171 question shall be determined by the qualified voters of the entire district. No individual
172 subdistrict may be abolished, except at such time as the district is abolished.

173 (3) While the district still exists, it shall continue to accrue all revenues to which it
174 is entitled at law.

175 (4) Upon receipt by the board of directors of the district of the certification by the
176 city, town, or village in which the district is located that the majority of those voting within
177 the entire district have voted to abolish the district, and if the state auditor has determined
178 that the district's financial condition is such that it may be abolished pursuant to law, then
179 the board of directors of the district shall:

180 (a) Sell any remaining district real or personal property it wishes, and then transfer
181 the proceeds and any other real or personal property owned by the district to the city,
182 town, or village in which the district is located, including revenues due and owing the
183 district, for its further use and disposition;

184 (b) Terminate the employment of any remaining district employees, and otherwise
185 conclude its affairs;

186 (c) At a public meeting of the district, declare by a resolution of the board of
187 directors passed by a majority vote that the district has been abolished effective that date;

188 (d) Cause copies of that resolution under seal to be filed with the secretary of state
189 and the city, town, or village in which the district is located. Upon the completion of the
190 final act specified in this subsection, the legal existence of the district shall cease.

191 (5) The legal existence of the district shall not cease for a period of two years after
192 voter approval of the abolition.

70.225. 1. Notwithstanding the provisions of section 70.600 to the contrary, a
2 centralized emergency dispatching system created by a joint municipal agreement under
3 section 70.220 existing within any county with a charter form of government and with more
4 than one million inhabitants, may be considered a political subdivision for the purposes of
5 sections 70.600 to 70.755, and employees of the centralized emergency dispatching system
6 shall be eligible for membership in the Missouri local government employees' retirement
7 system upon the centralized emergency dispatching system becoming an employer as
8 defined in subdivision (11) of section 70.600.

9 2. Any political subdivision participating in a centralized emergency dispatching
10 system granted membership under subsection 1 of this section, shall be subject to the
11 delinquent recovery procedures under section 70.735 for any contribution payments due

12 **the system. Any political subdivision withdrawing from membership shall be subject to**
13 **payments for any unfunded liabilities existing for its past and current employees. Any**
14 **political subdivision becoming a new member shall be subject to the same terms and**
15 **conditions then existing including liabilities in proportion to all participating political**
16 **subdivisions.**

89.410. 1. The planning commission shall recommend and the council may by ordinance
2 adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in
3 addition to the requirements provided by law for the approval of plats, may provide requirements
4 for the coordinated development of the city, town or village; for the coordination of streets within
5 subdivisions with other existing or planned streets or with other features of the city plan or
6 official map of the city, town or village; for adequate open spaces for traffic, recreation, light and
7 air; and for a distribution of population and traffic; provided that, the city, town or village may
8 only impose requirements [and] **for the posting of bonds [regarding], letters of credit or** escrows
9 for subdivision-related [regulations] **improvements** as provided for in subsections 2 to [4] **5** of
10 this section.

11 2. The regulation may include requirements as to the extent and the manner in which the
12 streets of the subdivision or any designated portions thereto shall be graded and improved as well
13 as including requirements as to the extent and manner of the installation of all utility facilities.
14 Compliance with all of these requirements is a condition precedent to the approval of the plat.
15 The regulations or practice of the council may provide for the tentative approval of the plat
16 previous to the improvements and utility installations; but any tentative approval shall not be
17 entered on the plat. The regulations may provide that, in lieu of the completion of the work and
18 installations previous to the final approval of a plat, the council [may] **shall** accept [a], **at the**
19 **option of the developer, an escrow secured with cash or an irrevocable letter of credit**
20 **deposited with the city, town, or village. The city, town, or village may accept a surety** bond
21 **[or escrow], and such bond shall be** in an amount and with surety and other reasonable
22 conditions, providing for and securing the actual construction and installation of the
23 improvements and utilities within a period specified by the council and expressed in the bond[;
24 provided that,]. The release of **any** such escrow, **letter of credit, or bond** by the city, town or
25 village shall be as specified in this section. The council may enforce the **escrow or** bond by all
26 appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion
27 of the work and installations previous to the final approval of a plat, for an assessment or other
28 method whereby the council is put in an assured position to do the work and make the
29 installations at the cost of the owners of the property within the subdivision. The regulations
30 may provide for the dedication, reservation or acquisition of lands and open spaces necessary for
31 public uses indicated on the city plan and for appropriate means of providing for the

32 compensation, including reasonable charges against the subdivision, if any, and over a period of
33 time and in a manner as is in the public interest.

34 **3. The regulations shall provide that in the event a developer who has posted an**
35 **escrow, or letter of credit, or bond with a city, town, or village in accordance with**
36 **subsection 2 of this section transfers title of the subdivision property prior to full release**
37 **of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow**
38 **or letter of credit from the successor developer in the form allowed in subsection 2 of this**
39 **section and in the amount of the escrow or letter of credit held by the city, town, or village**
40 **at the time of the property transfer, and upon receipt of the replacement escrow or letter**
41 **of credit, the city, town, or village shall release the original escrow or letter of credit in full**
42 **and release the prior developer from all further obligations with respect to the subdivision**
43 **improvements if the successor developer assumes all of the outstanding obligations of the**
44 **previous developer. The city, town, or village may accept a surety bond from the successor**
45 **developer in the form allowed in subsection 2 of this section and in the amount of the bond**
46 **held by the city, town, or village at the time of the property transfer, and upon receipt of**
47 **the replacement bond, the city, town, or village shall release the original bond in full, and**
48 **release the prior developer from all further obligations with respect to the subdivision**
49 **improvements.**

50 **4.** The regulations shall provide that any escrow **or bond** amount held by the city, town
51 or village to secure actual construction and installation on each component of the improvements
52 or utilities shall be released within thirty days of completion of each category of improvement
53 or utility work to be installed, minus a maximum retention of five percent which shall be released
54 upon completion of all improvements and utility work. **The city, town, or village shall inspect**
55 **each category of improvement or utility work within twenty business days after a request**
56 **for such inspection.** Any such category of improvement or utility work shall be deemed to be
57 completed upon certification by the city, town or village that the project is complete in
58 accordance with the ordinance of the city, town or village including the filing of all
59 documentation and certifications required by the city, town or village, in complete and acceptable
60 form. The release shall be deemed effective when the escrow funds **or bond amount** are duly
61 posted with the United States Postal Service or other agreed-upon delivery service or when the
62 escrow funds **or bond amount** are hand delivered to an authorized person or place as specified
63 by the owner or developer.

64 **[4.] 5.** If the city, town or village has not released the escrow funds **or bond amount**
65 within thirty days as provided in this section **or provided a timely inspection of the**
66 **improvements or utility work after request for such inspection,** the city, town or village shall
67 pay the owner or developer in addition to the escrow funds due the owner or developer, interest

68 at the rate of one and one-half percent per month calculated from the expiration of the thirty-day
69 period until the escrow funds **or bond amount** have been released. Any owner or developer
70 aggrieved by the city's, town's or village's failure to observe the requirements of this section may
71 bring a civil action to enforce the provisions of this section. In any civil action or part of a civil
72 action brought pursuant to this section, the court may award the prevailing party or the city, town
73 or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

74 [5.] **6.** Nothing in this section shall apply to performance, maintenance and payment
75 bonds required by cities, towns or villages.

76 [6.] **7.** Before adoption of its subdivision regulations or any amendment thereof, a duly
77 advertised public hearing thereon shall be held by the council.

78 **8. The provisions of subsection 2 of this section requiring the acceptance of an**
79 **escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the**
80 **option of the developer, all of the provisions of subsection 3 of this section, and the**
81 **provisions of subsections 4 and 5 of this section regarding an inspection of improvements**
82 **or utility work within twenty business days shall not apply to any home rule city with more**
83 **than four hundred thousand inhabitants and located in more than one county.**

84 **9. Notwithstanding the provisions of section 290.210, RSMo, to the contrary,**
85 **improvements secured by escrow, letter of credit, or bond as provided in this section shall**
86 **not be subject to the terms of sections 290.210 to 290.340, RSMo, unless they are paid for**
87 **wholly or in part out of public funds.**

137.100. The following subjects are exempt from taxation for state, county or local
2 purposes:

3 (1) Lands and other property belonging to this state;

4 (2) Lands and other property belonging to any city, county or other political subdivision
5 in this state, including market houses, town halls and other public structures, with their furniture
6 and equipments, and on public squares and lots kept open for health, use or ornament;

7 (3) Nonprofit cemeteries;

8 (4) The real estate and tangible personal property which is used exclusively for
9 agricultural or horticultural societies organized in this state, including not-for-profit agribusiness
10 associations;

11 (5) All property, real and personal, actually and regularly used exclusively for religious
12 worship, for schools and colleges, or for purposes purely charitable and not held for private or
13 corporate profit, except that the exemption herein granted does not include real property not
14 actually used or occupied for the purpose of the organization but held or used as investment even
15 though the income or rentals received therefrom is used wholly for religious, educational or
16 charitable purposes;

17 (6) Household goods, furniture, wearing apparel and articles of personal use and
18 adornment, as defined by the state tax commission, owned and used by a person in his home or
19 dwelling place; [and]

20 (7) Motor vehicles leased for a period of at least one year to this state or to any city,
21 county, or political subdivision; **and**

22 **(8) Real or personal property leased or otherwise transferred by an interstate**
23 **compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010**
24 **to 238.100, RSMo, to another for which or whom such property is not exempt when**
25 **immediately after the lease or transfer, the interstate compact agency enters into a**
26 **leaseback or other agreement that directly or indirectly gives such interstate compact**
27 **agency a right to use, control, and possess the property; provided, however, that in the**
28 **event of a conveyance of such property, the interstate compact agency must retain an**
29 **option to purchase the property at a future date or, within the limitations period for**
30 **reverters, the property must revert back to the interstate compact agency. Property will**
31 **no longer be exempt under this subdivision in the event of a conveyance as of the date, if**
32 **any, when:**

33 **(a) The right of the interstate compact agency to use, control, and possess the**
34 **property is terminated;**

35 **(b) The interstate compact agency no longer has an option to purchase or otherwise**
36 **acquire the property; and**

37 **(c) There is no provisions for reverter of the property within the limitation period**
38 **for reverters.**

137.298. 1. Other provisions of law to the contrary notwithstanding, any city may by
2 ordinance include as a charge on bills issued for personal property taxes any outstanding parking
3 violations issued on any vehicle for which personal property tax is to be paid and, if required by
4 ordinance, such charge shall be collected with and in the same payment as personal property
5 taxes are collected by the collector of revenue of such city. No personal property tax bill shall
6 be considered paid unless all charges for parking violations are also paid in full and the collector
7 of revenue shall not issue a paid personal property receipt until all such charges are paid.

8 **2. Any city or city not within a county may enter into a contract or cooperative**
9 **agreement with the county governing body and county collector of any county with a**
10 **charter form of government or any county of the first classification to include as a charge**
11 **on bills issued for personal property taxes any outstanding vehicle-related fees and fines,**
12 **including traffic violations, assessed or issued on any vehicle for which personal property**
13 **tax is to be paid. For the purpose of this section, vehicle-related fees and fines shall**
14 **include, but not be limited to, traffic violation fines, parking violation fines, towing and**

15 **vehicle immobilization fees, and any late payment penalties and court costs associated with**
16 **adjudication or collection of those fines. No personal property tax bill shall be considered**
17 **paid unless all charges for parking violations and other vehicle-related fees and fines are**
18 **also paid in full, and the county collector shall not issue a paid personal property tax**
19 **receipt until all such charges are paid. Any contract or cooperative agreement shall be in**
20 **writing, signed by the city, county governing body, and county collector, and shall set forth**
21 **the provisions and terms agreed to by the parties.**

137.720. 1. A percentage of all ad valorem property tax collections allocable to each
2 taxing authority within the county and the county shall be deducted from the collections of taxes
3 each year and shall be deposited into the assessment fund of the county as required pursuant to
4 section 137.750. The percentage shall be one-half of one percent for all counties of the first and
5 second classification and cities not within a county and one percent for counties of the third and
6 fourth classification.

7 **2. For counties of the first classification, counties with a charter form of**
8 **government, and any city not within a county, an additional one-eighth of one percent of**
9 **all ad valorem property tax collections shall be deducted from the collections of taxes each**
10 **year and shall be deposited into the assessment fund of the county as required pursuant**
11 **to section 137.750, and for counties of the second, third, and fourth classification, an**
12 **additional one-quarter of one percent of all ad valorem property tax collections shall be**
13 **deducted from the collections of taxes each year and shall be deposited into the assessment**
14 **fund of the county as required pursuant to section 137.750, provided that such additional**
15 **amounts shall not exceed one hundred thousand dollars in any year for any county of the**
16 **first classification and any county with a charter form of government and fifty thousand**
17 **dollars in any year for any county of the second, third, or fourth classification.**

18 **3.** The county shall bill any taxing authority collecting its own taxes. The county may
19 also provide additional moneys for the fund. To be eligible for state cost-share funds provided
20 pursuant to section 137.750, every county shall provide from the county general revenue fund,
21 an amount equal to an average of the three most recent years of the amount provided from
22 general revenue to the assessment fund, except that a lesser amount shall be acceptable if
23 unanimously agreed upon by the county assessor, county governing body and the state tax
24 commission. The county shall deposit the county general revenue funds in the assessment fund
25 as agreed to in its original or amended maintenance plan, state reimbursement funds shall be
26 withheld until the amount due is properly deposited in such fund.

27 **4. Four years following the effective date, the state tax commission shall conduct**
28 **a study to determine the impact of increased fees on assessed valuation.**

29 **5. Any increase to the portion of property tax collections deposited into the county**
30 **assessment funds provided for in subsection 2 of this section shall be disallowed in any year**
31 **in which the state tax commission certifies an equivalent sales ratio for the county of less**
32 **than or equal to thirty-one and two-thirds percent pursuant to the provisions of section**
33 **138.395, RSMo.**

34 **6. The provisions of subsections 2, 4, and 5 of this section shall expire on December**
35 **31, 2009.**

138.011. No member of any board of equalization in any county with a charter form
2 **of government shall be an official of any city, town, or village in the county, a member of**
3 **any school board in the county, or an employee of any school district within the county.**
4 **Each member shall have some level of experience as determined by the governing authority**
5 **of the county as a real estate broker, real estate appraiser, home builder, property**
6 **developer, lending officer, or investor in real estate before their appointment to the board.**

 144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,

24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation, slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility which converts recovered materials into a new
46 product, or a different form which is used in producing a new product, and shall include a facility
47 or equipment which is used exclusively for the collection of recovered materials for delivery to
48 a material recovery processing plant but shall not include motor vehicles used on highways. For
49 purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning
50 pursuant to section 301.010, RSMo;

51 (5) Machinery and equipment, and parts and the materials and supplies solely required
52 for the installation or construction of such machinery and equipment, purchased and used to
53 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
54 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
55 which is intended to be sold ultimately for final use or consumption;

56 (6) Tangible personal property which is used exclusively in the manufacturing,
57 processing, modification or assembling of products sold to the United States government or to
58 any agency of the United States government;

59 (7) Animals or poultry used for breeding or feeding purposes;

60 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
61 other machinery, equipment, replacement parts and supplies used in producing newspapers
62 published for dissemination of news to the general public;

63 (9) The rentals of films, records or any type of sound or picture transcriptions for public
64 commercial display;

65 (10) Pumping machinery and equipment used to propel products delivered by pipelines
66 engaged as common carriers;

67 (11) Railroad rolling stock for use in transporting persons or property in interstate
68 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
69 more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the
70 transportation of persons or property in interstate commerce;

71 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
72 mining or producing of a product, or electrical energy used in the actual secondary processing
73 or fabricating of the product, or a material recovery processing plant as defined in subdivision
74 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
75 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
76 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
77 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.
78 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
79 performed upon materials to transform and reduce them to a different state or thing, including
80 treatment necessary to maintain or preserve such processing by the producer at the production
81 facility;

82 (13) Anodes which are used or consumed in manufacturing, processing, compounding,
83 mining, producing or fabricating and which have a useful life of less than one year;

84 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
85 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
86 solely required for the installation, construction or reconstruction of such machinery, equipment,
87 appliances and devices, and so certified as such by the director of the department of natural
88 resources, except that any action by the director pursuant to this subdivision may be appealed to
89 the air conservation commission which may uphold or reverse such action;

90 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
91 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
92 solely required for the installation, construction or reconstruction of such machinery, equipment,
93 appliances and devices, and so certified as such by the director of the department of natural
94 resources, except that any action by the director pursuant to this subdivision may be appealed to
95 the Missouri clean water commission which may uphold or reverse such action;

96 (16) Tangible personal property purchased by a rural water district;

97 (17) All amounts paid or charged for admission or participation or other fees paid by or
98 other charges to individuals in or for any place of amusement, entertainment or recreation, games
99 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
100 municipality or other political subdivision where all the proceeds derived therefrom benefit the
101 municipality or other political subdivision and do not inure to any private person, firm, or
102 corporation;

103 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
104 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
105 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
106 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
107 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
108 administer those items, including samples and materials used to manufacture samples which may
109 be dispensed by a practitioner authorized to dispense such samples and all sales of medical
110 oxygen, home respiratory equipment and accessories, hospital beds and accessories and
111 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,
112 electronic Braille equipment and, if purchased by or on behalf of a person with one or more
113 physical or mental disabilities to enable them to function more independently, all sales of
114 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and
115 augmentative communication devices, and items used solely to modify motor vehicles to permit
116 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or
117 nonprescription drugs to individuals with disabilities;

118 (19) All sales made by or to religious and charitable organizations and institutions in
119 their religious, charitable or educational functions and activities and all sales made by or to all
120 elementary and secondary schools operated at public expense in their educational functions and
121 activities;

122 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
123 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
124 including fraternal organizations which have been declared tax- exempt organizations pursuant
125 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic
126 or charitable functions and activities and all sales made to eleemosynary and penal institutions
127 and industries of the state, and all sales made to any private not-for-profit institution of higher
128 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
129 institution of higher education supported by public funds, and all sales made to a state relief
130 agency in the exercise of relief functions and activities;

131 (21) All ticket sales made by benevolent, scientific and educational associations which
132 are formed to foster, encourage, and promote progress and improvement in the science of
133 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
134 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
135 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
136 fair conducted by a county agricultural and mechanical society organized and operated pursuant
137 to sections 262.290 to 262.530, RSMo;

138 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
139 of feed additives, medications or vaccines administered to livestock or poultry in the production
140 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
141 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
142 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
143 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
144 defined in section 142.028, RSMo, and all sales of farm machinery and equipment, other than
145 airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives"
146 means tangible personal property which, when mixed with feed for livestock or poultry, is to be
147 used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides"
148 includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide
149 carriers used to improve or enhance the effect of a pesticide and the foam used to mark the
150 application of pesticides and herbicides for the production of crops, livestock or poultry. As used
151 in this subdivision, the term "farm machinery and equipment" means new or used farm tractors
152 and such other new or used farm machinery and equipment and repair or replacement parts
153 thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops,
154 raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for
155 ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

156 (a) Used exclusively for agricultural purposes;
157 (b) Used on land owned or leased for the purpose of producing farm products; and
158 (c) Used directly in producing farm products to be sold ultimately in processed form or
159 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
160 ultimately in processed form at retail;

161 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
162 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
163 for domestic use and in any city not within a county, all sales of metered or unmetered water
164 service for domestic use;

165 (a) "Domestic use" means that portion of metered water service, electricity, electrical
166 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not

167 within a county, metered or unmetered water service, which an individual occupant of a
168 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
169 service through a single or master meter for residential apartments or condominiums, including
170 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
171 Each seller shall establish and maintain a system whereby individual purchases are determined
172 as exempt or nonexempt;

173 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
174 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
175 with and approved by the Missouri public service commission. Sales and purchases made
176 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
177 of the occupants of residential apartments or condominiums through a single or master meter,
178 including service for common areas and facilities and vacant units, shall be considered as sales
179 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
180 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
181 service rate classification and the provision of service thereunder shall be conclusive as to
182 whether or not the utility must charge sales tax;

183 (c) Each person making domestic use purchases of services or property and who uses any
184 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
185 of the fourth month following the year of purchase, and without assessment, notice or demand,
186 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
187 nondomestic purchases of services or property and who uses any portion of the services or
188 property so purchased for domestic use, and each person making domestic purchases on behalf
189 of occupants of residential apartments or condominiums through a single or master meter,
190 including service for common areas and facilities and vacant units, under a nonresidential utility
191 service rate classification may, between the first day of the first month and the fifteenth day of
192 the fourth month following the year of purchase, apply for credit or refund to the director of
193 revenue and the director shall give credit or make refund for taxes paid on the domestic use
194 portion of the purchase. The person making such purchases on behalf of occupants of residential
195 apartments or condominiums shall have standing to apply to the director of revenue for such
196 credit or refund;

197 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or
198 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
199 sales do not constitute a majority of the annual gross income of the seller;

200 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
201 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of

202 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
203 sales taxes on such excise taxes;

204 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
205 vessels which are used primarily in or for the transportation of property or cargo, or the
206 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
207 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
208 it is afloat upon such river;

209 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
210 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
211 activities of such agency as provided pursuant to the compact;

212 (28) Computers, computer software and computer security systems purchased for use
213 by architectural or engineering firms headquartered in this state. For the purposes of this
214 subdivision, "headquartered in this state" means the office for the administrative management
215 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

216 (29) All livestock sales when either the seller is engaged in the growing, producing or
217 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
218 or leasing of such livestock;

219 (30) All sales of barges which are to be used primarily in the transportation of property
220 or cargo on interstate waterways;

221 (31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately
222 consumed in connection with the manufacturing of cellular glass products;

223 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
224 herbicides used in the production of crops, aquaculture, livestock or poultry;

225 (33) Tangible personal property purchased for use or consumption directly or exclusively
226 in the research and development of prescription pharmaceuticals consumed by humans or
227 animals;

228 (34) All sales of grain bins for storage of grain for resale;

229 (35) All sales of feed which are developed for and used in the feeding of pets owned by
230 a commercial breeder when such sales are made to a commercial breeder, as defined in section
231 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

232 (36) All purchases by a contractor on behalf of an entity located in another state,
233 provided that the entity is authorized to issue a certificate of exemption for purchases to a
234 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
235 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
236 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
237 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's

238 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
239 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
240 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
241 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
242 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
243 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
244 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
245 or remodeling facilities for the following:

246 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
247 project exemption certificates in accordance with the provisions of section 144.062; or

248 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
249 an exemption certificate to contractors in accordance with the provisions of that state's law and
250 the applicable provisions of this section;

251 (37) Tangible personal property purchased for use or consumption directly or exclusively
252 in research or experimentation activities performed by life science companies and so certified
253 as such by the director of the department of economic development or the director's designees;
254 except that, the total amount of exemptions certified pursuant to this section shall not exceed one
255 million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of
256 this subdivision, the term "life science companies" means companies whose primary research
257 activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North
258 American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech
259 research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary
260 services). The exemption provided by this subdivision shall expire on June 30, 2003;

261 **(38) All sales or other transfers of tangible personal property to a lessor, who leases**
262 **the property under a lease of one year or longer executed or in effect at the time of the sale**
263 **or other transfer, to an interstate compact agency created pursuant to sections 70.370 to**
264 **70.430, RSMo, or sections 238.010 to 238.100, RSMo.**

144.615. There are specifically exempted from the taxes levied in sections 144.600 to
2 144.745:

3 (1) Property, the storage, use or consumption of which this state is prohibited from
4 taxing pursuant to the constitution or laws of the United States or of this state;

5 (2) Property, the gross receipts from the sale of which are required to be included in the
6 measure of the tax imposed pursuant to the Missouri sales tax law;

7 (3) Tangible personal property, the sale **or other transfer** of which, if made in this state,
8 would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of
9 [subsections] **subsection 2** [and 3] of section 144.030;

10 (4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by
11 section 144.440;

12 (5) Tangible personal property which has been subjected to a tax by any other state in
13 this respect to its sales or use; provided, if such tax is less than the tax imposed by sections
14 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the
15 difference between such tax and the tax imposed by sections 144.600 to 144.745;

16 (6) Tangible personal property held by processors, retailers, importers, manufacturers,
17 wholesalers, or jobbers solely for resale in the regular course of business;

18 (7) Personal and household effects and farm machinery used while an individual was a
19 bona fide resident of another state and who thereafter became a resident of this state, or tangible
20 personal property brought into the state by a nonresident for his own storage, use or consumption
21 while temporarily within the state.

144.757. 1. Any county or municipality, except municipalities within a county [of the
2 first classification] having a charter form of government with a population in excess of nine
3 hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local
4 sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local
5 sales tax in effect in such county or municipality; provided, however, that no ordinance or order
6 enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of
7 the county or municipality submits to the voters thereof at a municipal, county or state general,
8 primary or special election [prior to August 7, 1996, or after December 31, 1996,] a proposal to
9 authorize the governing body of the county or municipality to impose a local use tax pursuant
10 to sections 144.757 to 144.761. Municipalities within a county [of the first classification] having
11 a charter form of government with a population in excess of nine hundred thousand may, upon
12 voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this
13 section, impose a local use tax at the same rate as the local municipal sales tax with the revenues
14 from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890,
15 RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant
16 to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution
17 options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use
18 taxes.

19 2. (1) The ballot of submission, except for counties and municipalities described in
20 subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

21 Shall the (county or municipality's name) impose a local use tax at the same rate
22 as the total local sales tax rate, currently (insert percent), provided that if the local sales
23 tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or
24 raised by the same action? A use tax return shall not be required to be filed by persons whose

25 purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar
26 year.

27 YES

NO

28

29 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
30 to the question, place an "X" in the box opposite "No".

31 (2) (a) The ballot of submission in a county [of the first classification] having a charter
32 form of government with a population in excess of nine hundred thousand shall contain
33 substantially the following language:

34 For the purposes of [preventing neighborhood decline, demolishing old deteriorating and
35 vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting
36 reinvestment in neighborhoods by creating the (name of county) Community Comeback
37 Program; and for the purposes of] **economic development and** enhancing local government
38 services[;], shall the county [governing body] be authorized to collect a local use tax equal to the
39 total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax
40 is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed,
41 reduced or raised by the same voter action? [The Community Comeback Program] **Fifty**
42 **percent of the revenue shall be used for economic development, including retention,**
43 **creation, and attraction of better paying jobs, and fifty percent shall be used for enhancing**
44 **local government services. The county** shall be required to [submit] **make available** to the
45 public [a] **an audited** comprehensive financial report detailing the management and use of
46 **economic development** funds each year.

47

48 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers
49 and on certain taxable business transactions. A use tax return shall not be required to be filed
50 by persons whose purchases from out-of-state vendors do not in total exceed two thousand
51 dollars in any calendar year.

52 YES

NO

53

54 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
55 to the question, place an "X" in the box opposite "No".

56 (b) The ballot of submission in a municipality within a county [of the first classification]
57 having a charter form of government with a population in excess of nine hundred thousand shall
58 contain substantially the following language:

59 Shall the municipality be authorized to impose a local use tax at the same rate as the local
60 sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced

61 or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised
62 by the same action? A use tax return shall not be required to be filed by persons whose
63 purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar
64 year.

65 YES NO

66
67 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
68 to the question, place an "X" in the box opposite "No".

69 (3) The ballot of submission in any city not within a county shall contain substantially
70 the following language:

71 Shall the (city name) impose a local use tax at the same rate as the local sales
72 tax, currently at a rate of (insert percent) which includes the capital improvements sales tax
73 and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by
74 voter approval, the respective local use tax shall also be repealed, reduced or raised by the same
75 action? A use tax return shall not be required to be filed by persons whose purchases from
76 out-of- state vendors do not in total exceed two thousand dollars in any calendar year.

77 YES NO

78
79 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
80 to the question, place an "X" in the box opposite "No".

81 (4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes
82 cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
83 ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the
84 director of revenue receives notice of adoption of the local use tax on or before August 16, 1996.
85 If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast
86 on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
87 ordinance or order and any amendments thereto shall be in effect on the first day of the calendar
88 quarter which begins at least forty-five days after the director of revenue receives notice of
89 adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are
90 opposed to the proposal, then the governing body of the county or municipality shall have no
91 power to impose the local use tax as herein authorized unless and until the governing body of the
92 county or municipality shall again have submitted another proposal to authorize the governing
93 body of the county or municipality to impose the local use tax [pursuant to sections 144.757 to
94 144.761] and such proposal is approved by a majority of the qualified voters voting thereon.

95 3. The local use tax may be imposed at the same rate as the local sales tax then currently
96 in effect in the county or municipality upon all transactions which are subject to the taxes

97 imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting
98 such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced
99 or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced
100 or raised by the same action repealing, reducing or raising the local sales tax.

101 4. For purposes of sections 144.757 to 144.761 [and sections 67.478 to 67.493, RSMo],
102 the use tax may be referred to or described as the equivalent of a sales tax on purchases made
103 from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a
104 description shall not change the classification, form or subject of the use tax or the manner in
105 which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections
2 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of
3 collection, which shall be deposited in the state's general revenue fund after payment of
4 premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the
5 state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local
6 sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state. The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county or municipality imposing a local use tax, and the records shall be open to the inspection
10 of officers of the county or municipality and to the public. No later than the tenth day of each
11 month, the director of revenue shall distribute all moneys deposited in the trust fund during the
12 preceding month, except as provided in subsection 2 of this section, to the county or municipality
13 treasurer, or such other officer as may be designated by the county or municipality ordinance or
14 order, of each county or municipality imposing the tax authorized by sections 144.757 to
15 144.761, the sum due the county or municipality as certified by the director of revenue.

16 2. The director of revenue shall distribute all moneys which would be due any county
17 [of the first classification] having a charter form of government and having a population of nine
18 hundred thousand or more to the county treasurer or such other officer as may be designated by
19 county ordinance, who shall distribute such moneys as follows: the portion of the use tax
20 imposed by the county which equals one-half the rate of sales tax in effect for such county shall
21 be disbursed to the county [community comeback trust authorized pursuant to sections 67.478
22 to 67.493, RSMo] **treasurer for expenditure for economic development purposes, as defined**
23 **in this section, subject to any qualifications and regulations adopted by ordinance of the**
24 **county. Such ordinance shall require an audited comprehensive financial report detailing**
25 **the management and use of economic development funds each year. Such ordinance shall**
26 **require that the county and the municipal league of the county jointly prepare an economic**
27 **development strategy to guide expenditures of funds and conduct an annual review of the**

28 **strategy.** The treasurer or such other officer as may be designated by county ordinance shall
29 distribute one-third of the balance to the county and to each city, town and village in group B
30 according to section 66.620, RSMo, as modified by this section, a portion of the **two-thirds**
31 remainder of such balance equal to the percentage ratio that the population of each such city,
32 town or village bears to the total population of all such group B cities, towns and villages. For
33 the purposes of this subsection, population shall be determined by the last federal decennial
34 census or the latest census that determines the total population of the county and all political
35 subdivisions therein. For the purposes of this subsection, each city, town or village in group A
36 according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding
37 calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita
38 countywide average of all sales tax receipts during the preceding calendar year, shall be treated
39 as a group B city, town or village until the per capita amount distributed to such city, town or
40 village equals the difference between the per capita sales tax receipts during the preceding
41 calendar year and the per capita countywide average of all sales tax receipts during the preceding
42 calendar year.

43 3. The director of revenue may authorize the state treasurer to make refunds from the
44 amounts in the trust fund and credited to any county or municipality for erroneous payments and
45 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
46 such counties or municipalities. If any county or municipality abolishes the tax, the county or
47 municipality shall notify the director of revenue of the action at least ninety days prior to the
48 effective date of the repeal, and the director of revenue may order retention in the trust fund, for
49 a period of one year, of two percent of the amount collected after receipt of such notice to cover
50 possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited
51 to the credit of such accounts. After one year has elapsed after the effective date of abolition of
52 the tax in such county or municipality, the director of revenue shall authorize the state treasurer
53 to remit the balance in the account to the county or municipality and close the account of that
54 county or municipality. The director of revenue shall notify each county or municipality of each
55 instance of any amount refunded or any check redeemed from receipts due the county or
56 municipality.

57 4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085
58 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087,
59 RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant
60 to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident
61 to the administration, collection, enforcement, and operation of the tax.

62 **5. As used in this section, "economic development" means:**

- 63 **(1) Expenditures for infrastructure and sites for business development or for public**
64 **infrastructure projects;**
- 65 **(2) Purchase, assembly, clearance, demolition, environmental remediation,**
66 **planning, redesign, reconstruction, rehabilitation, construction, modification or expansion**
67 **of land, structures and facilities, public or private, either in connection with a reinvestment**
68 **project in areas with underused, derelict, economically challenged, or environmentally**
69 **troubled sites, or in connection with business attraction, retention, creation, or expansion;**
- 70 **(3) Expenditures related to business district activities such as facade improvements,**
71 **landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and**
72 **other public improvements;**
- 73 **(4) Expenditures for the provision of workforce training and educational support**
74 **in connection with job creation, retention, attraction, and expansion;**
- 75 **(5) Development and operation of business incubator facilities, and related**
76 **entrepreneurship support programs;**
- 77 **(6) Capitalization or guarantee of small business loan or equity funds;**
- 78 **(7) Expenditures for business development activities including attraction, creation,**
79 **retention, and expansion; and**
- 80 **(8) Related administration expenses of economic and community development**
81 **programs, provided that such expenses shall not exceed five percent of annual revenues.**

190.306. No provision in this chapter shall be construed to require any municipality
2 within any county of the third classification without a township form of government and
3 with more than fifty-four thousand two hundred but less than fifty-four thousand three
4 hundred inhabitants that has established an emergency telephone service to dissolve the
5 service in the event that the county in which the municipality is located establishes an
6 emergency telephone service and moves to a higher county classification.

193.265. 1. For the issuance of a certification or copy of a [vital] **death** record, the
2 applicant shall pay a fee of [ten] **thirteen** dollars [to the state department of revenue] **for the**
3 **first certification or copy and a fee of ten dollars for each additional copy ordered at that**
4 **time.** [For each vital records fee collected from August 28, 1992, to June 30, 1996, the director
5 of revenue shall credit four dollars to the general revenue fund, three dollars to the children's
6 trust fund as established pursuant to section 210.173, RSMo, two dollars to the Missouri public
7 health services fund established in section 192.900, RSMo, and one dollar shall be deposited in
8 the "Endowed Care Cemetery Audit Fund", which is hereby created in the state treasury. Money
9 in the endowed care cemetery audit fund shall be available by appropriation to the division of
10 professional registration to pay its expenses in administering sections 214.270 to 214.410,
11 RSMo. All interest earned on money deposited in the endowed care cemetery audit fund shall

12 be credited to the endowed care cemetery audit fund. Notwithstanding the provisions of section
13 33.080, RSMo, to the contrary, money placed in the endowed care cemetery audit fund shall not
14 be transferred and placed to the credit of general revenue until the amount in the fund at the end
15 of the biennium exceeds three times the amount of the appropriation from the endowed care
16 cemetery audit fund for the preceding fiscal year. The money deposited in the public health
17 services fund pursuant to this section shall be deposited in a separate account in the fund, and
18 moneys in such account, upon appropriation, shall be used to automate and improve the state
19 vital records system and allow local registrars to issue computer-generated certificates of birth
20 and death records of persons who are born or who die in Missouri] **For the issuance of a**
21 **certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall**
22 **pay a fee of fifteen dollars. All fees shall be deposited to the state department of revenue.**
23 Beginning [July 1, 1996] **August 28, 2004**, for each vital records fee collected, the director of
24 revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust
25 fund [and], one dollar shall be credited to the endowed care cemetery audit fund, **and three**
26 **dollars for the first copy of death records and five dollars for birth, marriage, divorce, and**
27 **fetal death records shall be credited to the Missouri public services health fund established**
28 **in section 192.900, RSMo. Money in the endowed care cemetery audit fund shall be**
29 **available by appropriation to the division of professional registration to pay its expenses**
30 **in administering sections 214.270 to 214.410, RSMo. All interest earned on money**
31 **deposited in the endowed care cemetery audit fund shall be credited to the endowed care**
32 **cemetery fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,**
33 **money placed in the endowed care cemetery audit fund shall not be transferred and placed**
34 **to the credit of general revenue until the amount in the fund at the end of the biennium**
35 **exceeds three times the amount of the appropriation from the endowed care cemetery audit**
36 **fund for the preceding fiscal year. The money deposited in the public health services fund**
37 **under this section shall be deposited in a separate account in the fund, and moneys in such**
38 **account, upon appropriation, shall be used to automate and improve the state vital records**
39 **system, and develop and maintain an electronic birth and death registration system which**
40 **shall be implemented no later than December 31, 2009.** For any search of the files and
41 records, when no record is found, the state shall be entitled to a fee equal to the amount for a
42 certification of a vital record for a five-year search to be paid by the applicant. For the
43 processing of each legitimation, adoption, court order or recording after the registrant's twelfth
44 birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital
45 record. Except whenever a certified copy or copies of a vital record is required to perfect any
46 claim of any person on relief, or any dependent of any person who was on relief for any claim
47 upon the government of the state or United States, the state registrar shall, upon request, furnish

48 a certified copy or so many certified copies as are necessary, without any fee or compensation
49 therefor.

50 2. For the issuance of a certification of a [birth or] death record by the local registrar, the
51 applicant shall pay a fee of [ten] **thirteen** dollars [to the official county health agency] **for the**
52 **first certification or copy and a fee of ten dollars for each additional copy ordered at that**
53 **time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death**
54 **record, the applicant shall pay a fee of fifteen dollars. All fees shall be deposited to the**
55 **official city or county health agency.** A certified copy of a death record by the local registrar
56 can only be issued within twenty-four hours of receipt of the record by the local registrar.
57 Computer-generated certifications of death records may be issued by the local registrar after
58 twenty-four hours of receipt of the records. The fees paid to the official county health agency
59 shall be retained by the local agency for local public health purposes.

229.340. Each applicant for a permit under the provisions of sections 229.300 to 229.370
2 may be required by the county highway engineer to pay a fee in an amount determined by the
3 county commission by order of record, not to exceed the sum of [three] **seven** dollars for each
4 such application, which fee is to be paid into a special fund in the county treasury and to be used
5 for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370.
6 Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into
7 the special county road and bridge fund of such county.

245.015. 1. The owners of a majority of the acreage in any contiguous body of swamp,
2 wet or overflowed land or other property in the nature of individual or corporate franchises in
3 this state, or land subject to overflow, wash or bank erosion, [situate] **located** in one or more
4 counties or in [a third or fourth class] **any** city, town, or village in this state [or in any city in this
5 state under sixty thousand population operating under a special charter] **not located within any**
6 **county with a charter form of government and with more than two hundred fifty thousand**
7 **but less than three hundred fifty thousand inhabitants, or in any city, town, or village of**
8 **the third or fourth classification which is located within any county with a charter form**
9 **of government and with more than two hundred fifty thousand but less than three hundred**
10 **fifty thousand inhabitants,** may form a levee district for the purpose of having such land and
11 other property reclaimed and protected from the effects of overflow and other water, for sanitary
12 or agricultural purposes, or from the effect of wash or bank erosion, or when the same may be
13 conducive to the public health, convenience or welfare, or of public utility or benefit, by levee,
14 or otherwise, and for that purpose they may make and sign articles of association in which shall
15 be stated: The name of the district, and the number of years the same is to continue; the
16 boundary lines of the proposed levee district; the names as listed on the county assessor's records
17 of the owners of land or other individual or corporate franchise property in [said] **such** district,

18 together with a plat of the district showing the lands to be covered in the district; [said] **such**
19 articles shall further state that the owners of real estate and other such property within [said] **the**
20 district whose names are subscribed to [said] **such** articles are willing to and do obligate
21 themselves to pay the tax or taxes which may be assessed against their respective lands or other
22 property to pay the expense of organizing, and of making and maintaining the improvements that
23 may be necessary to effect the reclamation or protection of [said] **such** lands or other such
24 property, so formed into a levee district, and to reclaim and to protect the same from the effects
25 of overflow and other water, or from bank erosion or wash, and [said] **the** articles of association
26 shall contain a petition praying that the lands and other property described therein be declared
27 a levee district under the provisions of this law. After [said] **the** articles of association and
28 petition have been so signed the same shall be filed in the office of the circuit clerk of the county
29 in which such lands and other property are [situate] **located**; or, if such lands and other property
30 be composed of tracts or parcels [situate] **located** in two or more different counties then in the
31 office of the clerk of the circuit court of the county in which [there are situate] more of [said]
32 **such** lands and other property **are located** than in any other county; provided, that in the event
33 any work is to be done upon any navigable stream, the consent of the federal government shall
34 be obtained to make such improvement or improvements before the actual work on the
35 improvements shall be begun.

36 **2. The modifications to this section, as enacted by the ninety-second general**
37 **assembly, second regular session, shall not be construed to enhance or limit the current**
38 **law, and any interpretation thereof, with regard to where a levee district may or may not**
39 **be formed within any county with a charter form of government and with more than two**
40 **hundred fifty thousand but less than three hundred fifty thousand inhabitants nor any city,**
41 **town, village or other political subdivision contained therein.**

245.060. Within thirty days after any levee district shall have been organized and
2 incorporated under the provisions of section 245.025 the circuit clerk of the court organizing
3 [said] **such** district shall, upon giving notice by causing publication to be made once a week for
4 two consecutive weeks in some newspaper published in each county in which lands of the district
5 are [situate] **located**, the last insertion to be at least ten days before the day of such meeting, call
6 a meeting of the owners of real estate or other property [situate] **located** in [said] **such** district,
7 including the authorized representative of any corporation which owns real estate or other
8 property [situate] **located** in [said] **such** district, at a day and hour specified in some public place
9 in the county in which the district was organized, for the purpose of electing a board of five
10 supervisors, to be composed of owners of real estate in [said] **the** district, which may include the
11 authorized representative of any corporation which owns real estate or other property in [said]
12 **the** district, two of whom at least shall be residents of the county or counties in which [said] **the**

13 district is [situate] **located**, or some adjoining counties; the landowners, when assembled, shall
14 organize by the election of a chairman and secretary of the meeting, who shall conduct the
15 election; at such election each and every acre of land and each and every mile of right-of-way
16 of every corporation owning a franchise in the district shall represent one share, and each owner
17 shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way
18 owned by him **or her** in such district, and the five persons receiving the highest number of votes
19 shall be declared elected as supervisors; and [said] **the** supervisors shall immediately by lot
20 determine the terms of their office, which shall be respectively one, two, three, four and five
21 years, and they shall serve until their successors shall have been elected and qualified; provided,
22 that if the levee district be located **wholly** within a third or fourth class city of this state, or within
23 any city in this state under fifty thousand population operating under a special charter then the
24 owner of each lot, tract, parcel or subdivision thereof, as set forth in the final decree of the court
25 creating and incorporating [said] **such** levee district, shall be entitled to one vote, in person or
26 by proxy, for each lot, tract, parcel or subdivision thereof, owned by him **or her**.

245.095. **1.** In order to effect the leveeing, protection and reclamation of the land and
2 other property in the district subject to tax, the board of supervisors is authorized and empowered
3 to straighten, widen, change the course and line of any levee in or out of [said] **such** district; to
4 fill up any creek, drain, channel, river, watercourse or natural stream; and to divert or divide the
5 flow of water in or out of [said] **the** district; to construct and maintain sewers, levees, dikes,
6 dams, sluices, revetments, drainage ditches, pumping stations, syphons and any other works and
7 improvements deemed necessary to preserve and maintain the works in or out of [said] **the**
8 district; to construct roadways over levees and embankments; to construct any and all of [said]
9 **such** works and improvements across, through or over any public highway, railroad right-of-way,
10 track, grade, fill or cut in or out of [said] **the** district; to remove any fence, building or other
11 improvements in or out of [said] **the** district, and shall have the right to hold, control and acquire
12 by donation or purchase, and if need be, condemn any land, easement, railroad or other
13 right-of-way, sluice or franchise in or out of [said] **the** district for right-of-way, or for any of the
14 purposes herein provided, or for material to be used in constructing and maintaining [said] **such**
15 works and improvements for leveeing, protecting and reclaiming the lands in [said] **the** district.
16 [Said] **The** board shall also have the right to condemn for the use of the district, any land or
17 property within or without [said] **the** district not acquired or condemned by the court on the
18 report of the commissioners assessing benefits and damages and shall follow the procedure that
19 is now provided by law for the appropriation of land or other property taken for telegraph,
20 telephone and railroad rights-of-way.

21 **2. In addition to the powers granted in subsection 1 of this section, in any levee**
22 **district formed under the laws of this state having an assessed valuation of real property**

23 **of twenty-five million dollars or greater and located, in whole or in part, in any county with**
24 **a charter form of government and with more than one million inhabitants, the board of**
25 **supervisors is authorized to construct and maintain waterlines and any other works and**
26 **improvements deemed necessary to preserve and maintain the works in or out of the**
27 **district.**

246.305. 1. In any levee district formed pursuant to the laws of this state having assessed
2 valuation of real property of twenty-five million dollars or greater, which is located in whole or
3 in part in a county [having over nine hundred thousand in population] **with a charter form of**
4 **government and with more than one million inhabitants** according to the last decennial
5 census, the board of supervisors may by order, resolution or ordinance, following a public
6 hearing thereon called upon notice as provided in section 245.060, RSMo, adopt the following
7 alternative [procedures] **procedure** with respect to voting rights [and apportionment of
8 installment taxes]:

9 [(1)] Voting by landowners of the levee district shall be determined on the basis of the
10 assessed benefits of the property owned and the owner of each piece of property shall receive one
11 vote per ten thousand dollars of assessed benefits, rounded to the next lowest amount in cases
12 where assessed benefits do not evenly tally. In cases where the assessed benefits of a piece of
13 property are below ten thousand dollars, the owner shall be entitled to one vote[:].

14 [(2)] 2. **In any levee district formed under the laws of this state, the board of**
15 **supervisors may, by order, resolution, or ordinance, following a public hearing thereon**
16 **called upon notice as provided in section 245.060, RSMo, adopt the procedure in this**
17 **subsection with respect to the apportionment of installment taxes.** After the making of a
18 readjustment of the assessment of benefits pursuant to section 245.197, RSMo, then the board
19 of supervisors shall reapportion and levy on each tract of land or other property in the district the
20 taxes imposed under section 245.180, 245.190 or 245.198, RSMo, in proportion to the benefits
21 assessed as readjusted and not in excess thereof. In case bonds have been issued as provided in
22 sections 245.010 to 245.280, RSMo, then the amount of interest which will accrue on such bonds
23 shall be included and added to said taxes as reapportioned and levied based upon the benefits
24 assessed as readjusted. The secretary of the board of supervisors, as soon as said tax has been
25 reapportioned, shall, at the expense of the district, prepare a list of all taxes as reapportioned and
26 levied, in the form of a well-bound book, which book shall be endorsed and named "Readjusted
27 Levee Tax Record of District", which endorsement shall also be printed or written
28 at the top of each page of said book, and shall be signed and certified by the president and
29 secretary of the board of supervisors, attested by the seal of the district, and the same shall
30 thereafter become a permanent record in the office of [said] **the** secretary. The [said] board of
31 supervisors shall each year thereafter determine, order and levy the amount of the annual

32 installment of the total taxes levied under section 245.180, 245.190 or 245.198, RSMo, based
33 upon such reapportionment, which shall in all other respects be due and collected as provided
34 in section 245.185, RSMo.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county
2 wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect
3 a charge equal to the charge authorized by the voters in such election, not to exceed one dollar
4 and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be
5 collected in addition to any fee authorized or imposed pursuant to the provisions of section
6 260.330, and shall be paid to such operator by all political subdivisions, municipalities,
7 corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant
8 to contract or otherwise, and notwithstanding that any such contract may provide for collection,
9 transportation and disposal of such waste at a fixed fee. Any such contract providing for
10 collections, transportation and disposal of such waste at a fixed fee which is in force on August
11 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed
12 by this section. Each such operator shall submit the charge, less collection costs, to the
13 governing body of the county, which shall dedicate such funds for use by the industrial
14 development authority within the county and such funds shall be used by the **county commission**
15 **or** authority for economic development within the county. Collection costs shall be the same as
16 established by the department of natural resources pursuant to section 260.330, and shall not
17 exceed two percent of the amount collected pursuant to this section.

18 2. The charges established in this section shall be enumerated separately from any
19 disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section
20 260.830 and this section shall be stated as a separate surcharge on each individual solid waste
21 collection customer's invoice and shall also [name the] **indicate whether the county**
22 **commission or** economic development authority [which] receives the funds. Moneys
23 transmitted to the governing body of the county shall be no less than the amount collected less
24 collection costs and in a form, manner and frequency as the governing body may prescribe.
25 Failure to collect such charge shall not relieve the operator from responsibility for transmitting
26 an amount equal to the charge to the governing body.

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

2 (1) "Expressway", a divided highway of at least ten miles in length with four or more
3 lanes which is not part of the federal interstate system of highways which has crossovers or
4 accesses from streets, roads or other highways at the same grade level as such divided highway;

5 (2) "Freeway", a limited access divided highway of at least ten miles in length with four
6 or more lanes which is not part of the federal interstate system of highways which does not have

7 any crossovers or accesses from streets, roads or other highways at the same grade level as such
8 divided highway within such ten miles of divided highway;

9 (3) "Rural interstate", that part of the federal interstate highway system that is not located
10 in an urban area;

11 (4) "Urbanized area", an area of fifty thousand population at a density at or greater than
12 one thousand persons per square mile.

13 2. Except as otherwise provided in this section, the uniform maximum speed limits are
14 and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

15 (1) Upon the rural interstates and freeways of this state, seventy miles per hour;

16 (2) Upon the rural expressways of this state, sixty-five miles per hour;

17 (3) Upon the interstate highways, freeways or expressways within the urbanized areas
18 of this state, sixty miles per hour;

19 (4) All other roads and highways in this state not located in an urbanized area and not
20 provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

21 (5) All other roads provided for in subdivision (4) of this subsection shall not include
22 any state two-lane road which is identified by letter. Such lettered roads shall not exceed
23 fifty-five miles per hour unless set at a higher speed as established by the department of
24 transportation, except that no speed limit shall be set higher than sixty miles per hour;

25 (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable
26 presumption that the posted speed limit is the legal speed limit.

27 3. On any state road or highway where the speed limit is not set pursuant to a local
28 ordinance, the highways and transportation commission may set a speed limit higher or lower
29 than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or
30 lower speed limit is recommended by the department of transportation. The department of public
31 safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower
32 speed limit is warranted, may request the department of transportation to raise or lower such
33 speed limit, except that no speed limit shall be set higher than seventy miles per hour.

34 4. Notwithstanding the provisions of section 304.120 or any other provision of law to
35 the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and
36 highways within such cities', towns' or villages' corporate limits by ordinance with the approval
37 of the state highways and transportation commission. Any reduction of speed in cities, towns
38 or villages shall be designed to expedite the flow of traffic on such state roads and highways to
39 the extent consistent with public safety. The commission may declare any ordinance void if it
40 finds that such ordinance is:

41 (1) Not primarily designed to expedite traffic flow; and

42 (2) Primarily designed to produce revenue for the city, town or village which enacted
43 such ordinance.

44

45 If an ordinance is declared void, the city, town or village shall have any future proposed
46 ordinance approved by the highways and transportation commission before such ordinance may
47 take effect.

48 5. The county commission of any county of the second, third or fourth classification may
49 set the speed limit or the weight limit or both the speed limit and the weight limit on roads or
50 bridges on any county, township or road district road in the county and, with the approval of the
51 state highways and transportation commission, on any state road or highway not within the limits
52 of any incorporated city, town or village, lower than the uniform maximum speed limit as
53 provided in subsection 2 of this section where the condition of the road or the nature of the area
54 requires a lower speed. **The maximum speed limit set by the county commission of any**
55 **county of the second, third, or fourth classification for any road under the commission's**
56 **jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by**
57 **signs indicating such speed limit. If the county commission does not mark the roads with**
58 **signs indicating the speed limit, the speed limit shall be fifty miles per hour.** The
59 commission shall send copies of any order establishing a speed limit or weight limit on roads and
60 bridges on a county, township or road district road in the county to the chief engineer of the state
61 department of transportation, the superintendent of the state highway patrol and to any township
62 or road district maintaining roads in the county. After the roads have been properly marked by
63 signs indicating the speed limits and weight limits set by the county commission, the speed limits
64 and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of
65 this section and shall be enforced by the state highway patrol and the county sheriff as if such
66 speed limits and weight limits were established by state law.

67 6. **The county commission of any county of the second, third, or fourth**
68 **classification may by ordinance set a countywide speed limit on roads within**
69 **unincorporated areas of any county, township, or road district in the county and may**
70 **establish reasonable speed regulations for motor vehicles within the limit of such county.**
71 **No person who is not a resident of such county and who has not been within the limits**
72 **thereof for a continuous period of more than forty-eight hours shall be convicted of a**
73 **violation of such ordinances, unless it is shown by competent evidence that there was**
74 **posted at the place where the boundary of such county road enters the county a sign**
75 **displaying in black letters not less than four inches high and one inch wide on a white**
76 **background the speed fixed by such county so that such signs may be clearly seen by**
77 **operators and drivers from their vehicles upon entering such county. The commission**

78 **shall send copies of any order establishing a countywide speed limit on a county, township,**
79 **or road district road in the county to the chief engineer of the Missouri department of**
80 **transportation, the superintendent of the state highway patrol, and to any township or**
81 **road district maintaining roads in the county. After the boundaries of the county roads**
82 **entering the county have been properly marked by signs indicating the speed limits set by**
83 **the county commission, the speed limits shall be of the same effect as the speed limits**
84 **provided for in subsection 1 of this section and shall be enforced by the state highway**
85 **patrol and the county sheriff as if such speed limits were established by state law.**

86 [6.] 7. All road signs indicating speed limits or weight limits shall be uniform in size,
87 shape, lettering and coloring and shall conform to standards established by the department of
88 transportation.

89 [7.] 8. The provisions of this section shall not be construed to alter any speed limit set
90 below fifty-five miles per hour by any ordinance of any county, city, town or village of the state
91 adopted before March 13, 1996.

92 [8.] 9. The speed limits established pursuant to this section shall not apply to the
93 operation of any emergency vehicle as defined in section 304.022.

94 [9.] 10. A violation of the provisions of this section shall not be construed to relieve the
95 parties in any civil action on any claim or counterclaim from the burden of proving negligence
96 or contributory negligence as the proximate cause of any accident or as the defense to a
97 negligence action.

98 [10.] 11. Any person violating the provisions of this section is guilty of a class C
99 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour
100 or more then it is a class B misdemeanor.

321.554. 1. **Except in any county of the first classification with more than two**
2 **hundred forty thousand three hundred but less than two hundred forty thousand four**
3 **hundred inhabitants, or any county of the first classification with more than seventy-three**
4 **thousand seven hundred but less than seventy-three thousand eight hundred inhabitants,**
5 **or any county of the first classification with more than one hundred eighty-four thousand**
6 **but less than one hundred eighty-eight thousand inhabitants, or any county with a charter**
7 **form of government and with more than one million inhabitants, or any county with a**
8 **charter form of government and with more than two hundred fifty thousand but less than**
9 **three hundred fifty thousand inhabitants,** when the revenue from the ambulance or fire
10 protection district sales tax is collected for distribution pursuant to section 321.552, the board
11 of the ambulance or fire protection district, after determining its budget for the year pursuant to
12 section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after
13 making any other adjustments to the levy that may be required by any other law, shall reduce the

14 total operating levy of the district in an amount sufficient to decrease the revenue it would have
15 received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax
16 receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located
17 within the ambulance or fire protection district as a result of general reassessment, and from
18 state-assessed railroad and utility distributable property based upon the previous fiscal year's
19 receipts shall be considered in lowering the rate of levy to comply with this section in the year
20 of general reassessment and in each subsequent year. In the event that in the immediately
21 preceding year the ambulance or fire protection district actually received more or less sales tax
22 revenue than estimated, the ambulance or fire protection district board may adjust its operating
23 levy for the current year to reflect such increase or decrease. The director of revenue shall certify
24 the amount payable from the ambulance or fire protection district sales tax trust fund to the
25 general revenue fund to the state treasurer.

26 2. Except that, in the first year in which any sales tax is collected pursuant to section
27 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

28 3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment
29 maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection
30 district in reliance upon the information then available to it relating to the total assessed
31 valuation of such ambulance or fire protection district revises its property tax levy pursuant to
32 section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state
33 tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical
34 errors or corrections in the calculation or recordation of assessed valuations that the assessed
35 valuation of such ambulance or fire protection district has been changed, and but for such change
36 the ambulance or fire protection district would have adopted a different levy on the date of its
37 original action, then the ambulance or fire protection district may adjust its levy to an amount
38 to reflect such change in assessed valuation, including, if necessary, a change in the levy
39 reduction required by this section to the amount it would have levied had the correct assessed
40 valuation been known to it on the date of its original action, provided:

41 (1) The ambulance or fire protection district first levies the maximum levy allowed
42 without a vote of the people by article X, section 11(b) of the constitution; and

43 (2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise
44 authorized by other laws of this state; and

45 (3) The levy adjustment or reduction may include a one-time correction to recoup lost
46 revenues the ambulance or fire protection district was entitled to receive during the prior year.

321.556. 1. **Except in any county of the first classification with more than two
2 hundred forty thousand three hundred but less than two hundred forty thousand four
3 hundred inhabitants, or any county of the first classification with more than seventy-three**

4 **thousand seven hundred but less than seventy-three thousand eight hundred inhabitants,**
5 **or any county of the first classification with more than one hundred eighty-four thousand**
6 **but less than one hundred eighty-eight thousand inhabitants, or any county with a charter**
7 **form of government and with more than one million inhabitants, or any county with a**
8 **charter form of government and with more than two hundred fifty thousand but less than**
9 **three hundred fifty thousand inhabitants,** the governing body of any ambulance or fire
10 protection district, when presented with a petition signed by at least twenty percent of the
11 registered voters in the ambulance or fire protection district that voted in the last gubernatorial
12 election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the
13 question to the voters using the same procedure by which the imposition of the tax was voted.
14 The ballot of submission shall be in substantially the following form:

15 "Shall (insert name of ambulance or fire protection district) repeal the
16 (insert amount up to one-half) of one percent sales tax now in effect in the (insert name
17 of ambulance or fire protection district) and reestablish the property tax levy in the district to the
18 rate in existence prior to the enactment of the sales tax?"

19 YES NO

20

21 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
22 to the question, place an "X" in the box opposite "No"."

23 2. If a majority of the votes cast on the proposal by the qualified voters of the district
24 voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of
25 the calendar year in which such repeal was approved.

389.610. 1. No public road, highway or street shall be constructed across the track of
2 any railroad corporation, nor shall the track of any railroad corporation be constructed across a
3 public road, highway or street, nor shall the track of any railroad corporation be constructed
4 across the track of any other railroad or street railroad corporation at grade nor shall the track of
5 a street railroad corporation be constructed across the tracks of a railroad corporation at grade,
6 without having first secured the permission of the **state** highways and transportation commission,
7 except that this subsection shall not apply to the replacement of lawfully existing tracks. The
8 commission shall have the right to refuse its permission or to grant it upon such terms and
9 conditions as it may prescribe.

10 2. Every railroad corporation shall construct and maintain good and sufficient crossings
11 and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or
12 hereafter to be opened.

13 3. The **state** highways and transportation commission shall make and enforce reasonable
14 rules and regulations pertaining to the construction and maintenance of all public grade
15 crossings. These rules and regulations shall establish minimum standards for:

16 (1) The materials to be used in the crossing surface;

17 (2) The length and width of the crossing;

18 (3) The approach grades;

19 (4) The party or parties responsible for maintenance of the approaches and the crossing
20 surfaces.

21 4. The **state** highways and transportation commission shall have the exclusive power to
22 determine and prescribe the manner, including the particular point of crossing, and the terms of
23 installation, operation, maintenance, apportionment of expenses, use and warning devices of each
24 crossing of a public road, street or highway by a railroad or street railroad, and of one railroad
25 or street railroad by another railroad or street railroad. In order to facilitate such determinations,
26 the **state** highways and transportation commission may adopt pertinent provisions of The Manual
27 on Uniform Traffic Control Devices for Streets and Highways or other national standards.

28 5. The **state** highways and transportation commission shall have the exclusive power to
29 alter or abolish any crossing, at grade or otherwise, of a railroad or street railroad by a public
30 road, highway or street whenever **state** the highways and transportation commission finds that
31 public necessity will not be adversely affected and public safety will be promoted by so altering
32 or abolishing such crossing, and to require, where, in its judgment it would be practicable, a
33 separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms
34 upon which such separation shall be made. **When a road authority lawfully closes or vacates**
35 **a roadway which provided access to a railroad crossing, the state highways and**
36 **transportation commission shall issue an order authorizing removal of the crossing by the**
37 **railroad within thirty days of being notified of such action by the roadway authority or**
38 **railroad.**

39 6. The **state** highways and transportation commission shall have the exclusive power to
40 prescribe the proportion in which the expense of the construction, installation, alteration or
41 abolition of such crossings, the separation of grades, and the continued maintenance thereof,
42 shall be divided between the railroad, street railroad, and the state, county, municipality or other
43 public authority in interest.

44 7. Any agreement entered into after October 13, 1963, between a railroad or street
45 railroad and the state, county, municipality or other public authority in interest, as to the
46 apportionment of any cost mentioned in this section shall be final and binding upon the filing
47 with the **state** highways and transportation commission of an executed copy of such agreement.
48 If such parties are unable to agree upon the apportionment of the cost, the **state** highways and

49 transportation commission shall apportion the cost among the parties according to the benefits
50 accruing to each. In determining such benefits, the **state** highways and transportation
51 commission shall consider all relevant factors including volume, speed and type of vehicular
52 traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad
53 or street railroad resulting from the elimination of delays and the reduction of hazard at the
54 crossing.

55 8. Upon application of any person, firm or corporation, the **state** highways and
56 transportation commission shall determine if an existing private crossing has become or a
57 proposed private crossing will become utilized by the public to the extent that it is necessary to
58 protect or promote the public safety. The **state** highways and transportation commission shall
59 consider all relevant factors including but not limited to volume, speed, and type of vehicular
60 traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to
61 protect and promote the public safety, the **state** highways and transportation commission shall
62 prescribe the nature and type of crossing protection or warning device for such crossing, the cost
63 of which shall be apportioned by the **state** highways and transportation commission among the
64 parties according to the benefits accruing to each. In the event such crossing protection or
65 warning device as prescribed by the **state** highways and transportation commission is not
66 installed, maintained or operated, the crossing shall be closed to the public.

67 9. The exclusive power of the **state** highways and transportation commission pursuant
68 to this section shall be subject to review, determination, and prescription by the administrative
69 hearing commission, upon application to [that] **the administrative hearing** commission by any
70 interested party **in accordance with section 621.040, RSMo**. Upon filing of an application
71 pursuant to this subsection, the administrative hearing commission is vested with the exclusive
72 power of the **state** highways and transportation commission otherwise provided in this section,
73 with reference to matters reviewed, determined or prescribed by the administrative hearing
74 commission.

393.760. 1. The commission shall, in accordance with the provisions of chapter 115,
2 RSMo, order an election to be held whereby the qualified electors in each contracting
3 municipality participating in the project shall approve or disapprove the issuance of the bonds
4 as provided for in the resolution of the commission. The commission may not order such an
5 election until it has engaged and received a report from an independent consulting engineer as
6 defined in section 327.181, RSMo, for the purpose of determining the economic and engineering
7 feasibility of any proposed project the costs of which are to be financed through the issuance of
8 bonds. The report of the consulting engineer shall be provided to and approved by the legislative
9 body and executive of each contracting municipality participating in the project and such report
10 shall be open to public inspection and shall be the subject of a public hearing in each

11 municipality participating in the project. Notice of the time and place of each such hearing shall
12 be published in a daily newspaper of general circulation within each municipality. Interested
13 parties may appear and fully participate in such hearings.

14 2. The commission shall notify the election authority or authorities responsible for
15 conducting elections within each contracting municipality participating in the project in
16 accordance with chapter 115, RSMo.

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

18 OFFICIAL BALLOT

19 Should a resolution to approve the issuance of revenue bonds by the joint municipal
20 (water) (sewer) (power) (gas) commission in an amount not to exceed \$..... for the
21 purpose of be approved?

22 YES

NO

23
24 If you are in favor of the resolution, place an "X" in the box opposite "Yes". If you are opposed
25 to the question, place an "X" in the box opposite "No".

26 4. If the resolution to issue the bonds is approved by at least a majority of the qualified
27 electors voting thereon in each of the contracting municipalities participating in the project, the
28 commission shall declare the result of the election and cause the bonds to be issued.

29 5. The municipalities participating in the project shall bear all expenses associated with
30 the elections in such contracting municipalities.

31 **6. In lieu of the public voting procedure set forth in subsections 1 to 5 of this**
32 **section, in the case of purchasing or leasing, constructing, installing, and operating**
33 **reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and**
34 **other facilities for the production, wholesale distribution, and utilization of water, the**
35 **commission may provide for a vote by the governing body of each contracting**
36 **municipality. Such vote shall require the approval of three-quarters of all governing**
37 **bodies of the contracting municipalities. The commission may not order such a vote until**
38 **it has engaged and received a report from an independent consulting engineer as defined**
39 **in section 327.181, RSMo, for the purpose of determining the economic and engineering**
40 **feasibility of any proposed project the costs of which are to be financed through the**
41 **issuance of bonds. The report of the consulting engineer shall be provided to and approved**
42 **by the legislative body and executive of each contracting municipality participating in the**
43 **project and such report shall be open to public inspection and shall be the subject of a**
44 **public hearing in each municipality participating in the project. Notice of the time and**
45 **place of each such hearing shall be published in a daily newspaper of general circulation**
46 **within each municipality. Interested parties may appear and fully participate in such**

47 **hearings. Each contracting municipality shall vote by ordinance or resolution and such**
48 **ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal**
49 **water commission in an amount not to exceed a specified amount.**

475.275. 1. The conservator, at the time of filing any settlement with the court, shall
2 exhibit all securities or investments held by him to an officer of the bank or other depository
3 wherein the securities or investments are held for safekeeping or to an authorized representative
4 of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this
5 state, or upon request of the conservator or other interested party, to any other reputable person
6 designated by the court, who shall certify in writing that he has examined the securities or
7 investments and identified them with those described in the account and shall note any omission
8 or discrepancies. If the depository is the conservator, the certifying officer shall not be the officer
9 verifying the account. The conservator may exhibit the securities or investments to the judge of
10 the court, who shall endorse on the account and copy thereof, a certificate that the securities or
11 investments shown therein as held by the conservator were each in fact exhibited to him and that
12 those exhibited to him were the same as those in the account and noting any omission or
13 discrepancy. The certificate, and the certificate of an official of the bank in which are deposited
14 any funds for which the conservator is accountable, showing the amount on deposit, shall be
15 prepared and signed in duplicate and one of each shall be filed by the conservator with his
16 account.

17 **2. (1) As used in this section, "pooled account" means any account maintained by**
18 **a fiduciary for more than one principal and established to manage and invest the funds of**
19 **such principals. No fiduciary shall place funds into a pooled account unless the account**
20 **meets the following criteria:**

21 **(a) The pooled account is maintained at a bank or savings and loan institution;**

22 **(b) The pooled account is titled in such a way as to reflect that the account is being**
23 **held by a fiduciary in a custodial capacity;**

24 **(c) The fiduciary maintains, or causes to be maintained, records containing**
25 **information as to the name and ownership interest of each principal in the pooled account;**

26 **(d) The fiduciary's records contain a statement of all accretions and disbursements;**
27 **and**

28 **(e) The fiduciary's records are maintained in the ordinary course of business and**
29 **in good faith.**

30 **(2) The public administrator of any county with a charter form of government and**
31 **with more than six hundred thousand but less than seven hundred thousand inhabitants**
32 **servicing as conservator and using pooled accounts for the investing and management of**
33 **conservatorship funds shall have any such accounts audited on at least an annual basis by**

34 **an independent certified public accountant. The audit shall review the records of the**
35 **receipts and disbursements of each estate account. Upon completion of the investigation,**
36 **the certified public accountant shall render a report to the judge of record in this state**
37 **showing the receipts, disbursements, and account balances as to each estate as well as the**
38 **total assets on deposit in the pooled account on the last calendar day of each year. The**
39 **county shall provide for the expense of the audit. If the public administrator has provided**
40 **the judge with the audit required by this subsection, the public administrator shall not be**
41 **required to obtain the written certification of an officer of a bank or other depository on**
42 **any estate asset maintained within the pooled account as required in subsection 1 of this**
43 **section.**

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a
9 part-time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit. [Notwithstanding the
24 foregoing provisions of this subsection, in any city with a population of over four hundred
25 thousand with full-time municipal judges who are subject to a plan of merit selection and
26 retention, such municipal judges and court personnel of the municipal divisions shall not be

27 subject to court management and case docketing in the municipal divisions by the presiding
28 judge or the rules of the circuit court of which the municipal divisions are a part.]

29 6. No municipal judge shall hold any other office in the municipality which the
30 municipal judge serves as judge. The compensation of any municipal judge and other court
31 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
32 verdicts reached or the amount of fines imposed or collected.

33 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
34 municipal judge after that person has reached that person's seventy-fifth birthday.

35 8. Within six months after selection for the position, each municipal judge who is not
36 licensed to practice law in this state shall satisfactorily complete the course of instruction for
37 municipal judges prescribed by the supreme court. The state courts administrator shall certify
38 to the supreme court the names of those judges who satisfactorily complete the prescribed
39 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
40 months after the municipal judge's selection as municipal judge, the municipal judge's office
41 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
42 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
43 judge.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may
8 change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County
9 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall
10 become effective and remain in effect until further changed.

11 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
12 are paid by the county or state or any city.

13 **4. In addition to any fee authorized by subsection 1 of this section, any county of**
14 **the first classification with more than ninety-three thousand eight hundred but less than**
15 **ninety-three thousand nine hundred inhabitants may impose an additional fee of ten**
16 **dollars excluding cases concerning adoption and those in small claims court.**

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund shall

4 be applied and expended under the direction and order of the judges of the circuit court, en banc,
5 of any such county for the maintenance and upkeep of the law library maintained by the bar
6 association in any such county, or such other law library in any such county as may be designated
7 by the judges of the circuit court, en banc, of any such county; provided, that the judges of the
8 circuit court, en banc, of any such county, and the officers of all courts of record of any such
9 county, shall be entitled at all reasonable times to use the library to the support of which said
10 funds are applied.

11 2. In any county of the first classification without a charter form of government and with
12 a population of at least two hundred thousand, such fund may also be applied and expended for
13 that county's or circuit's family services and justice fund.

14 3. In any county [of the third classification without a township form of government and
15 with more than forty thousand eight hundred but less than forty thousand nine hundred
16 inhabitants, in any county of the third classification without a township form of government and
17 with more than forty thousand four hundred but less than forty thousand five hundred
18 inhabitants, in any county of the third classification without a township form of government and
19 with more than thirteen thousand four hundred but less than thirteen thousand five hundred
20 inhabitants, in any county of the third classification without a township form of government and
21 with more than thirteen thousand five hundred but less than thirteen thousand six hundred
22 inhabitants, in any county of the third classification without a township form of government and
23 with more than twenty-three thousand two hundred fifty but less than twenty-three thousand
24 three hundred fifty inhabitants, in any county of the third classification without a township form
25 of government and with more than eleven thousand seven hundred fifty but less than eleven
26 thousand eight hundred fifty inhabitants, in any county of the third classification without a
27 township form of government and with more than thirty-seven thousand two hundred but less
28 than thirty- seven thousand three hundred inhabitants, in any county of the fourth classification
29 with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred
30 inhabitants, or in any county of the first classification with more than ninety-three thousand eight
31 hundred but less than ninety-three thousand nine hundred inhabitants], **other than a county**
32 **participating in the nonpartisan court plan**, such fund may also be applied and expended for
33 courtroom renovation and technology enhancement [in those counties], **or for debt service on**
34 **county bonds for such renovation or enhancement projects.**

35 **4. This section shall expire on December 31, 2014.**

493.050. 1. All public advertisements and orders of publication required by law to be
2 made and all legal publications affecting the title to real estate, shall be published in some daily,
3 triweekly, semiweekly or weekly newspaper of general circulation in the county where located
4 and which shall have been admitted to the post office as periodicals class matter in the city of

5 publication; shall have been published regularly and consecutively for a period of three years,
6 except that a newspaper of general circulation may be deemed to be the successor to a defunct
7 newspaper of general circulation, and subject to all of the rights and privileges of said prior
8 newspaper under this statute, if the successor newspaper shall begin publication no later than
9 thirty consecutive days after the termination of publication of the prior newspaper; shall have a
10 list of bona fide subscribers voluntarily engaged as such, who have paid or agreed to pay a stated
11 price for a subscription for a definite period of time; provided, that when a public notice,
12 required by law, to be published once a week for a given number of weeks, shall be published
13 in a daily, triweekly, semiweekly or weekly newspaper, the notice shall appear once a week, on
14 the same day of each week, and further provided, that every affidavit to proof of publication shall
15 state that the newspaper in which such notice was published has complied with the provisions
16 of this section; provided further, that the duration of consecutive publication provided for in this
17 section shall not affect newspapers which have become legal publications prior to September 6,
18 1937; provided, however, that when any newspaper shall be forced to suspend publication in any
19 time of war, due to the owner or publisher being inducted into the armed forces of the United
20 States, the newspaper may be reinstated within one year after actual hostilities have ceased, with
21 all the benefits provided pursuant to the provisions of this section, upon the filing with the
22 secretary of state of notice of intention of such owner or publisher, the owner's surviving spouse
23 or legal heirs, to republish such newspaper, setting forth the name of the publication, its volume
24 and number, its frequency of publication, and its readmission to the post office where it was
25 previously entered as periodicals class mail matter, and when it shall have a list of bona fide
26 subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for
27 subscription for a definite period of time. All laws or parts of laws in conflict with this section
28 except sections 493.070 to 493.120, are hereby repealed.

29 **2. If a county is served by only one newspaper that has been published regularly**
30 **and consecutively for a period of two years and meets all other publication, postal, and**
31 **subscription requirements pursuant to this section, such newspaper shall be qualified to**
32 **publish all public advertisements and orders of publication required by law and all legal**
33 **publications affecting the title to real estate. The provisions of this subsection shall**
34 **terminate on June 30, 2006.**

537.550. 1. No county, city or village with ten thousand or fewer inhabitants that
2 **organizes, sponsors, or conducts any fair, festival, or similar gathering shall be liable,**
3 **except as provided in sections 537.600 to 537.650, for an injury or death of any person**
4 **attending the event, and no person attending the event shall make any claim against, or**
5 **recover from, any such county, city or village for injury, loss, damage, or death of the**
6 **person attending the event.**

25 section and section 644.033 until the governing body of the municipality or county resubmits
26 another proposal to authorize the governing body of the municipality or county to impose the
27 sales tax authorized by this section and section 644.033 and such proposal is approved by a
28 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant
29 to this section and section 644.033 be submitted to the voters sooner than twelve months from
30 the date of the last proposal pursuant to this section and section 644.033.

31 3. All revenue received by a municipality or county from the tax authorized under the
32 provisions of this section and section 644.033 shall be deposited in a special trust fund and shall
33 be used to provide funding for storm water control or for local parks, or both, within such
34 municipality or county, provided that such revenue may be used for local parks outside such
35 municipality or county if the municipality or county is engaged in a cooperative agreement
36 pursuant to section 70.220, RSMo.

37 4. Any funds in such special trust fund which are not needed for current expenditures
38 may be invested by the governing body in accordance with applicable laws relating to the
39 investment of other municipal or county funds.

**Section 1. Nothing in chapter 61, RSMo, shall require the county commission to
2 hire a county engineer. The county commission may hire and authorize an individual to
3 perform those duties the individual is qualified for, based upon the individual's education
4 and training.**

**Section 2. The board of fund commissioners shall determine whether any
2 governmental entity has sufficient fund balances to redeem leasehold revenue bonds
3 obligated under a federal desegregation action. If the board of fund commissioners
4 determines that any governmental entity has sufficient fund balances to redeem or
5 otherwise pay off such leasehold revenue bonds, the state board of education shall certify,
6 under subdivision (5) of subsection 2 of section 160.415, RSMo, that no amount is needed
7 by such governmental entity to repay such bonds.**

2 [67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493
3 shall be known and may be cited as the "Community Comeback Act".]

2 [67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478
3 to 67.493, the following terms mean:

3 (1) "Community comeback plan" and "plan", a comprehensive countywide
4 plan adopted by the community comeback trust board and the governing body of the
5 county that identifies potential areas for reinvestment, projects and strategies to
6 promote neighborhood reinvestment throughout the county, and that clearly identifies
7 on a map the priority comeback communities. The plan shall be a five-year strategic
8 and operating plan, complete with goals, objectives, targets and mechanisms or
9 methods of measuring accomplishments, revised annually;

- 10 (2) "Community comeback program", "community comeback trust" and
11 "trust", a fund held in the treasury of the county which shall be the repository for all
12 taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and
13 sections 67.478 to 67.493, and authorized by the governing body of the county for the
14 purposes of promoting neighborhood reinvestment;
- 15 (3) "Community comeback program board", "community comeback trust
16 board" and "board", the entity established pursuant to sections 67.478 to 67.493 that
17 is responsible for administering the comeback community trust;
- 18 (4) "Community comeback trust citizen advisory committee" and "advisory
19 committee", an eleven-member committee established pursuant to sections 67.478
20 to 67.493 that is responsible for advising the community comeback fund board on the
21 best methods of promoting neighborhood reinvestment;
- 22 (5) "Eligible expenses", costs qualified for funding through the community
23 comeback trust which are:
- 24 (a) Incurred for the purchase, assembly, clearance, demolition and
25 environmental remediation of land, structures and facilities, public or private, either
26 as part of a neighborhood reinvestment project or to prepare sites for future use in
27 areas with underutilized, derelict, economically challenged or environmentally
28 troubled sites;
- 29 (b) Related to planning, redesign, clearance, reconstruction, structure
30 rehabilitation, site remediation, construction, modification, expansion, remodeling,
31 structural alteration, replacement or renovation of any structure in a priority
32 comeback community;
- 33 (c) Expended for capital improvements or infrastructure improvements to
34 facilitate economic development;
- 35 (d) Expended for residential redevelopment including, but not limited to,
36 buyouts, land-assembly costs, infrastructure improvements and costs associated with
37 preparing sites for housing construction; professional service expenses such as
38 architectural, planning, engineering, design, marketing or other related expenses;
- 39 (e) Related to community improvement district or special business district
40 expenses such as facade improvements, landscaping, street lighting, sidewalk
41 construction, trash receptacles, park benches and other public improvements;
- 42 (f) Expenses related to facilitating transit-oriented developments, home
43 improvement and home buyer loan programs; and
- 44 (g) Expenses eligible for funding through the select neighborhood action
45 program;
- 46 (6) "Neighborhood reinvestment project" and "project", the planning,
47 development, redesign, clearance, reconstruction or rehabilitation or any combination
48 thereof in order to improve those residential, commercial, industrial, public or other
49 structures or spaces and the infrastructure serving them as may be appropriate or
50 necessary in the interest of the general welfare;
- 51 (7) "Petition", a petitioner's request for funding made to the community
52 comeback trust;

53 (8) "Petitioner", the governing body of any municipality, the governing body
54 of the county, any land clearance for redevelopment authority within the county
55 organized pursuant to chapter 99, RSMo, or any not-for-profit economic
56 development organization with a governing board not less than two-thirds of the
57 members of which are appointed by the chief elected official of the county or by one
58 or more organizations with governing boards appointed by the chief elected official;

59 (9) "Priority comeback community", an area in a county which encompasses
60 an entire United States census block group and has a median household income
61 below the median household income for such entire county;

62 (10) "Priority comeback project", a funding proposal submitted to a
63 community comeback trust by a petitioner whose area is substantially within a
64 priority comeback community;

65 (11) "Proposal", a petitioner's funding request for the eligible expenses of a
66 neighborhood reinvestment project submitted to a trust by a petitioner;

67 (12) "Select neighborhood action program" and "SNAP", a grant program,
68 administered and funded pursuant to subsection 5 of section 67.490;

69 (13) "Select neighborhood action program applicant" and "SNAP applicant",
70 a neighborhood organization or not-for-profit organization whose mission is
71 consistent with the community comeback plan. The organization shall have a
72 municipal sponsor or a county sponsor if the area is unincorporated. The
73 organization shall have been in existence for at least six months and meet at least
74 once a year in order to be eligible for a SNAP grant;

75 (14) "SNAP grant", an endowment of money by the board to a SNAP
76 applicant pursuant to subsection 5 of section 67.490.]

77

2 [67.484. 1. A community comeback trust may be created, incorporated and
3 managed pursuant to this section by any county of the first classification with a
4 charter form of government and a population of at least nine hundred thousand
5 inhabitants according to the last decennial census, and may exercise the powers given
6 to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued,
7 issue general revenue bonds and receive county use tax revenue pursuant to the
8 limitations of this section. A trust shall have as its primary duties the prevention of
9 neighborhood decline, the demolition of old deteriorating and vacant buildings,
10 rehabilitating historic structures, the cleaning of polluted sites and the promotion of
11 neighborhood reinvestment where such investment is essential to reverse or stabilize
12 a stagnant or declining pattern in household income, assessed values, occupancies
13 and related characteristics.

14 2. The governing body of the county is hereby authorized to impose by
15 ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the
16 purpose of funding the creation, operation and maintenance of a community
17 comeback trust, as well as to provide revenue to the county and municipalities
18 authorized to receive moneys generated by said tax pursuant to section 144.759,
RSMo. The governing body of the county enacting such an ordinance shall submit

19 to the voters of such county a proposal to approve its ordinance imposing the tax.
20 Such ordinance shall become effective only after the majority of the voters voting on
21 such ordinance approve such ordinance. The question shall be submitted to the
22 voters in the county pursuant to section 144.757, RSMo.

23 3. (1) The community comeback trust board shall be composed of seven
24 members as provided in this subsection. No member shall be an elected official,
25 employee or contractor of the county or any municipality within the county or of any
26 organization representing the county or any municipality within the county. Board
27 members shall be citizens of the United States and shall reside within the county. No
28 two members of the board shall be residents of the same county council district of
29 such county. No member shall receive compensation for performance of board
30 duties. No member shall be financially interested directly or indirectly in any
31 contract entered into by the trust or by any petitioner. In the event that any property
32 owned by a board member or the immediate family member of such board member
33 is located in a priority comeback community, the member shall disclose such
34 information to the board and abstain from any formal or informal actions regarding
35 any project in that neighborhood.

36 (2) The chief elected official of any municipality wholly within the county
37 and any member of the governing body of the county shall nominate individuals to
38 serve on the board by providing a list of nominees to the county executive who shall
39 appoint the members. Of the total members, at least four shall be residents of
40 municipalities within the county and at least one shall have each of the following
41 professions: a professional architect or engineer; an urban planner or design
42 professional; a developer or builder; and an accountant or an attorney.

43 (3) The seat of a member shall be automatically vacated when the member
44 changes his or her residence so as to no longer conform to the terms of the
45 requirements of the member's appointment. The board shall promptly notify the
46 county executive of such a change of residence, the pending expiration of any
47 member's term, any member's need to vacate his or her seat or any vacancy on the
48 board. A member whose term has expired shall continue to serve until the successor
49 is appointed and qualified.

50 (4) Upon the passage of an ordinance by the governing body of the county
51 establishing the community comeback trust, the governing body of the county shall,
52 within ten days, send by United States mail written notice of the passage of the
53 ordinance to the chief elected officials of each municipality wholly in the county.

54 (5) Each of the nominating authorities described in subdivision (2) of this
55 subsection shall, within forty-five days of the passage of the ordinance establishing
56 the board or within fourteen days of being notified of a board vacancy by the county
57 executive, submit its list of nominees to the county executive. The county executive
58 shall appoint members within sixty days of the passage of the ordinance or within
59 thirty days of being notified by the board of a vacancy on the board. If a list of
60 nominees is not submitted by the time specified, the county executive shall appoint
61 the members using the criteria set forth in this section.

62 (6) At the first meeting of the board appointed after the effective date of the
63 ordinance, the members shall choose by lot the length of their terms. Three shall
64 serve for one year, two for two years, and two for three years. All succeeding
65 members shall serve terms of three years. Terms shall end on December thirty-first
66 of the respective year. No member shall serve more than two consecutive full terms.
67 Full terms shall include any term longer than two years.

68 4. The board, its employees and subcontractors shall be subject to the
69 regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo,
70 and to the requirements for open meetings and records pursuant to chapter 610,
71 RSMo. The board shall enact and adopt all rules, regulations and procedures that are
72 reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not
73 inconsistent therewith, no sooner than twenty-seven calendar days after notifying all
74 municipalities and the county of the proposed rule, regulation or procedure enactment
75 or change. Notice may be given by ordinary mail, by electronic mail or by publishing
76 in at least one newspaper of general circulation qualified to publish legal notices. No
77 new or amended rule, regulation or procedure shall apply retroactively to any
78 proposal pending before the trust without the agreement of the petitioner. The board
79 shall have the exclusive control of the expenditures of all money collected to the
80 credit of the trust, subject to annual appropriations by the governing body of the
81 county. The county government shall provide the trust staff. No more than five
82 percent of the trust's annual budget shall be used for the trust's annual administrative
83 expenses.

84 5. The trust is authorized to issue bonds, notes or other obligations for any
85 proposal, and to refund such bonds, notes or obligations, as provided in subsection
86 3 of this section; and to receive and liquidate property, both real and personal, or
87 money which has been granted, donated, devised or bequeathed to the district. The
88 trust shall not have any power of eminent domain.

89 6. (1) Bonds issued pursuant to this section shall be issued pursuant to a
90 resolution adopted by five-sevenths of the board which shall set out the estimated
91 cost to the trust of the proposed improvements, and shall further set out the amount
92 of the bonds to be issued, their purpose or purposes, their date or dates, denomination
93 or denominations, rate or rates of interest, time or times of payment, both of principal
94 and of interest, place or places of payment and all other details in connection with
95 such bonds. Any such bonds may be subject to such provision for redemption prior
96 to maturity, with or without premium, and at such times and upon such conditions
97 as may be provided by the resolution.

98 (2) Notwithstanding the provisions of section 108.170, RSMo, such bonds
99 shall bear interest at rate or rates determined by the trust, shall mature within a period
100 not exceeding twenty years and may be sold at public or private sale for not less than
101 ninety-five percent of the principal amount of such bonds. Bonds issued by the trust
102 shall possess all of the qualities of negotiable instruments pursuant to the laws of this
103 state.

104 (3) Such bonds may be payable to the bearer, may be registered or coupon
105 bonds, and, if payable to bearer, may contain such registration provisions as to either
106 principal and interest, or principal only, as may be provided in the resolution
107 authorizing such bonds, which resolution may also provide for the exchange of
108 registered and coupon bonds. Such bonds and any coupons attached thereto shall be
109 signed in such manner and by such officers of the district as may be provided by the
110 resolution authorizing the bonds. The trust may provide for the replacement of any
111 bond which has become mutilated, destroyed or lost.

112 (4) Bonds issued by the trust shall be payable as to principal, interest and
113 redemption premium, if any, out of all or any part of the trust fund, including
114 revenues derived from use taxes. Neither the board members nor any person
115 executing the bonds shall be personally liable on such bonds by reason of the
116 issuance of such bonds. Bonds issued pursuant to this section shall not constitute a
117 debt, liability or obligation of this state, or any political subdivision of this state, nor
118 shall any such obligations be a pledge of the faith and credit of this state, but shall be
119 payable solely from the revenues and assets held by the trust. The issuance of bonds
120 pursuant to this section shall not directly, indirectly or contingently obligate this state
121 or any political subdivision of this state to levy any form of taxation for such bonds
122 or to make any appropriation for their payment. Each obligation or bond issued
123 pursuant to this section shall contain on its face a statement to the effect that the trust
124 shall not be obligated to pay such bond nor interest on such bond except from the
125 revenues received by the trust or assets of the trust lawfully pledged for such trust,
126 and that neither the faith or credit nor the taxing power of this state or of any political
127 subdivision of this state is pledged to the payment of the principal of or the interest
128 on such obligation or bond. The proceeds of such bonds shall be disbursed in such
129 manner and pursuant to such restrictions as the trust may provide in the resolution
130 authorizing the issuance of such bonds.

131 (5) The trust may issue negotiable refunding bonds for the purpose of
132 refunding, extending or unifying the whole or any part of such bonds then
133 outstanding, or any bonds, notes or other obligations issued by any other public
134 agency, public body or political subdivision in connection with any facilities or land
135 to be acquired, leased or subleased by the trust, which refunding bonds shall not
136 exceed the amount necessary to refund the principal of the outstanding bonds to be
137 refunded and the accrued interest on such bonds to the date of such refunding,
138 together with any redemption premium, amounts necessary to establish reserve and
139 escrow funds and all costs and expenses incurred in connection with the refunding.
140 The board shall provide for the payment of interest and principal of such refunding
141 bonds in the same manner as was provided for the payment of interest and principal
142 of the bonds refunded.

143 (6) In the event that any of the members or officers of the trust whose names
144 appear on any bonds or coupons shall cease to be on the board or cease to be an
145 officer before the delivery of such bonds, such signatures shall remain valid and

146 sufficient for all purposes, the same as if such board members or officers had
147 remained in office until such delivery.

148 (7) The trust is hereby declared to be performing a public function and bonds
149 of the trust are declared to be issued for an essential public and governmental
150 purpose, and, accordingly, interest on such bonds and income from such bonds shall
151 be exempt from income taxation by this state. All purchases in excess of ten
152 thousand dollars shall be made pursuant to the lowest and best bid standard as
153 provided in section 34.040, RSMo, or pursuant to the lowest and best proposal
154 standard as provided in section 34.042, RSMo. The board of the trust shall have the
155 same discretion, powers and duties as the commissioner of administration has in
156 sections 34.040 and 34.042, RSMo.]

157

2 [67.487. 1. Within fourteen days of the first meeting of the first board
3 appointed following the effective date of the ordinance, the board shall notify by mail
4 the chief elected officials of all municipalities wholly within the county, the chief
5 elected official of the county and all the members of the governing body of the
6 county of the requirement to conduct a planning process and adopt a community
7 comeback plan.

8 2. The board shall solicit full citizen, county and municipal involvement in
9 developing the plan. The board shall conduct public hearings throughout the county
10 to seek input regarding the plan, and may convene meetings with the appropriate staff
11 of the county and municipalities in order to seek input and to coordinate the logistics
12 of producing the plan. A copy of the plan shall be sent to the chief elected official
13 of every municipality wholly within the county, the chief elected official of the
14 county and each member of the governing body of the county.

15 3. The board and the governing body of the county shall annually revise and
16 adopt a plan.

17 4. Each plan shall include a map of the county, as well as a text enumerating
18 the efforts expected each year in the various subregions of the county. Each plan
19 shall address the factors that are causing or are likely to cause one or more of the
20 following:

21 (1) Assessed values below the county average;

22 (2) Median household incomes below the county median;

23 (3) An unemployment rate above the county average;

24 (4) A reduction in the number of jobs with an emphasis upon those jobs
25 paying average or above-average salaries;

26 (5) Failure to keep pace with the average growth rate in home values in the
27 metropolitan area or county; and

28 (6) A high vacancy rate among residential, commercial and industrial
29 properties.

30 5. Each plan shall include an analysis of the condition of the housing stock
in the various subregions of the county, a market analysis of the home-buying market

31 with a focus on the impediments to attracting home buyers to those subregions and
32 an analysis of the physical infrastructure needs that prevent economic growth.

33 6. The board may consider the following factors when determining the
34 appropriate areas and strategies for investment:

35 (1) Buildings that are unsafe or unhealthy for occupancy due to code
36 violations, dilapidation, defective design, faulty utilities or any other negative
37 conditions;

38 (2) Factors that prevent or substantially hinder the economically viable use
39 of buildings or lots, such as substandard design, inadequate size, lack of parking or
40 any other conditions;

41 (3) Incompatible uses that prevent economic development;

42 (4) Subdivided lots of irregular form and shape and inadequate size for
43 proper usefulness that have multiple ownership;

44 (5) Depreciated or stagnant property values, including properties that contain
45 hazardous wastes;

46 (6) Abnormally high business vacancies, abnormally low lease rates, high
47 turnover rates, abandoned buildings, or excessive vacant lots within an area
48 developed for urban use and served by utilities;

49 (7) The existence of conditions that are not conducive to public safety; and

50 (8) The lack of necessary commercial facilities normally found in
51 neighborhoods.

52 7. Each plan shall outline specific strategies to address the problems facing
53 the various subregions and neighborhoods within the county. The plan shall also
54 discuss the partnerships that can be made with federal, state and local governments,
55 as well as businesses, labor organizations, nonprofit groups, religious and other
56 groups and citizens to help implement the plan. These strategies shall include
57 estimated costs and time lines for completion.

58 8. The board shall produce an annual report focusing on the accomplishments
59 of the trust relative to the goals set forth in the plan, the goals for the next year and
60 the challenges facing the trust. The annual report shall be given to the chief elected
61 officials of all the municipalities wholly within the county, the chief elected official
62 of the county, the members of the governing board of the county and the public
63 libraries within the county, and shall be posted on the county Internet web site.

64 9. Every year, the board shall commission an independent financial audit, the
65 report of which shall be distributed in the same manner as the annual report pursuant
66 to subsection 8 of this section.

67 10. Every five years, the board shall commission an independent
68 management audit. The management audit shall include a comprehensive analysis
69 of development trends, factors and practices along with specific recommendations
70 to improve the trust's ability to achieve its mission. The management audit shall be
71 reviewed by the advisory committee which may offer constructive advice on
72 enhancing practices in order to achieve the goals of the program. The management
73 audit shall be distributed in the same manner as the annual report pursuant to

74 subsection 8 of this section. The board is authorized to take any necessary and proper
75 steps to address the issues and recommendations contained within the management
76 audit.

77 11. (1) The board shall establish an eleven-member advisory committee that
78 shall meet four times each year and shall advise petitioners, staff and the board. The
79 advisory committee members shall be appointed by the county executive. At least
80 six of the advisory committee's members shall be nominated by the municipal league
81 within the county and at least three shall be nominated by the members of the
82 governing body of the county. No advisory committee member shall receive
83 compensation for performance of duties as a committee member.

84 (2) At least one of the advisory committee members shall be a university
85 professor well-versed in regional development issues. At least two of the advisory
86 committee members shall be municipal officials from communities that have
87 undertaken redevelopment programs as part of larger planning efforts. At least one
88 of the advisory committee members shall be an attorney with experience in
89 redevelopment activities. At least two of the advisory committee members shall be
90 residents of priority comeback communities who have been active in advocating
91 effective redevelopment policies. At least one of the advisory committee members
92 shall be a private professional familiar with the factors influencing business location
93 decisions. At least one of the advisory committee members shall be an individual
94 familiar with education and training practices and workforce needs, with an
95 understanding of how labor availability impacts business location decisions. At least
96 one of the advisory committee members shall be a planner from the private sector
97 knowledgeable in the area of strategic planning and the principles of multiyear rolling
98 plans.

99 (3) The advisory committee shall promptly notify the county executive of the
100 pending expiration of any member's term or any vacancy on the advisory committee.
101 A member whose term has expired shall continue to serve until his or her successor
102 is appointed and qualified.

103 (4) The board shall establish the advisory committee by resolution at the
104 board's first meeting. The board shall, within ten days of the passage of the
105 resolution establishing the advisory committee, send by United States mail written
106 notice of the passage of the resolution to the county's municipal league and the
107 members of the governing body of the county. The municipal league and the
108 members of the governing board of the county shall, within forty-five days of the
109 passage of the resolution establishing the advisory committee or within fourteen days
110 of being notified of a vacancy by the county executive, submit its list of nominees to
111 the county executive. The county executive shall appoint members within sixty days
112 of the passage of the resolution or within thirty days of being notified by the
113 committee of a vacancy on the advisory committee. If a list of nominees is not
114 submitted by the time specified, the county executive shall appoint the members
115 using the criteria set forth in this section before the sixtieth day from the passage of

116 the resolution or before the thirtieth day from being notified of a vacancy on the
117 existing advisory committee.

118 (5) At the advisory committee's first meeting, the members shall choose by
119 lot the length of their terms. Two shall serve for one year, three for two years, three
120 for three years and three for four years. All succeeding committee members shall
121 serve for four years. Terms shall end on December thirty-first of the respective year.

122 (6) The committee members shall be subject to the regulation of conflicts of
123 interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements
124 for open meetings and records pursuant to chapter 610, RSMo.]

125

2 [67.490. 1. The board shall in a timely manner adopt rules setting forth basic
3 guidelines for acceptance and evaluation of petitions, including a common
4 understandable format, as well as appropriate supporting material, maps, plans and
5 data. The board shall begin to accept petitions one month after the adoption of the
6 plan by the governing body of the county pursuant to section 67.487. The board shall
7 review all petitions submitted by any petitioner. Review shall begin no later than
8 thirty days after submission of the petition to the commission. In order to qualify as
9 a proposal, a petition shall address the criteria set forth in subsection 4 of this section.
10 For the purposes of this subsection, the term "pending" means any proposal
11 submitted to the board which has not yet been approved by the board.

12 2. When practical, a petition shall be initially submitted to the advisory
13 committee for constructive review and comment in a manner likely to result in a
14 proposal that addresses a strategy outlined in the plan.

15 3. The board shall hold a public hearing concerning the petition, which may
16 be on the same day as a scheduled meeting of the board.

17 4. (1) In reviewing any petition for funding, the board shall first determine
18 if funds are sought for eligible expenses for a neighborhood reinvestment project.
19 If the petition seeks such funds, the board shall certify such petition as a proposal
20 subject to further review unless the board finds that the petition seeks funds for
21 expenses that do not qualify as eligible expenses, or seeks funds for an endeavor
22 other than a neighborhood reinvestment project. If the board finds that funds are
23 sought for ineligible expenses or for an ineligible endeavor, the board need not take
24 any further action and shall notify the petitioner in writing of all deficiencies that
25 prevent the petition from being a proposal. If the board determines that there is a
26 minor error or discrepancy in a petition, the board, with the petitioner's concurrence,
27 may make such changes to the petition as are necessary to rectify the error that
28 prevents the petition from being certified as a proposal subject to further review.
29 Within six months of certification of a petition as a proposal, the board shall issue a
30 finding approving or disapproving such proposal. In disapproving any proposal, the
31 board shall issue a document indicating the reasons that the proposal was
32 disapproved.

33 (2) If the board determines that a proposal is a priority comeback project
consistent with the strategies and priorities set forth in the community comeback plan

34 and that the project is well-planned, realistic, creative, resourceful, benefits the local
35 community and is cost-effective, then the board shall award funding. If the board
36 determines that a proposal is a priority comeback project, but is inconsistent with the
37 strategies and priorities in the community comeback plan, the board may award
38 funding if it finds that the project is well-planned, realistic, creative, resourceful,
39 benefits the local community, is cost-effective and addresses the reinvestment needs
40 of neighborhoods by one or more of the following:

41 (a) Reducing or removing impediments to attracting home buyers;
42 (b) Providing the necessary physical infrastructure needed to promote
43 significant job growth;
44 (c) Reducing or removing any such factor or factors that constitute an
45 economic or social liability or a menace to the public health, safety, morals, or
46 welfare in its present condition and use.

47 (3) If the board determines that a proposal, which is not a priority comeback
48 project, is consistent with the strategies and priorities set forth in the community
49 comeback plan and is well-planned, realistic, creative, resourceful, benefits the local
50 community and is cost-effective, the board may award funding if the board adds such
51 proposal to the plan. If the board determines that a proposal, which is not a priority
52 comeback project, is inconsistent with the strategies and priorities in the community
53 comeback plan, the board may award funding if it finds that the project is
54 well-planned, realistic, creative, resourceful, benefits the local community, is
55 cost-effective and addresses the reinvestment needs of neighborhoods by one or more
56 of the following:

57 (a) Reducing or removing impediments to attracting home buyers;
58 (b) Providing the necessary physical infrastructure needed to promote
59 significant job growth;
60 (c) Reducing or removing any such factor or factors that constitute an
61 economic or social liability or a menace to the public health, safety, morals or welfare
62 in its present condition and use.

63 (4) The board, the advisory committee and the staff of both may advise
64 petitioners on issues related to petitions or proposals. The board may meet
65 informally, subject to the requirements of chapter 610, RSMo, with representatives
66 of potential petitioners with regard to future petitions and plans.

67 5. The board shall establish a select neighborhood action program. SNAP
68 applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP
69 grant. Project categories eligible for SNAP grant funding shall be:

70 (1) Neighborhood beautification projects which enhance the appearance of
71 the overall neighborhood. Such projects include, but are not limited to, tree and
72 flower plantings, cleanups, entranceway landscaping, community gardens, public art
73 and neighborhood identification signs/banners;

74 (2) Neighborhood organization or capacity projects which create or increase
75 membership in a neighborhood organization promoting community betterment. Such
76 projects include, but are not limited to, neighborhood newsletters, neighborhood

77 marketing brochures, neighborhood meetings and special events, and technology
78 such as web site development;

79 (3) Neighborhood-school partnership projects which benefit a school and the
80 adjacent neighborhood. Involvement of both the school and the neighborhood in
81 planning, implementation and maintenance must be substantiated. Partnership
82 projects include, but are not limited to, youth and community programs that promote
83 safety, culture or the environment and that are beneficial to both the school and the
84 neighborhood;

85 (4) Capital purchase projects which include the acquisition of equipment or
86 property. Such projects include, but are not limited to, land acquisition, playground
87 equipment, bicycle racks and major supplies;

88 (5) Neighborhood improvement projects which benefit the local
89 infrastructure in a neighborhood, and include construction of sidewalks or installation
90 of streetlights.

91 6. Project categories ineligible for SNAP grant funding shall be:

92 (1) Projects accomplished in more than twelve months;

93 (2) Projects that duplicate existing private or public programs;

94 (3) Projects that require ongoing services, or requests to support continual
95 operating budgets; and

96 (4) Projects that conflict with the community comeback plan.

97 7. When making SNAP grant funding decisions, the board shall consider the
98 level of neighborhood participation including the percentage of residents who are
99 involved in planning and implementing the idea, the diversity of parties involved or
100 that will benefit, and the amount of neighborhood opposition; the community benefit
101 of the project, including the number of people who will benefit from the project and
102 the overall quality of the project.]

103

2 [67.493. Of the funds available to the trust, a minimum of five percent of the
3 funds, not to exceed an unallocated balance of five hundred thousand dollars rolled
4 over from the previous fiscal year, shall be set aside annually for the SNAP grant
5 program. Of the remaining funds seventy- five percent calculated on a rolling
6 three-year average shall be set aside for priority comeback projects. The balance of
7 the funds shall be used to indirectly or directly benefit priority comeback
8 communities or residents of those areas by utilizing such funds to:

8 (1) Promote job preparation and job creation in areas easily accessed by
9 residents of priority comeback communities;

10 (2) Improve neighborhoods adjacent to priority comeback communities that
11 are unlikely to be improved without such funding; and

12 (3) Abate through low-interest home improvement loan programs or similar
13 mechanisms the functional or marketable obsolescence of any owner- occupied
14 residential structure over twenty-five years old which is located within a census block
15 group below one hundred ten percent of the median income level for the metropolitan

16 statistical area for this state; provided that, there is a significant threat of economic
17 decline within the area without intervention by the trust.]

18

 Section B. Because immediate action is necessary to protect the economic welfare of the
2 citizens of this state, sections 137.100, 144.030, 144.615, and 493.050 of this act are deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety and are
4 hereby declared to be an emergency act within the meaning of the constitution and shall be in full
5 force and effect upon its passage and approval.