

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILLS NOS. 795,
972, 1128 & 1161**
92ND GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, April 23, 2004, with recommendation that the Senate Committee Substitute do pass.

2494S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 49.272, 49.650, 50.339, 50.515, 50.740, 52.271, 64.520, 64.805, 67.793, 67.799, 67.1706, 67.1754, 137.720, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof thirty-five new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for a certain section.

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, 52.271, 64.520, 64.805, 2 67.793, 67.799, 67.1706, 67.1754, 137.720, 251.160, 251.170, 251.180, 251.190, 260.831, 3 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, are repealed and thirty-five new 4 sections enacted in lieu thereof, to be known as sections 49.272, 49.650, 50.339, 50.515, 5 50.740, 52.271, 64.520, 64.805, 67.320, 67.793, 67.799, 67.1706, 67.1754, 67.2000, 6 67.2500, 67.2505, 67.2510, 67.2515, 67.2520, 67.2525, 67.2530, 137.720, 138.011, 251.160, 7 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, 479.020, 493.050, 537.550, 644.032, 8 and 1, to read as follows:

49.272. The county commission of any county of the first classification without 2 a charter form of government and with more than one hundred thirty-five thousand four 3 hundred but less than one hundred thirty-five thousand five hundred inhabitants, **and** 4 **in any county of the first classification without a charter form of government** 5 **having a population of at least eighty-two thousand inhabitants, but less than**

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

6 **eighty-two thousand one hundred inhabitants**, which has an appointed county
7 counselor and which adopts or has adopted rules, regulations or ordinances under
8 authority of a statute which prescribes or authorizes a violation of such rules,
9 regulations or ordinances to be a misdemeanor punishable as provided by law, may by
10 rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for
11 each violation. Any fines imposed and collected under such rules, regulations or
12 ordinances shall be payable to the county general fund to be used to pay for the cost of
13 enforcement of such rules, regulations or 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
3 ordinances or resolutions relating to its property, affairs, and local government for which
4 no provision has been made in the constitution of this state or state statute regarding
5 the following:

- 6 (1) County roads controlled by the county;
- 7 (2) Emergency management, as it specifically relates to the actual occurrence of
8 a natural or man-made disaster of major proportions within the county when the safety
9 and welfare of the inhabitants of such county are jeopardized;
- 10 (3) Nuisance abatement, excluding agricultural and horticultural property as
11 defined in section 137.016, RSMo;
- 12 (4) Storm water control, excluding agricultural and horticultural property as
13 defined in section 137.016, RSMo;
- 14 (5) The promotion of economic development for job creation purposes; [and]
- 15 (6) Parks and recreation; **and**
- 16 **(7) Protection of the environment and the health of the general public**
17 **from the risks posed by methamphetamine production.**

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

26 2. The governing body of each county [of the first, second, or fourth classification]
27 without a charter form of government may submit to the qualified voters of the county
28 any ordinance, resolution, or regulation proposed pursuant to this section for the

29 approval of the qualified voters of the county. Any ordinance, resolution, or regulation
30 submitted to the qualified voters pursuant to this section shall become effective if a
31 majority of the qualified voters voting on the ordinance, resolution, or regulation are in
32 favor of its adoption, but no ordinance, resolution, or regulation shall become effective
33 if a majority of the qualified voters voting on the ordinance, resolution, or regulation are
34 opposed to its adoption.

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

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

50.339. 1. In any county of the first classification with more than seventy-one
2 thousand three hundred but less than seventy-one thousand four hundred inhabitants,
3 the salary commission at its meeting in 2003 and at any meeting held in 2004 may
4 equalize the base salary for each office to an amount not greater than that set by law as
5 the maximum compensation. Nothing in this section shall be construed to prevent offices
6 which have additional compensation specified in law from receiving such compensation
7 or from having such compensation added to the base compensation in excess of the
8 equalized salary.

9 2. **Notwithstanding any provision of section 50.343 to the contrary, in**
10 **any county of the first classification with more than sixty-eight thousand six**
11 **hundred but less than sixty-eight thousand seven hundred inhabitants, the**
12 **salary commission may meet in the year 2004 to determine whether to**
13 **equalize the base salary for the office of treasurer with the base salaries of**
14 **other county officers at an amount not greater than the amount set as the**
15 **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
3 bridge fund, or any specific purpose capital improvements fund, authorized pursuant to
4 the provisions of section 67.547, 67.550 or 67.700, RSMo. Such administrative service
5 fee shall only be imposed to recoup expenditures made from the county general revenue
6 fund to provide administrative services to the county park fund or the county road and
7 bridge fund, or any specific purpose capital improvements fund authorized pursuant to
8 section 67.547, 67.550 or 67.700, RSMo, including, but limited to, accounting,

9 bookkeeping, legal services, auditing, investment control, fiscal management, and
10 revenue collection. Any administrative service fee imposed under this section shall be
11 imposed at a rate which will only generate revenue sufficient to recoup actual
12 expenditures made from the general revenue fund of the county to provide
13 administrative services to the fund against which such service fee is imposed, including
14 both direct and indirect expenditures as determined by an independent audit; provided,
15 that no administrative service fee shall exceed three percent of the total budget of the
16 fund on which such fee is imposed, **except in any county of the third classification,**
17 **in which no administrative service fee shall exceed five percent of the total**
18 **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
2 of classes three and four at its regular [February] **January** term to go over the
3 estimates and revise and amend the same in such way as to promote efficiency and
4 economy in county government. The commission may alter or change any estimate as
5 public interest may require and to balance the budget, first giving the person preparing
6 supporting data an opportunity to be heard. After the county commission shall have
7 revised the estimate it shall be the duty of the clerk of said commission forthwith to
8 enter such revised estimate on the record of the said commission and the commission
9 shall forthwith enter thereon its approval.

10 2. The county clerk shall within five days after the date of approval of such
11 budget estimate, file a certified copy thereof with the county treasurer, taking [his] a
12 receipt therefor, and he shall also forward a certified copy thereof to the state auditor
13 by registered mail. The county treasurer shall not pay nor enter protest on any warrant
14 **except payroll** for the current year until such budget estimate shall have been so filed.
15 any county treasurer shall pay or enter for protest any warrant **except payroll** before
16 the budget estimate shall have been filed, as by sections 50.525 to 50.745 provided, [he]
17 **the county treasurer** shall be liable on [his] **the** official bond for such
18 act. Immediately upon receipt of the estimated budget the state auditor shall send to
19 the county clerk [his] **the** receipt therefor by registered mail.

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

52.271. 1. **Notwithstanding any provisions of law to the contrary, or any**
2 **other provision of law in conflict with the provisions of this section,** the county

3 collector in each county [of the third class] **shall be allowed to employ not less than**
4 **one full-time deputy and** is entitled to employ **such number of** deputies and
5 assistants **as may be necessary to promptly and correctly perform the duties**
6 **of the collector's office**, and for the deputies and assistants is allowed not less than
7 the amount allowed in [1992 or 1993] **2001 or 2002**, whichever is greater, **and shall**
8 **be allowed not less than any greater amount approved for any subsequent**
9 **year.**

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

64.520. Such county planning commission shall consist of the county highway
2 engineer **or head of the highway department**, and one resident of the county
3 appointed by the county commission, from the unincorporated part of each township in
4 the county, except that no such [freeholder] **resident** shall be appointed from a
5 township in which there is no unincorporated area. The township representatives are
6 hereinafter referred to as appointed members. The term of each appointed member shall
7 be four years or until his successor takes office, except that the terms shall be
8 overlapping and that the respective terms of the members first appointed may be less
9 than four years. The term of the county highway engineer shall be only for the duration
10 of his tenure of official position. All members of the county planning commission shall
11 serve as such without compensation, except that an attendance fee as reimbursement for
12 expenses for hearings, and for not to exceed two administrative meetings per month, may
13 be paid to the appointed members of the planning commission in an amount, as set by
14 the county commission, not to exceed [fifteen] **twenty-five** dollars for each
15 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
2 engineer, and one resident of the county appointed by the county commission, from the
3 unincorporated part of each township in the county, except that no such person shall be
4 appointed from a township in which there is no unincorporated area. The township
5 representatives are hereinafter referred to as appointed members. The term of each
6 appointed member shall be four years or until his successor takes office, except that the
7 terms shall be overlapping and that the respective terms of the members first appointed
8 may be less than four years. The term of the county highway engineer shall be only for
9 the duration of his tenure of official position. All members of the county planning
10 commission shall serve as such without compensation, except that an attendance fee as
11 reimbursement for expenses, for not to exceed four meetings per year, may be paid to the

12 appointed members of the county planning commission in an amount, as set by the
13 county commission, not to exceed [ten] **twenty-five** dollars per meeting. The planning
14 commission shall elect its chairman, who shall serve for one year.

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

13 **2. In any county which has elected to establish a county municipal
14 court pursuant to this section, the judges for such court shall be appointed
15 by the county commission of such county, subject to confirmation by the
16 legislative body of such county in the same manner as confirmation for other
17 county appointed officers. The number of judges appointed, and
18 qualifications for their appointment, shall be established by order of the
19 commission.**

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

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

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

9 (1) A description of the territory to be embraced in the proposed district;

10 (2) The names of the municipalities located within the proposed district;

11 (3) The name of the proposed district;

12 (4) The population of the proposed district;

13 (5) The assessed valuation of the proposed district;

14 (6) The type and rate of tax proposed to be levied; and

15 (7) A request that the question be submitted to the voters residing within the
16 limits of the proposed regional recreational district whether they will establish a regional
17 recreational district pursuant to the provisions of sections 67.792 to 67.799 to be known
18 as ". . . Regional Recreational District" for the purpose of establishing, operating and
19 maintaining public parks, neighborhood trails and recreational facilities within the
20 boundaries of the district.

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

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

31 (2) Subdivision (7) of subsection 1 of this section shall, in the petition for the
32 addition, be a request that the question be submitted to the voters residing within the
33 limits of the proposed addition to the ". regional recreational district" as to
34 whether or not they will become a part of the ". regional recreational district" for
35 the purpose of establishing, operating and maintaining public parks, neighborhood trails
36 and recreational facilities within the boundaries of such district.

37 3. The petition shall, after having been filed pursuant to this section, receive a
38 hearing by the governing body of the county of filing pursuant to section 67.794.

39 4. The governing body of any county otherwise eligible to participate in a regional
40 recreational district may directly authorize, by ordinance, the creation of a regional
41 recreational district or an addition to an existing regional recreational district without
42 the submission of a petition. The governing body of each such county shall, upon the
43 enactment of such ordinance, submit the question of its approval to the voters in such
44 county. If less than an entire county is proposed to participate in such a regional
45 recreational district, the question may be submitted to the **registered and qualified**

46 voters residing in the proposed [area, provided, that any regional recreational district
47 which is supported by a sales tax shall be approved by the voters of the entire county]
48 **district, or if no registered and qualified voters reside in the proposed**
49 **district, to the owners of the real property located within the proposed**
50 **district. Any ordinance adopted by the governing body creating a regional**
51 **recreational district supported by a sales tax but with no registered and**
52 **qualified voters residing within the proposed district boundaries shall be**
53 **unanimously approved by the owners of real property within the proposed**
54 **district.** The proposed district shall consist only of those counties, or portions of
55 counties, where the governing body has approved an ordinance to create a district.

67.799. 1. A regional recreational district may, by a majority vote of its board
2 of directors, impose an annual property tax for the establishment and maintenance of
3 public parks and recreational facilities and grounds within the boundaries of the regional
4 recreational district not to exceed sixty cents per year on each one hundred dollars of
5 assessed valuation on all property within the district, except that no such tax shall
6 become effective unless the board of directors of the district submits to the voters of the
7 district, at a county or state general, primary or special election, a proposal to authorize
8 the tax.

9 2. The question shall be submitted in substantially the following form:

10 Shall a cent tax per one hundred dollars assessed valuation be levied for
11 public parks and recreational facilities?

12 YES NO

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

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

22 4. (1) A regional recreational district may, by a majority vote of its board of
23 directors, impose a tax not to exceed one-half of one cent on all retail sales subject to
24 taxation pursuant to sections 144.010 to 144.525, RSMo, for the purpose of funding the
25 creation, operation and maintenance of public parks, recreational facilities and grounds

26 within the boundaries of a regional recreational district. The tax authorized by this
27 subsection shall be in addition to all other sales taxes allowed by law. No tax pursuant
28 to this subsection shall become effective unless the board of directors submits to the
29 voters of the district, at a county or state general, primary or special election, a proposal
30 to authorize the tax, and such tax shall become effective only after the majority of the
31 voters voting on such tax approve such tax. [Only whole counties participating in a
32 regional recreational district shall be able to impose a sales tax pursuant to this
33 subsection.]

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

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

38 YES NO

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

46 **5. As used in this section, "qualified voters" or "voters" means any**
47 **individuals residing within the proposed district who are eligible to be**
48 **registered voters and who have registered to vote under chapter 115, RSMo,**
49 **or, if no individuals eligible and registered to vote reside within the proposed**
50 **district, all of the owners of real property located within the proposed district**
51 **who have unanimously petitioned for or consented to the adoption of an**
52 **ordinance by the governing body imposing a tax authorized in this section. If**
53 **the owner of the property within the proposed district is a political**
54 **subdivision or corporation of the state, the governing body of such political**
55 **subdivision or corporation shall be considered the owner for purposes of this**
56 **section.**

67.1706. The metropolitan district shall have as its [primary] duty the
2 development, operation and maintenance of a public system of interconnecting trails and
3 parks throughout the counties comprising the district. **Nothing in this section shall**
4 **restrict the district's entering into and initiating projects dealing with parks**
5 **not necessarily connected to trails.** The metropolitan district shall supplement but

6 shall not substitute for the powers and responsibilities of the other parks and recreation
7 systems within the metropolitan district **or other conservation and environmental**
8 **regulatory agencies** and shall have the power to contract with other parks and
9 recreation systems as well as with other public and private entities. **Nothing in this**
10 **section shall give the metropolitan district authority to regulate water**
11 **quality, watershed or land use issues in the counties comprising the district.**

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

3 (1) Fifty percent of the sales taxes collected from each county shall be deposited
4 in the metropolitan park and recreational fund to be administered by the board of
5 directors of the district to pay costs associated with the establishment, administration,
6 operation and maintenance of public recreational facilities, parks, and public recreational
7 grounds associated with the district. Costs for office administration beginning in the
8 second fiscal year of district operations may be up to but shall not exceed fifteen percent
9 of the amount deposited pursuant to this subdivision;

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

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

3 **2. Whenever not less than fifty owners of real property located within**
4 **any county of the first classification with more than seventy-one thousand**
5 **three hundred but less than seventy-one thousand four hundred inhabitants,**
6 **or any county of the first classification with more than one hundred**
7 **ninety-eight thousand but less than one hundred ninety-nine thousand two**
8 **hundred inhabitants, or any county of the first classification with more than**
9 **eighty-five thousand nine hundred but less than eighty-six thousand**
10 **inhabitants, or any county of the second classification with more than**
11 **fifty-two thousand six hundred but less than fifty-two thousand seven**

12 **hundred inhabitants, or any county of the first classification with more than**
13 **one hundred four thousand six hundred but less than one hundred four**
14 **thousand seven hundred inhabitants, or any county of the third classification**
15 **without a township form of government and with more than seventeen**
16 **thousand nine hundred but less than eighteen thousand inhabitants, or any**
17 **county of the first classification with more than thirty-seven thousand but**
18 **less than thirty-seven thousand one hundred inhabitants, or any county of the**
19 **third classification without a township form of government and with more**
20 **than twenty-three thousand five hundred but less than twenty-three thousand**
21 **six hundred inhabitants, or any county of the third classification without a**
22 **township form of government and with more than nineteen thousand three**
23 **hundred but less than nineteen thousand four hundred inhabitants desire to**
24 **create an exhibition center and recreational facility district, the property**
25 **owners shall file a petition with the governing body of each county located**
26 **within the boundaries of the proposed district requesting the creation of the**
27 **district. The district boundaries may include all or part of the counties**
28 **described in this section. The petition shall contain the following**
29 **information:**

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

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

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

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

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

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

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

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

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

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

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

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

56 5. Following the hearing, if the governing body of each county located
57 within the proposed district decides to establish the proposed district, it shall
58 adopt an order to that effect; if the governing body of any county located
59 within the proposed district decides to not establish the proposed district, the
60 boundaries of the proposed district shall not include that county. The order
61 shall contain the following:

62 (1) The description of the boundaries of the district;

63 (2) A statement that an exhibition center and recreational facility
64 district has been established;

65 (3) The name of the district;

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

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

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

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

81 YES NO

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

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

99 7. There is hereby created a board of trustees to administer any
100 district created and the expenditure of revenue generated pursuant to this
101 section consisting of four individuals to represent each county approving the
102 district, as provided in this subsection. The governing body of each county
103 located within the district, upon approval of that county's sales tax proposal,
104 shall appoint four members to the board of trustees; at least one shall be an
105 owner of a nonlodging business located within the taxing district, or their
106 designee, at least one shall be an owner of a lodging facility located within
107 the district, or their designee, and all members shall reside in the district
108 except that one nonlodging business owner, or their designee, and one
109 lodging facility owner, or their designee, may reside outside the
110 district. Each trustee shall be at least twenty-five years of age and a resident
111 of this state. Of the initial trustees appointed from each county, two shall
112 hold office for two years, and two shall hold office for four years. Trustees
113 appointed after expiration of the initial terms shall be appointed to a four-
114 year term by the governing body of the county the trustee represents, with
115 the initially appointed trustee to remain in office until a successor is
116 appointed, and shall take office upon being appointed. Each trustee may be
117 reappointed. Vacancies shall be filled in the same manner in which the
118 trustee vacating the office was originally appointed. The trustees shall not
119 receive compensation for their services, but may be reimbursed for their

120 actual and necessary expenses. The board shall elect a chair and other
121 officers necessary for its membership. Trustees may be removed if:

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

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

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

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

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

132 (3) To enter into contracts, franchises, and agreements with any person
133 or entity, public or private, affecting the affairs of the district, including
134 contracts with any municipality, district, or state, or the United States, and
135 any of their agencies, political subdivisions, or instrumentalities, for the
136 funding, including without limitation interest rate exchange or swap
137 agreements, planning, development, construction, acquisition, maintenance,
138 or operation of a single exhibition center and recreational facilities or to
139 assist in such activity. "Recreational facilities", means locations explicitly
140 designated for public use where the primary use of the facility involves
141 participation in hobbies or athletic activities;

142 (4) To borrow money and incur indebtedness and evidence the same by
143 certificates, notes, or debentures, to issue bonds and use any one or more
144 lawful funding methods the district may obtain for its purposes at such rates
145 of interest as the district may determine. Any bonds, notes, and other
146 obligations issued or delivered by the district may be secured by mortgage,
147 pledge, or deed of trust of any or all of the property and income of the
148 district. Every issue of such bonds, notes, or other obligations shall be
149 payable out of property and revenues of the district and may be further
150 secured by other property of the district, which may be pledged, assigned,
151 mortgaged, or a security interest granted for such payment, without
152 preference or priority of the first bonds issued, subject to any agreement with
153 the holders of any other bonds pledging any specified property or
154 revenues. Such bonds, notes, or other obligations shall be authorized by
155 resolution of the district board, and shall bear such date or dates, and shall

156 mature at such time or times, but not in excess of thirty years, as the
157 resolution shall specify. Such bonds, notes, or other obligations shall be in
158 such denomination, bear interest at such rate or rates, be in such form, either
159 coupon or registered, be issued as current interest bonds, compound interest
160 bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be
161 issued in such manner, be payable in such place or places, and be subject to
162 redemption as such resolution may provide, notwithstanding section 108.170,
163 RSMo. The bonds, notes, or other obligations may be sold at either public or
164 private sale, at such interest rates, and at such price or prices as the district
165 shall determine;

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

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

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

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

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

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

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

188 9. There is hereby created the "Exhibition Center and Recreational
189 Facility District Sales Tax Trust Fund", which shall consist of all sales tax
190 revenue collected pursuant to this section. The director of revenue shall be
191 custodian of the trust fund, and moneys in the trust fund shall be used solely

192 for the purposes authorized in this section. Moneys in the trust fund shall be
193 considered nonstate funds pursuant to section 15, article IV, constitution of
194 Missouri. The director of revenue shall invest moneys in the trust fund in the
195 same manner as other funds are invested. Any interest and moneys earned
196 on such investments shall be credited to the trust fund. All sales taxes
197 collected by the director of revenue pursuant to this section on behalf of the
198 district, less one percent for the cost of collection which shall be deposited
199 in the state's general revenue fund after payment of premiums for surety
200 bonds as provided in section 532.087, RSMo, shall be deposited in the trust
201 fund. The director of revenue shall keep accurate records of the amount of
202 moneys in the trust fund which was collected in the district imposing a sales
203 tax pursuant to this section, and the records shall be open to the inspection
204 of the officers of each district and the general public. Not later than the
205 tenth day of each month, the director of revenue shall distribute all moneys
206 deposited in the trust fund during the preceding month to the district. The
207 director of revenue may authorize refunds from the amounts in the trust fund
208 and credited to the district for erroneous payments and overpayments made,
209 and may redeem dishonored checks and drafts deposited to the credit of the
210 district.

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

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

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

225 YES NO

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

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

234 12. Once the sales tax authorized by this section is abolished or
235 terminated by any means, all funds remaining in the trust fund shall be used
236 solely for the purposes approved in the ballot question authorizing the sales
237 tax. The sales tax shall not be abolished or terminated while the district has
238 any financing or other obligations outstanding; provided that any new
239 financing, debt, or other obligation or any restructuring or refinancing of an
240 existing debt or obligation incurred more than ten years after voter approval
241 of the sales tax provided in this section or more than ten years after any
242 voter approved extension thereof shall not cause the extension of the sales
243 tax provided in this section or cause the final maturity of any financing or
244 other obligations outstanding to be extended. Any funds in the trust fund
245 which are not needed for current expenditures may be invested by the
246 district in the securities described in subdivisions (1) to (12) of subsection 1
247 of section 30.270, RSMo, or repurchase agreements secured by such securities.
248 If the district abolishes the sales tax, the district shall notify the director of
249 revenue of the action at least ninety days before the effective date of the
250 repeal, and the director of revenue may order retention in the trust fund, for
251 a period of one year, of two percent of the amount collected after receipt of
252 such notice to cover possible refunds or overpayment of the sales tax and to
253 redeem dishonored checks and drafts deposited to the credit of such
254 accounts. After one year has elapsed after the effective date of abolition of
255 the sales tax in the district, the director of revenue shall remit the balance
256 in the account to the district and close the account of the district. The
257 director of revenue shall notify the district of each instance of any amount
258 refunded or any check redeemed from receipts due the district.

259 13. In the event that the district is dissolved or terminated by any
260 means, the governing bodies of the counties in the district shall appoint a
261 person to act as trustee for the district so dissolved or terminated. Before
262 beginning the discharge of duties, the trustee shall take and subscribe an
263 oath to faithfully discharge the duties of the office, and shall give bond with

264 sufficient security, approved by the governing bodies of the counties, to the
265 use of the dissolved or terminated district, for the faithful discharge of
266 duties. The trustee shall have and exercise all powers necessary to liquidate
267 the district, and upon satisfaction of all remaining obligations of the district,
268 shall pay over to the county treasurer of each county in the district and take
269 receipt for all remaining moneys in amounts based on the ratio the levy of
270 each county bears to the total levy for the district in the previous three years
271 or since the establishment of the district, whichever time period is
272 shorter. Upon payment to the county treasurers, the trustee shall deliver to
273 the clerk of the governing body of any county in the district all books, papers,
274 records, and deeds belonging to the dissolved district.

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

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

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

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

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

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

20 (4) "Subdistrict", a subdivision of a district, but not a separate political
21 subdivision, created for the purposes specified in subsection 5 of section
22 67.2505.

67.2505. 1. A district may be created to fund, promote, and provide
2 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
3 related or similar entertainment events or activities, and to fund, promote,

4 **plan, design, construct, improve, maintain, and operate public improvements,**
5 **transportation projects, and related facilities 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**
8 **petitioners, preceding the words "theater, cultural arts, and entertainment**
9 **district".**

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

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

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

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

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

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

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

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

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

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

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

43 (9) A request that the question of the establishment of the district be
44 submitted to the qualified voters of the district;

45 (10) A signed statement that the petitioners are authorized to submit
46 the petition to the governing body; and

47 (11) Any other items the petitioners deem appropriate.

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

51 (1) A description of the boundaries of the proposed district and each
52 subdistrict;

53 (2) The time and place of a hearing to be held to consider
54 establishment of the proposed district;

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

56 (4) The proposed sales tax rate to be voted upon within the subdistricts
57 of the proposed district;

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

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

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

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

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

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

76 The costs of printing and publication of the notice shall be paid by the
77 petitioners. If the district is organized pursuant to sections 67.2500 to
78 67.2530, the petitioners may be reimbursed for such costs out of the revenues
79 received by the district.

80 9. Following the hearing, the governing body of any city, town, or
81 village within which the proposed district will be located may order an
82 election on the questions of the district creation and sales tax funding for
83 voter approval and certify the questions to the municipal clerk. The election
84 order shall include the date on which the ballots will be mailed to qualified
85 electors, which shall be not sooner than the eighth Tuesday from the issuance
86 of the order. The election regarding the incorporation of the district and the
87 imposing of the sales tax shall follow the procedure set forth in section
88 67.2520, and shall be held pursuant to the order and certification by the
89 governing body. Only those subdistricts approving the question of creating
90 the district and imposing the sales tax shall become part of the district.

91 10. If the results of the election conducted in accordance with section
92 67.2520 show that a majority of the votes cast were in favor of organizing the
93 district and imposing the sales tax, the governing body may establish the
94 proposed district in those subdistricts approving the question of creating the
95 district and imposing the sales tax, by adopting an ordinance to that
96 effect. The ordinance establishing the district shall contain the following:

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

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

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

102 (4) The name of the district;

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

105 (6) The uses for any revenue generated by a sales tax imposed pursuant
106 to this section;

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

109 (8) Such other matters as the governing body deems appropriate.

110 11. Any subdistrict that does not approve the creation of the district
111 and imposing the sales tax shall not be a part of the district and the sales tax

112 shall not be imposed until after the district board of directors has submitted
113 another proposal for the inclusion of the area into the district and such
114 proposal and the sales tax proposal are approved by a majority of the
115 qualified voters in the subdistrict voting thereon. Such subsequent elections
116 shall be conducted in accordance with section 67.2520; provided, however,
117 that the district board of directors may place the question of the inclusion of
118 a subdistrict within a district and the question of imposing a sales tax before
119 the voters of a proposed subdistrict, and the municipal clerk, or circuit clerk
120 if the district is formed by the circuit court, shall conduct the election. In
121 subsequent elections, the election judges shall certify the election results to
122 the district board of directors.

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

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

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

11 (2) The name of the proposed district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 **The costs of printing and publication of the notice shall be paid by the**

55 petitioners. If the district is organized pursuant to sections 67.2500 to
56 67.2530, the petitioners may be reimbursed for such costs out of the revenues
57 received by the district.

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

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

78 5. If the results of the election conducted in accordance with section
79 67.2520 show that a majority of the votes cast were in favor of organizing the
80 district and imposing the sales tax, the circuit judge shall establish the
81 proposed district in those subdistricts approving the question of creating the
82 district and imposing the sales tax by issuing an order to that effect. The
83 court shall determine and declare the district organized and incorporated
84 and issue an order that includes the following:

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

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

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

90 (4) The name of the district;

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

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

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

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

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

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

67.2520. 1. If a governing body or circuit court judge has certified the
2 **question regarding the district creation and sales tax funding for voter**
3 **approval, the municipal clerk in which the district is located, or the circuit**
4 **clerk if the order and certification has been by a circuit judge, shall conduct**
5 **the election. The questions shall be submitted to the qualified voters of each**
6 **subdistrict within the district boundaries who have filed an application**
7 **pursuant to this section. The municipal clerk, or the circuit clerk if the**
8 **district is being formed by the circuit court, shall publish notice of the**
9 **election in at least one newspaper of general circulation in the county where**
10 **the proposed district is located, with the publication to occur not more than**
11 **fifteen days but not less than ten days before the date when applications for**
12 **ballots will be accepted. The notice shall include a description of the district**

13 boundaries, the timeframe and manner of applying for a ballot, the questions
14 to be voted upon, and where and when applications for ballots will be
15 accepted. The municipal clerk, or circuit clerk if the district is being formed
16 by the circuit court, shall also send a notice of the election to all registered
17 voters in the proposed district, which shall include the information in the
18 published notice. The costs of printing and publication of the notice, and
19 mailing of the notices to registered voters, shall be paid by the petitioners. If
20 the district is organized pursuant to sections 67.2500 to 67.2530, the
21 petitioners may be reimbursed for such costs out of the revenues received by
22 the district.

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

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

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

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

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

45 (b) If there are no registered voters in a subdistrict, a person,
46 including a corporation or other entity, which owns real property within the
47 subdistrict. Each voter which is not an individual shall determine how to cast
48 its vote as provided for in its articles of incorporation, articles of

49 organization, articles of partnership, bylaws, or other document which sets
50 forth an appropriate mechanism for the determination of the entity's vote. If
51 a voter has no such mechanism, then its vote shall be cast as determined by
52 a majority of the persons who run the day-to-day affairs of the voter. Each
53 property owner shall receive one vote;

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

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

59 (b) An authorized signature; and

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

62 a. For resident individuals, proof of registration from the election
63 authority;

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

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

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

78 YES NO

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

81 Shall the (name of district) impose a sales tax of (insert
82 rate) to fund, promote, and provide educational, civic, musical, theatrical,
83 cultural, concerts, lecture series, and related or similar entertainment events
84 or activities, and to fund, promote, plan, design, construct, improve, maintain,

85 and operate public improvements, transportation projects, and related
86 facilities in the district?

87 YES NO

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

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

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

100 Authorized Signature

101 Printed Name of Voter Signature of notary or other officer authorized to
102 administer oaths.

103 Mailing Address of Voter (if different)

104 Subscribed and sworn to before me this day of....., 20.."

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

108 (6) Voted ballots shall be returned to the municipal clerk, or the clerk
109 of the circuit court if the district is being formed by the circuit court, by mail
110 or hand delivery no later than 5:00 p.m. on the fourth Tuesday after the date
111 for mailing the ballots. The municipal clerk, or circuit clerk if the district is
112 being formed by the circuit court, shall transmit all voted ballots to a team
113 of judges of not less than four, with an equal number from each of the two
114 major political parties. The judges shall be selected by the city, town, or
115 village, or the circuit clerk, from lists compiled by the county election
116 authority. Upon receipt of the voted ballots the judges shall verify the
117 authenticity of the ballots, canvass the votes, and certify the
118 results. Certification by the election judges shall be final and shall be
119 immediately transmitted to the governing body of the city, town, or village for
120 further action, or the circuit judge for further action if the district is being

121 formed by the circuit court. Any voter who applied for such election may
122 contest the result in the same manner as provided in chapter 115, RSMo.

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

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

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

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

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

22 4. For those subdistricts which contain no registered voters, the
23 property owners who collectively own one or more parcels of real estate
24 comprising more than half of the land situated in each subdistrict shall meet
25 and shall elect a representative to serve upon the board of directors. The
26 clerk of the city, town, or village in which the petition was filed shall, unless
27 waived in writing by all property owners in the subdistrict, give notice by
28 causing publication to be made once a week for two consecutive weeks in a
29 newspaper of general circulation in the county, the last publication of which
30 shall be at least ten days before the day of the meeting required by this
31 section, to call a meeting of the owners of real property within the subdistrict
32 at a day and hour specified in a public place in the city, town, or village in
33 which the petition was filed for the purpose of electing members of the board
34 of directors.

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

52 **6. Successor boards shall be appointed or elected, depending upon the**
53 **presence or absence of resident registered voters, by the mayor or chairman**
54 **of a city, town, or village described in this section, or the property owners as**
55 **set forth above; provided, however, that elections held by the property owners**
56 **after the initial board is elected shall be certified to the municipal clerk of**
57 **the city, town, or village where the district is located and the board of**
58 **directors of the district.**

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

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

67 **(1) The power to fund, promote and provide educational, civic, musical,**
68 **theatrical, cultural, concerts, lecture series, and related or similar**
69 **entertainment events or activities, and fund, promote, plan, design, construct,**
70 **improve, maintain, and operate public improvements, transportation projects,**

71 and related facilities within the district;

72 (2) The power to accept and disburse tax or other revenue collected in
73 the district; and

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

75 9. Within thirty days after the selection of the initial directors, the
76 board shall meet. At its first meeting and annually thereafter the board shall
77 elect a chairman from its members.

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

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

82 12. A simple majority of the board shall constitute a quorum. If a
83 quorum exists, a majority of those voting shall have the authority to act in the
84 name of the board, and approve any board resolution.

85 13. At the first meeting, the board, by resolution, shall receive the
86 certification of the election regarding the sales tax, and may impose the sales
87 tax in all subdistricts approving the imposing sales tax. In those subdistricts
88 that approve the sales tax, the sales tax shall become effective on the first day
89 of the first calendar quarter immediately following the action by the district
90 board of directors imposing the tax.

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

96 15. In addition to all other powers granted by sections 67.2500 to
97 67.2530, the district shall have the following general powers:

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

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

101 (3) To enter into contracts, franchises, and agreements with any person
102 or entity, public or private, affecting the affairs of the district, including
103 contracts with any municipality, district, or state, or the United States, and
104 any of their agencies, political subdivisions, or instrumentalities, for the
105 funding, including without limitation, interest rate exchange or swap
106 agreements, planning, development, construction, acquisition, maintenance,

107 **or operation of a district facility or to assist in such activity;**

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

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

112 **(6) To collect taxes and other revenues;**

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

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

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

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

123 **(11) To enter into entertainment contracts binding the district and**
124 **artists, agencies, or performers, management contracts, contracts relating to**
125 **the booking of entertainment and the sale of tickets, and all other contracts**
126 **which relate to the purposes of the district;**

127 **(12) To contract with a local government, a corporation, partnership,**
128 **or individual regarding funding, promotion, planning, designing,**
129 **constructing, improving, maintaining, or operating a project or to assist in**
130 **such activity;**

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

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

137 **16. A district may at any time authorize or issue notes, bonds, or other**
138 **obligations for any of its powers or purposes. Such notes, bonds, or other**
139 **obligations:**

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

142 **(2) Shall be payable out of all or any portion of the revenues or other**

143 assets of the district;

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

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

149 (5) Shall be in such denomination, bear interest at such rates, be in
150 such form, be issued as current interest bonds, compound interest bonds,
151 variable rate bonds, convertible bonds, or zero coupon bonds, be issued in
152 such manner, be payable in such place or places and subject to redemption
153 as such resolution may provide; and

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

156 The provisions of this subsection are applicable to the district
157 notwithstanding the provisions of section 108.170, RSMo.

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

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

21 3. Any district may by resolution impose a district sales tax of up to

22 one half of one percent on all retail sales made in such district that are
23 subject to taxation pursuant to the provisions of sections 144.010 to 144.525,
24 RSMo. Upon voter approval, and receiving the necessary certifications from
25 the governing body of the municipality in which the district is located, or
26 from the circuit court if the district was formed by the circuit court, the
27 board of directors shall have the power to impose a sales tax at its first
28 meeting, or any meeting thereafter. Voter approval of the question of the
29 imposing sales tax shall be in accordance with section 67.2520 of this
30 section. The sales tax shall become effective in those subdistricts that
31 approve the sales tax on the first day of the first calendar quarter
32 immediately following the passage of a resolution by the board of directors
33 imposing the sales tax.

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

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

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

53 7. The sales tax may be imposed at a rate of up to one half of one
54 percent on the receipts from the sale at retail of all tangible personal
55 property or taxable services at retail within the district adopting such tax, if
56 such property and services are subject to taxation by the state of Missouri
57 pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any district

58 sales tax imposed pursuant to this section shall be imposed at a rate that
59 shall be uniform throughout the subdistricts approving the sales tax.

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

68 9. (1) On and after the effective date of any sales tax imposed pursuant
69 to this section, the district shall perform all functions incident to the
70 administration, collection, enforcement, and operation of the tax. The sales
71 tax imposed pursuant to this section shall be collected and reported upon
72 such forms and under such administrative rules and regulations as may be
73 prescribed by the district.

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

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

86 10. (1) All applicable provisions contained in sections 144.010 to
87 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo,
88 and section 32.057, RSMo, the uniform confidentiality provision, shall apply
89 to the collection of the tax imposed by this section, except as modified in this
90 section.

91 (2) All exemptions granted to agencies of government, organizations,
92 persons, and to the sale of certain articles and items of tangible personal
93 property and taxable services pursuant to the provisions of sections 144.010

94 to 144.525, RSMo, are hereby made applicable to the imposition and collection
95 of the tax imposed by this section.

96 (3) The same sales tax permit, exemption certificate, and retail
97 certificate required by sections 144.010 to 144.525, RSMo, for the
98 administration and collection of the state sales tax shall satisfy the
99 requirements of this section, and no additional permit or exemption
100 certificate or retail certificate shall be required; except that the district may
101 prescribe a form of exemption certificate for an exemption from the tax
102 imposed by this section.

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

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

110 (6) For the purpose of a sales tax imposed by a resolution pursuant to
111 this section, all retail sales shall be deemed to be consummated at the place
112 of business of the retailer unless the tangible personal property sold is
113 delivered by the retailer or the retailer's agent to an out-of-state destination
114 or to a common carrier for delivery to an out-of-state destination. In the
115 event a retailer has more than one place of business in this state which
116 participates in the sale, the sale shall be deemed to be consummated at the
117 place of business of the retailer where the initial order for the tangible
118 personal property is taken, even though the order must be forwarded
119 elsewhere for acceptance, approval of credit, shipment, or billing. A sale by
120 a retailer's employee shall be deemed to be consummated at the place of
121 business from which the employee works.

122 (7) Subsequent to the initial approval by the voters and implementation
123 of a sales tax in the district, the rate of the sales tax may be increased, but
124 not to exceed a rate of one-half of one percent on retail sales as provided in
125 this subsection. The election shall be conducted in accordance with section
126 67.2520; provided, however, that the district board of directors may place the
127 question of the increase of the sales tax before the voters of the district by
128 resolution, and the municipal clerk of the city, town, or village which
129 originally conducted the incorporation of the district, or the circuit clerk of

130 the court which originally conducted the incorporation of the district, shall
131 conduct the subsequent election. In subsequent elections, the election judges
132 shall certify the election results to the district board of directors. The ballot
133 of submission shall be in substantially the following form:

134 "Shall (name of district) increase the (insert
135 amount) percent district sales tax now in effect to..... (insert amount)
136 in the (name of district)?

137 YES No

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

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

144 11. (1) There shall not be any election as provided for in this section
145 while the district has any financing or other obligations outstanding.

146 (2) The board, when presented with a petition signed by at least
147 one-third of the registered voters in a district that voted in the last
148 gubernatorial election, or signed by at least two-thirds of property owners of
149 the district, calling for an election to dissolve and repeal the tax shall submit
150 the question to the voters using the same procedure by which the imposing
151 tax was voted. The ballot of submission shall be in substantially the following
152 form:

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

156 YES NO

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

159 Such subsequent elections for the repeal of the sales tax shall be conducted
160 in accordance with section 67.2520; provided, however, that the district board
161 of directors may place the question of the repeal of the sales tax before the
162 voters of the district, and the municipal clerk of the city, town, or village
163 which originally conducted the incorporation of the district, or the circuit
164 clerk of the court which originally conducted the incorporation of the

165 district, shall conduct the subsequent election. In subsequent elections the
166 election judges shall certify the election results to the district board of
167 directors.

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

173 12. (1) At such time as the board of directors of the district determines
174 that further operation of the district is not in the best interests of the
175 inhabitants of the district, and that the district should dissolve, the board
176 shall submit for a vote in an election held throughout the district the question
177 of whether the district should be abolished. The question shall be submitted
178 in substantially the following form:

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

181 YES NO

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

184 (2) The district board shall not propose the question to abolish the
185 district while there are outstanding claims or causes of action pending
186 against the district, while the district liabilities exceed its assets, while
187 indebtedness of the district is outstanding, or while the district is insolvent,
188 in receivership or under the jurisdiction of the bankruptcy court. Prior to
189 submitting the question to abolish the district to a vote of the entire district,
190 the state auditor shall audit the district to determine the financial status of
191 the district, and whether the district may be abolished pursuant to law. The
192 vote on the abolition of the district shall be conducted by the municipal clerk
193 of the city, town, or village in which the district is located. The procedure
194 shall be the same as in section 67.2520, except that the question shall be
195 determined by the qualified voters of the entire district. No individual
196 subdistrict may be abolished, except at such time as the district is abolished.

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

199 (4) Upon receipt by the board of directors of the district of the
200 certification by the city, town, or village in which the district is located that

201 the majority of those voting within the entire district have voted to abolish
202 the district, and if the state auditor has determined that the district's
203 financial condition is such that it may be abolished pursuant to law, then the
204 board of directors of the district shall:

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

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

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

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

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

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

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

17 **year for any county of the first classification and any county with a charter**
18 **form of government and fifty thousand dollars in any year for any county of**
19 **the second, third, or fourth classification.**

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

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

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

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

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

251.160. 1. For the purpose of sections 251.010 to 251.440, the following terms
2 mean:

3 (1) "Director", the director of the department of economic development;

4 (2) "Governing body", the board, body or persons in which the powers of a local
5 unit are vested;

6 (3) "Local governmental units" or "local units" includes cities, villages, towns,
7 **unincorporated areas of counties adopting a plan**, and counties;

8 (4) "Population", the population of a local unit as shown by the last federal
9 census or by any subsequent population estimate certified as acceptable by the director;

10 (5) "State office", the department of economic development;

11 (6) "Transportation planning boundary", the portion of the boundary of a
12 metropolitan planning organization which is located in Missouri, as established pursuant
13 to 23 U.S.C., section 134, which defines the area in which a metropolitan planning
14 organization has responsibility for transportation planning.

15 2. A regional planning commission may be created by the governor upon petition
16 in the form of a resolution by the governing body of a local governmental unit and the
17 holding of a public hearing on such petition. If the petition shall be joined in by the
18 governing bodies of all the local units in the proposed region, including the county
19 commission of any county, part or all of which is in the proposed region, the governor
20 may dispense with the hearing. Notice of any public hearing shall be given by the
21 governor by mail at least ten days in advance to the clerk of each local unit in the
22 proposed region. If the governor finds that there is a need for a regional planning
23 commission, and if the governing bodies of local units within the proposed region which
24 include over fifty percent of the population as determined by the last decennial census
25 of the United States shall consent to the formation of such regional planning commission,
26 the governor may create the regional planning commission by order and designate the
27 area and boundaries of the commission's jurisdiction, taking into account the elements
28 of homogeneity based upon, but not limited to, such consideration as topographic and
29 geographic conformations, extent of urban development, the existence of special or acute
30 agricultural, forestry, conservation or other rural problems, uniformity of social or
31 economic interests and values, park and recreational needs, civil defense, or the
32 existence of physical, social and economic problems of a regional character.

33 3. Notwithstanding the provisions of section 64.530, RSMo, the creation of a
34 regional planning commission and a local unit's participation in and adoption of plans
35 prepared by the regional planning commission shall not require a referendum; except
36 that, this provision shall not extend to the adoption of county zoning laws or regulations
37 under sections 64.620 to 64.690, RSMo.

38 4. No provision of sections 251.010 to 251.440 shall be construed to impair or
39 affect in any way the legal existence, powers, or functions of any planning commission
40 or other organization, public or private, in such areas which heretofore has been
41 constituted or designated by resolutions approved by the governing bodies of the local

42 units containing the majority of the population of such area for the purpose of conducting
43 comprehensive planning, including transportation planning under or in conformity with
44 the requirements of any statute of the United States or any regulation issued
45 thereunder; and any such previously constituted planning commission or organization
46 shall be governed in all respects by the resolutions of the governing bodies of the local
47 units which constitute such planning commissions or organizations, by the provisions of
48 this section, or by other applicable law.

49 5. A regional planning commission within a metropolitan statistical area of more
50 than five hundred thousand in population, which area does not contain a city not within
51 a county, and which commission is acting as a metropolitan planning organization
52 pursuant to state and federal law, may only change its transportation planning boundary
53 with the concurrence of the governor.

251.170. 1. The office of administration is hereby designated as the official state
2 planning agency for the purpose of providing planning assistance to counties,
3 **unincorporated areas within counties**, municipalities, metropolitan planning areas,
4 and regional planning commissions herein created when requested by such local
5 governmental unit or planning commission to do so, and for such purposes is authorized
6 to:

7 (1) Contract with public agencies or private persons or organizations for any
8 purposes of sections 251.010 to 251.440;

9 (2) Delegate any of its functions to any other state agency authorized to perform
10 such functions, except that responsibility for such functions shall remain solely with the
11 state office;

12 (3) Require or receive reimbursement from any political subdivision or
13 subdivisions or regional planning commissions for the actual cost of planning assistance
14 or planning work, when such assistance or planning has been requested by the political
15 subdivision or commission; except that, no reimbursement shall be required or received
16 for such costs to the extent that such costs are covered by federal grants;

17 **(4) Provide technical assistance to local governments that request it for**
18 **the development of local planning ordinances and regulations;**

19 **(5) Encourage local governments to engage in planning, regulatory, and**
20 **development approaches that promote and encourage comprehensive**
21 **planning;**

22 **(6) Prepare and distribute model ordinances, manuals, and other**
23 **technical publications that promote and encourage comprehensive**
24 **planning. The office of administration shall make all possible use of existing**

25 **model ordinances, manuals, and other technical publications that promote**
26 **and encourage comprehensive planning and that were prepared by regional**
27 **planning commissions, local government entities, and other organizations;**

28 **(7) Research and report upon the results and impact of activities**
29 **funded by the grants or other financial assistance;**

30 **(8) Support local planning efforts in communities with limited financial**
31 **means;**

32 **(9) Support planning efforts that include one or more units of local**
33 **government or planning agencies working together;**

34 **(10) Make grants to units of local government to develop, update,**
35 **administer, and implement plans, land development regulations, development**
36 **incentives, market feasibility studies, and environmental assessments that**
37 **promote and encourage the principles of comprehensive planning.**

38 2. From all regional planning commissions to which it provides planning
39 assistance pursuant to this section, the office of administration shall gather information
40 to identify expenditures of such commissions which are or would be eligible to be used
41 to generate matching funds under block grant programs, including but not limited to
42 community development block grant programs. The office of administration shall report
43 any such expenditures which are so eligible to the department of economic development
44 within thirty days of determining that such expenditures are so eligible. The
45 department of economic development shall provide the office of administration with
46 information deemed necessary by the commissioner of administration to implement the
47 provisions of this subsection. For any fiscal year in which a regional planning
48 commission which receives planning assistance from the office of administration does not
49 provide the office of administration with information necessary to implement the
50 provisions of this subsection, the office of administration shall not distribute general
51 revenue funds to that regional planning commission in the following fiscal year. Any
52 regional planning authority shall have thirty days to cure any alleged defect prior to the
53 withholding of any funds.

54 **3. The office of administration may promulgate rules establishing**
55 **standards and procedures for determining eligibility for the grants,**
56 **regulating the use of funds under the grants, and requiring periodic reporting**
57 **of the results and impact of activities funded by the grants. No rule or**
58 **portion of a rule promulgated pursuant to the authority of this section shall**
59 **become effective unless it has been promulgated pursuant to chapter 536,**
60 **RSMo.**

61 **4. No individual grant disbursed after August 28, 2004, under the state**
62 **and regional planning and community development act shall have a duration**
63 **of more than twenty-four months. The office of administration, in the**
64 **determination of grantees, may also seek an even balance of grants within**
65 **metropolitan regions.**

66 **5. In any county, unincorporated area within a county, or municipality**
67 **receiving assistance under the state and regional planning and community**
68 **development act to write or revise a plan, any land-use arrangements for**
69 **residential, commercial, industrial, public, or other purposes made within five**
70 **years after such plan is adopted shall be consistent with the new or revised**
71 **plan.**

 251.180. Comprehensive planning, state and regional, shall include, but not be
2 limited to, the planning for the following:

- 3 (1) Public water systems;
- 4 (2) Storm water drainage and flood control systems;
- 5 (3) Sanitary sewerage systems;
- 6 (4) Integrated transportation systems;
- 7 (5) Orderly land-use arrangements for residential, commercial, industrial and
8 public and other purposes;
- 9 (6) Local, area-wide and state governmental services coordinated with federal
10 governmental services insofar as may be feasible;
- 11 (7) Solid waste disposal systems or facilities;
- 12 (8) Educational facilities;
- 13 (9) Open space, park and recreational areas;
- 14 (10) Improved standards of community aesthetics and facilities design;
- 15 (11) General living conditions and environmental health;
- 16 (12) Community health and hospital needs and related facilities; [and]
- 17 (13) The coordination of planning activities for all federal assistance and
18 grant-in-aid programs, which require comprehensive planning as prerequisites for
19 eligibility;
- 20 **(14) Natural resources;**
- 21 **(15) Community goals and standards;**
- 22 **(16) Police and fire facilities;**
- 23 **(17) Housing;**
- 24 **(18) Telecommunications infrastructure;**
- 25 **(19) Economic development;**

- 26 **(20) Public participation in the community;**
- 27 **(21) Natural hazards;**
- 28 **(22) Agriculture and forest preservation;**
- 29 **(23) Human services;**
- 30 **(24) Community design; and**
- 31 **(25) Historic preservation.**

251.190. The state office shall have the following functions and powers:

- 2 (1) To provide general planning assistance to and for any county, municipality,
3 or regional planning commission when requested by such local governmental unit or
4 planning commission to do so;
- 5 (2) To contract for, receive and utilize grants or other financial assistance made
6 available by the state or federal government or from any other source, public or private,
7 for performing the functions of the state office. Nothing in this section shall prevent or
8 impair the powers of the regional commissions or other state agencies or local
9 governmental units to contract for, receive or utilize grants directly from the federal or
10 local governments or from any other source, public or private;
- 11 (3) To provide assistance and coordination upon request in matters relating to
12 planning to state agencies and to local and regional planning units. All present
13 governmental units who engage in planning activities, including but not limited to state
14 agencies, other than the planning activities of the division of commerce and industrial
15 development, which are transferred to the state office created herein, planning agencies
16 or commissions of local governmental units who are supported by local, state or federal
17 funds, shall in no way be affected, prevented or impaired in such planning activities;
- 18 (4) To develop a comprehensive state plan;
- 19 (5) **To employ or retain private not-for-profit entities, regional planning**
20 **commissions, local government entities, and universities to advise, prepare,**
21 **or conduct the preparation of the model ordinances, manuals, and other**
22 **technical publications;**
- 23 (6) **To distribute any model ordinances, manuals, and other technical**
24 **publications prepared under the state and regional planning and community**
25 **development act to all counties and municipalities, regional planning**
26 **commissions, the Missouri state library, all public libraries in this state, and**
27 **to other organizations and libraries at the office of administration's**
28 **discretion;**
- 29 (7) To perform such other functions and activities consistent with the general
30 purposes of sections 251.150 to 251.440.

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

20 2. The charges established in this section shall be enumerated separately from
21 any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under
22 section 260.830 and this section shall be stated as a separate surcharge on each
23 individual solid waste collection customer's invoice and shall also [name the] **indicate**
24 **whether the county commission or** economic development authority [which] receives
25 the funds. Moneys transmitted to the governing body of the county shall be no less than
26 the amount collected less collection costs and in a form, manner and frequency as the
27 governing body may prescribe. Failure to collect such charge shall not relieve the
28 operator from responsibility for transmitting an amount equal to the charge to the
29 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
3 more lanes which is not part of the federal interstate system of highways which has
4 crossovers or accesses from streets, roads or other highways at the same grade level as
5 such divided highway;

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

8 which does not have any crossovers or accesses from streets, roads or other highways at
9 the same grade level as such divided highway within such ten miles of divided highway;

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

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

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

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

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

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

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

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

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

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

38 4. Notwithstanding the provisions of section 304.120 or any other provision of law
39 to the contrary, cities, towns and villages may regulate the speed of vehicles on state
40 roads and highways within such cities', towns' or villages' corporate limits by ordinance
41 with the approval of the state highways and transportation commission. Any reduction
42 of speed in cities, towns or villages shall be designed to expedite the flow of traffic on
43 such state roads and highways to the extent consistent with public safety. The

44 commission may declare any ordinance void if it finds that such ordinance is:

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

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

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

51 5. The county commission of any county of the second, third or fourth
52 classification may set the speed limit or the weight limit or both the speed limit and the
53 weight limit on roads or bridges on any county, township or road district road in the
54 county and, with the approval of the state highways and transportation commission, on
55 any state road or highway not within the limits of any incorporated city, town or village,
56 lower than the uniform maximum speed limit as provided in subsection 2 of this section
57 where the condition of the road or the nature of the area requires a lower speed. The
58 commission shall send copies of any order establishing a speed limit or weight limit on
59 roads and bridges on a county, township or road district road in the county to the chief
60 engineer of the state department of transportation, the superintendent of the state
61 highway patrol and to any township or road district maintaining roads in the
62 county. After the roads have been properly marked by signs indicating the speed limits
63 and weight limits set by the county commission, the speed limits and weight limits shall
64 be of the same effect as the speed limits provided for in subsection 1 of this section and
65 shall be enforced by the state highway patrol and the county sheriff as if such speed
66 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**
70 **and may establish reasonable speed regulations for motor vehicles within the**
71 **limit of such county. No person who is not a resident of such county and who**
72 **has not been within the limits thereof for a continuous period of more than**
73 **forty-eight hours shall be convicted of a violation of such ordinances, unless**
74 **it is shown by competent evidence that there was posted at the place where**
75 **the boundary of such county road enters the county a sign displaying in black**
76 **letters not less than four inches high and one inch wide on a white**
77 **background the speed fixed by such county so that such signs may be clearly**
78 **seen by operators and drivers from their vehicles upon entering such**
79 **county. The commission shall send copies of any order establishing a**

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

89 [6.] 7. All road signs indicating speed limits or weight limits shall be uniform
90 in size, shape, lettering and coloring and shall conform to standards established by the
91 department of transportation.

92 [7.] 8. The provisions of this section shall not be construed to alter any speed
93 limit set below fifty-five miles per hour by any ordinance of any county, city, town or
94 village of the state adopted before March 13, 1996.

95 [8.] 9. The speed limits established pursuant to this section shall not apply to
96 the operation of any emergency vehicle as defined in section 304.022.

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

101 [10.] 11. Any person violating the provisions of this section is guilty of a class
102 C misdemeanor, unless such person was exceeding the posted speed limit by twenty
103 miles per hour or more then it is a class B misdemeanor.

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

13 him and that those exhibited to him were the same as those in the account and noting
14 any omission or discrepancy. The certificate, and the certificate of an official of the bank
15 in which are deposited any funds for which the conservator is accountable, showing the
16 amount on deposit, shall be prepared and signed in duplicate and one of each shall be
17 filed by the conservator with his account.

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

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

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

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

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

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

33 **(2) The public administrator of any county with a charter form of**
34 **government and with more than six hundred thousand but less than seven**
35 **hundred thousand inhabitants serving as conservator and using pooled**
36 **accounts for the investing and management of conservatorship funds shall**
37 **have any such accounts audited on at least an annual basis by an independent**
38 **certified public accountant. The audit shall review the records of the receipts**
39 **and disbursements of each estate account. Upon completion of the**
40 **investigation, the certified public accountant shall render a report to the**
41 **judge of record in this state showing the receipts, disbursements, and account**
42 **balances as to each estate as well as the total assets on deposit in the pooled**
43 **account on the last calendar day of each year. The county shall provide for**
44 **the expense of the audit. If the public administrator has provided the judge**
45 **with the audit required by this subsection, the public administrator shall not**
46 **be required to obtain the written certification of an officer of a bank or other**
47 **depository on any estate asset maintained within the pooled account as**
48 **required in subsection 1 of this section.**

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

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

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

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

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

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

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

37 birthday.

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

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

27 to the post office where it was previously entered as periodicals class mail matter, and
28 when it shall have a list of bona fide subscribers voluntarily engaged as such who have
29 paid or agreed to pay a stated price for subscription for a definite period of time. All
30 laws or parts of laws in conflict with this section except sections 493.070 to 493.120, are
31 hereby repealed.

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

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

7 **2. Each county, city or village governed by this section shall post and**
8 **maintain signs which contain the warning notice specified in this**
9 **section. The signs shall be placed in a clearly visible location at major**
10 **entrances to the event and throughout the event location as determined by**
11 **the governing authority of the county, city or village. The signs described in**
12 **this section shall be in black letters on a white background with each letter**
13 **to be a minimum of one inch in height and contain substantially the following**
14 **warning notice:**

15 **WARNING**

16 **Under Missouri Law, (enter county, city or village name) is not liable**
17 **for an injury to or the death of any person resulting from the inherent risks**
18 **of participating in or observing any activities at this event pursuant to the**
19 **Revised Statutes of Missouri.**

644.032. 1. The governing body of any municipality or county may impose, by
2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all
3 retail sales made in such municipality or county which are subject to taxation under the
4 provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section and
5 section 644.033 shall be in addition to any and all other sales taxes allowed by law,
6 except that no ordinance or order imposing a sales tax under the provisions of this

7 section and section 644.033 shall be effective unless the governing body of the
8 municipality or county submits to the voters of the municipality or county, at a
9 municipal, county or state general, primary or special election, a proposal to authorize
10 the governing body of the municipality or county to impose a tax, **provided that the**
11 **tax authorized by this section shall not be imposed on the sales of food, as**
12 **defined in section 144.014, RSMo, when imposed by any county with a charter**
13 **form of government and with more than one million inhabitants.**

14 2. The ballot of submission shall contain, but need not be limited to, the following
15 language:

16 Shall the municipality (county) of impose a sales tax of (insert
17 amount) for the purpose of providing funding for (insert either storm water
18 control, or local parks, or storm water control and local parks) for the municipality
19 (county)?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are
22 in favor of the proposal, then the ordinance or order and any amendments thereto shall
23 be in effect on the first day of the second quarter after the director of revenue receives
24 notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting
25 are opposed to the proposal, then the governing body of the municipality or county shall
26 not impose the sales tax authorized in this section and section 644.033 until the
27 governing body of the municipality or county resubmits another proposal to authorize the
28 governing body of the municipality or county to impose the sales tax authorized by this
29 section and section 644.033 and such proposal is approved by a majority of the qualified
30 voters voting thereon; however, in no event shall a proposal pursuant to this section and
31 section 644.033 be submitted to the voters sooner than twelve months from the date of
32 the last proposal pursuant to this section and section 644.033.

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

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

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

Section B. Section 493.050 of section A of this act is deemed necessary to provide
2 effective notice of title to real estate in this state and is hereby declared to be an
3 emergency act within the meaning of the constitution and shall be in full force and effect
4 upon its passage and approval.

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