

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 795, 972, 1128 & 1161

AN ACT

To repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 67.402, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1706, 67.1754, 137.100, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 221.070, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof fifty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

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

1 Section A. Sections 49.272, 49.650, 50.515, 50.339, 50.740,
2 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805,
3 64.825, 67.402, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493,
4 67.793, 67.799, 67.1706, 67.1754, 137.100, 137.720, 144.030,
5 144.615, 144.757, 144.759, 193.265, 221.070, 245.015, 245.060,
6 245.095, 246.305, 260.831, 304.010, 475.275, 479.020, 493.050,
7 and 644.032, RSMo, are repealed and fifty-two new sections
8 enacted in lieu thereof, to be known as sections 49.272, 49.650,
9 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269,
10 52.271, 59.331, 64.520, 64.805, 64.825, 67.320, 67.402, 67.793,
11 67.799, 67.1706, 67.1754, 67.2000, 67.2500, 67.2505, 67.2510,

1 67.2515, 67.2520, 67.2525, 67.2530, 67.2535, 94.578, 137.100,
2 137.720, 138.011, 144.030, 144.615, 144.757, 144.759, 190.306,
3 193.265, 221.070, 245.015, 245.060, 245.095, 246.305, 260.831,
4 304.010, 475.275, 479.020, 493.050, 537.550, 644.032, and 1, to
5 read as follows:

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

25 49.650. 1. The governing authority of each county [of the
26 first, second, or fourth classification] without a charter form
27 of government shall have the power to adopt ordinances or
28 resolutions relating to its property, affairs, and local

1 government for which no provision has been made in the
2 constitution of this state or state statute regarding the
3 following:

4 (1) County roads controlled by the county;

5 (2) Emergency management, as it specifically relates to the
6 actual occurrence of a natural or man-made disaster of major
7 proportions within the county when the safety and welfare of the
8 inhabitants of such county are jeopardized;

9 (3) Nuisance abatement, excluding agricultural and
10 horticultural property as defined in section 137.016, RSMo;

11 (4) Storm water control, excluding agricultural and
12 horticultural property as defined in section 137.016, RSMo;

13 (5) The promotion of economic development for job creation
14 purposes; [and]

15 (6) Parks and recreation; and

16 (7) Protection of the environment and the health of the
17 general public from the risks posed by methamphetamine
18 production.

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

1 limit, or otherwise regulate the power of each such county to
2 adopt ordinances, resolutions, or regulations.

3 2. The governing body of each county [of the first, second,
4 or fourth classification] without a charter form of government
5 may submit to the qualified voters of the county any ordinance,
6 resolution, or regulation proposed pursuant to this section for
7 the approval of the qualified voters of the county. Any
8 ordinance, resolution, or regulation submitted to the qualified
9 voters pursuant to this section shall become effective if a
10 majority of the qualified voters voting on the ordinance,
11 resolution, or regulation are in favor of its adoption, but no
12 ordinance, resolution, or regulation shall become effective if a
13 majority of the qualified voters voting on the ordinance,
14 resolution, or regulation are opposed to its adoption.

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

19 4. No county of the first, second, third, or fourth
20 classification shall have the power to adopt any ordinance,
21 resolution, or regulation pursuant to this section governing any
22 railroad company, telecommunications or wireless companies,
23 public utilities, rural electric cooperatives, or municipal
24 utilities.

25 50.339. 1. In any county of the first classification with
26 more than seventy-one thousand three hundred but less than
27 seventy-one thousand four hundred inhabitants, the salary
28 commission at its meeting in 2003 and at any meeting held in 2004

1 may equalize the base salary for each office to an amount not
2 greater than that set by law as the maximum compensation.
3 Nothing in this section shall be construed to prevent offices
4 which have additional compensation specified in law from
5 receiving such compensation or from having such compensation
6 added to the base compensation in excess of the equalized salary.

7 2. Notwithstanding any provision of section 50.343 to the
8 contrary, in any county of the first classification with more
9 than sixty-eight thousand six hundred but less than sixty-eight
10 thousand seven hundred inhabitants, the salary commission may
11 meet in the year 2004 to determine whether to equalize the base
12 salary for the office of treasurer with the base salaries of
13 other county officers at an amount not greater than the amount
14 set as the maximum compensation in subdivision (1) of subsection
15 1 of section 50.343.

16 50.515. The governing body of any county may, by order of
17 such governing body, impose an administrative service fee on the
18 county park fund or the county road and bridge fund, or any
19 specific purpose capital improvements fund, authorized pursuant
20 to the provisions of section 67.547, 67.550 or 67.700, RSMo.
21 Such administrative service fee shall only be imposed to recoup
22 expenditures made from the county general revenue fund to provide
23 administrative services to the county park fund or the county
24 road and bridge fund, or any specific purpose capital
25 improvements fund authorized pursuant to section 67.547, 67.550
26 or 67.700, RSMo, including, but limited to, accounting,
27 bookkeeping, legal services, auditing, investment control, fiscal
28 management, and revenue collection. Any administrative service

1 fee imposed under this section shall be imposed at a rate which
2 will only generate revenue sufficient to recoup actual
3 expenditures made from the general revenue fund of the county to
4 provide administrative services to the fund against which such
5 service fee is imposed, including both direct and indirect
6 expenditures as determined by an independent audit; provided,
7 that no administrative service fee shall exceed three percent of
8 the total budget of the fund on which such fee is imposed, except
9 in any county of the third classification, in which no
10 administrative service fee shall exceed five percent of the total
11 budget of the fund on which such fee is imposed.

12 50.740. 1. It is hereby made the first duty of the county
13 commission in counties of classes three and four at its regular
14 [February] January term to go over the estimates and revise and
15 amend the same in such way as to promote efficiency and economy
16 in county government. The commission may alter or change any
17 estimate as public interest may require and to balance the
18 budget, first giving the person preparing supporting data an
19 opportunity to be heard. After the county commission shall have
20 revised the estimate it shall be the duty of the clerk of said
21 commission forthwith to enter such revised estimate on the record
22 of the said commission and the commission shall forthwith enter
23 thereon its approval.

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

1 not pay nor enter protest on any warrant except payroll for the
2 current year until such budget estimate shall have been so filed.
3 If any county treasurer shall pay or enter for protest any
4 warrant except payroll before the budget estimate shall have been
5 filed, as by sections 50.525 to 50.745 provided, [he] the county
6 treasurer shall be liable on [his] the official bond for such
7 act. Immediately upon receipt of the estimated budget the state
8 auditor shall send to the county clerk [his] the receipt therefor
9 by registered mail.

10 3. Any order of the county commission of any county
11 authorizing [and/or] or directing the issuance of any warrant
12 contrary to any provision of this law shall be void and of no
13 binding force or effect; and any county clerk, county treasurer,
14 or other officer participating in the issuance or payment of any
15 such warrant shall be liable therefor upon [his] the official
16 bond.

17 50.1110. 1. The normal annuity of a member shall be paid
18 to a member during his or her lifetime. Upon the member's death
19 no further payments shall be made.

20 2. In lieu of the normal annuity otherwise payable to a
21 member, the member may elect in the member's application for
22 retirement to receive the actuarial equivalent of the member's
23 normal annuity in reduced monthly payments for life during
24 retirement with the provision that upon the member's death,
25 either one hundred percent, seventy-five percent or fifty percent
26 of the reduced normal annuity, as elected by the member, shall be
27 continued throughout the life of and paid to the member's
28 beneficiary.

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

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

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

24 6. If a member dies prior to retirement and after
25 completing eight or more years service and there is no surviving
26 spouse, the member's designated beneficiary shall be entitled to
27 receive a refund of the member's contributions under section
28 50.1040, RSMo. If there is no designated beneficiary, the

1 contributions shall be paid to the members estate.

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

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

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

27 4. A former member who has forfeited creditable service may
28 have the creditable service restored by again becoming an

1 employee, completing a total of eight years of uninterrupted
2 creditable service, and purchasing the forfeited service [at the
3 rate of two percent, or one percent if in LAGERS, of compensation
4 plus interest equal to the current prime rate plus two percent
5 from the date of payment of the refund] by paying into the fund
6 the forfeited amount previously refunded to the participant or
7 credited to the participant's county plus interest equal to the
8 current prime rate plus two percent.

9 50.1250. 1. If a member has less than five years of
10 creditable service upon termination of employment, the member
11 shall forfeit the portion of his or her defined contribution
12 account attributable to board matching contributions or county
13 matching contributions pursuant to section 50.1230. The proceeds
14 of such forfeiture shall be applied towards matching
15 contributions made by the board for the calendar year in which
16 the forfeiture occurs. If the board does not approve a matching
17 contribution, then forfeitures shall revert to the county
18 employees' retirement fund. The proceeds of such forfeiture with
19 respect to county matching contributions shall be applied toward
20 matching contributions made by the respective county in
21 accordance with rules prescribed by the board.

22 2. A member shall be eligible to receive a distribution of
23 the member's defined contribution account [as soon as
24 administratively feasible following termination of employment, or
25 may choose to receive the account balance at a later time, but no
26 later than his or her required beginning date. The member's
27 account balance shall be paid in a single sum] in such form
28 selected by the member as permitted under and in accordance with

1 the rules and regulations formulated and adopted by the board
2 from time to time, and commencing as soon as administratively
3 feasible following separation from service, unless the member
4 elects to receive the account balance at a later time, but no
5 later than his or her required beginning date. Notwithstanding
6 the foregoing, if the value of a member's defined contribution
7 account balance is five thousand dollars or less at the time of
8 the member's separation from service, without respect to any
9 board matching contributions or employer matching contribution
10 which might be allocated following the member's separation from
11 service, then his or her defined contribution account shall be
12 distributed to the member in a single sum as soon as
13 administratively feasible following his or her separation from
14 service. The amount of the distribution shall be the amount
15 determined as of the valuation date described in section 50.1240,
16 if the member has at least five years of creditable service. If
17 the member has less than five years of creditable service upon
18 his or her termination of employment, then the amount of the
19 distribution shall equal the portion of the member's defined
20 contribution account attributable to the member's seed
21 contributions pursuant to section 50.1220, if any, determined as
22 of the valuation date.

23 3. If the member dies before receiving the member's account
24 balance, the member's designated beneficiary shall receive the
25 member's defined contribution account balance, as determined as
26 of the immediately preceding valuation date, in a single sum.
27 The member's beneficiary shall be his or her spouse, if married,
28 or his or her estate, if not married, unless the member

1 designates an alternative beneficiary in accordance with
2 procedures established by the board.

3 52.269. 1. In all counties, except first classification
4 counties having a charter form of government and first
5 classification counties not having a charter form of government
6 and not containing any part of a city with a population of three
7 hundred thousand or more, the county collector shall receive an
8 annual salary which shall be paid in equal monthly installments
9 by the county. The salary shall be computed on an assessed
10 valuation basis as provided in this subsection. The assessed
11 valuation factor shall be the amount as shown for the year next
12 preceding the annual salary computation. A county collector
13 subject to the provisions of this section shall not receive an
14 annual compensation less than the total compensation being
15 received by the county collector in that county for services
16 rendered or performed for the period beginning March 1, 1987, and
17 ending February 29, 1988. The county collector shall receive the
18 same percentage adjustments provided by the county salary
19 commissions for county officers in that county pursuant to
20 section 50.333, RSMo. The provisions of this section shall not
21 permit or require a reduction in the amount of compensation being
22 paid for the office of county collector on January 1, 1997, or
23 less than the total compensation being received for the services
24 rendered or performed for the period beginning March 1, 1987, and
25 ending February 29, 1988. The salary shall be computed on the
26 basis of the following schedule:

27	Assessed Valuation	Salary
28	\$ 18,000,000 to 40,999,999	\$29,000

1	41,000,000 to 53,999,999	30,000
2	54,000,000 to 65,999,999	32,000
3	66,000,000 to 85,999,999	34,000
4	86,000,000 to 99,999,999	36,000
5	100,000,000 to 130,999,999	38,000
6	131,000,000 to 159,999,999	40,000
7	160,000,000 to 189,999,999	41,000
8	190,000,000 to 249,999,999	41,500
9	250,000,000 to 299,999,999	43,000
10	300,000,000 or more	45,000

11 2. Two thousand dollars of the salary authorized in this
12 section shall be payable to the collector only if the collector
13 has completed at least twenty hours of classroom instruction each
14 calendar year relating to the operations of the collector's
15 office when approved by a professional association of the county
16 collectors of Missouri unless exempted from the training by the
17 professional association. The professional association approving
18 the program shall provide a certificate of completion to each
19 collector who completes the training program and shall send a
20 list of certified collectors to the treasurer of each county.
21 Expenses incurred for attending the training session may be
22 reimbursed to the county collector in the same manner as other
23 expenses as may be appropriated for that purpose.

24 3. Any provision of law to the contrary notwithstanding,
25 any fee provided for in section 52.250 or 52.275, when collected
26 on ditch and levee taxes, shall not be collected on behalf of the
27 county and deposited into the county general revenue fund. Such
28 fee shall be retained by the collector as compensation for his

1 services, in addition to any amount provided for such collector
2 in this section. [Any fee which may be retained by the collector
3 under the terms of such contract may be retained in addition to
4 all other compensation provided by law.]

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

9 52.271. 1. Notwithstanding any provisions of law to the
10 contrary, or any other provision of law in conflict with the
11 provisions of this section, the county collector in each county
12 [of the third class] shall be allowed to employ not less than one
13 full-time deputy and is entitled to employ such number of
14 deputies and assistants as may be necessary to promptly and
15 correctly perform the duties of the collector's office, and for
16 the deputies and assistants is allowed not less than the amount
17 allowed in [1992 or 1993] 2001 or 2002, whichever is greater, and
18 shall be allowed not less than any greater amount approved for
19 any subsequent year.

20 2. For the purpose of computing the various amounts under
21 the provisions of subsection 1 of this section, the salary of the
22 county collector is the total compensation provided in section
23 52.269.

24 59.331. The preparer of a document shall not include an
25 individual's federal social security number in a document that is
26 prepared and presented for recording in the office of the
27 recorder of deeds. This section does not apply to state or
28 federal tax liens, military separation or discharge papers, and

1 other documents required by law to contain such information that
2 are filed or recorded in the office of the recorder of deeds.

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

23 64.805. The county planning commission shall consist of the
24 county highway engineer, and one resident of the county appointed
25 by the county commission, from the unincorporated part of each
26 township in the county, except that no such person shall be
27 appointed from a township in which there is no unincorporated
28 area. The township representatives are hereinafter referred to

1 as appointed members. The term of each appointed member shall be
2 four years or until his successor takes office, except that the
3 terms shall be overlapping and that the respective terms of the
4 members first appointed may be less than four years. The term of
5 the county highway engineer shall be only for the duration of his
6 tenure of official position. All members of the county planning
7 commission shall serve as such without compensation, except that
8 an attendance fee as reimbursement for expenses, for not to
9 exceed four meetings per year, may be paid to the appointed
10 members of the county planning commission in an amount, as set by
11 the county commission, not to exceed [ten] twenty-five dollars
12 per meeting. The planning commission shall elect its chairman,
13 who shall serve for one year.

14 64.825. The county planning commission may also prepare,
15 with the approval of the county commission, as parts of the
16 official master plan or otherwise, sets of regulations governing
17 subdivisions of land in unincorporated areas, and amend or change
18 same from time to time as herein provided, which regulations may
19 provide for the proper location and width of streets, building
20 lines, open spaces, safety, recreation, and for the avoidance of
21 congestion of population, including minimum width and area of
22 lots. Such regulations may also include the extent to which and
23 the manner in which streets shall be graded and improved, and the
24 extent to which water, sewer and other utility services shall be
25 provided, to protect public health and general welfare. Such
26 regulations may provide that in lieu of the immediate completion
27 or installation of the work, the county planning commission may
28 accept bond for the county commission in the amount and with

1 surety bond, cash bond, cash deposit with the county treasurer,
2 letter of credit, or certificate of deposit and conditions
3 satisfactory to the county commission, providing for and securing
4 to the county commission the actual construction of the
5 improvements and utilities within a period specified by the
6 county planning commission, and the county commission shall have
7 power to enforce the bond surety bond, cash bond, cash deposit
8 with the county treasurer, letter of credit, or certificate of
9 deposit by all proper remedies. The subdivision regulations
10 shall be adopted, changed or amended, certified and filed as
11 provided in section 64.815. The subdivision regulations shall be
12 adopted, changed or amended only after a public hearing has been
13 held thereon, public notice of which shall be given in the manner
14 as provided for the hearing in section 64.815.

15 67.320. 1. Any county of the first classification with
16 more than one hundred ninety-eight thousand but less than one
17 hundred ninety-nine thousand two hundred inhabitants may
18 prosecute and punish violations of its county orders in the
19 circuit court of such counties in the manner and to the extent
20 herein provided or in a county municipal court if creation of a
21 county municipal court is approved by order of the county
22 commission. The county may adopt orders with penal provisions
23 consistent with state law but only in the areas of traffic
24 violations, solid waste management and animal control. Any
25 county municipal court established pursuant to the provisions of
26 this section shall have jurisdiction over violations of that
27 county's orders and the ordinances of municipalities with which
28 the county has a contract to prosecute and punish violations of

1 municipal ordinances of the municipality.

2 2. In any county which has elected to establish a county
3 municipal court pursuant to this section, the judges for such
4 court shall be appointed by the county commission of such county,
5 subject to confirmation by the legislative body of such county in
6 the same manner as confirmation for other county appointed
7 officers. The number of judges appointed, and qualifications for
8 their appointment, shall be established by order of the
9 commission.

10 3. The practice and procedure of each prosecution shall be
11 conducted in compliance with all of the terms and provisions of
12 sections 66.010 to 66.140, RSMo, except as provided for in this
13 section.

14 4. Any use of the term ordinance in sections 66.010 to
15 66.140, RSMo, shall be synonymous with the term order for
16 purposes of this section.

17 67.402. 1. The governing body of any county of the first
18 classification [without a charter form of government and with
19 more than one hundred ninety-eight thousand but less than one
20 hundred ninety-nine thousand two hundred inhabitants] may enact
21 ordinances to provide for the abatement of a condition of any lot
22 or land that has the presence of rubbish and trash, lumber,
23 bricks, tin, steel, parts of derelict motorcycles, derelict cars,
24 derelict trucks, derelict construction equipment, derelict
25 appliances [and], broken furniture, or overgrown or noxious weeds
26 in residential subdivisions or districts which may endanger
27 public safety or which is unhealthy or unsafe and declared to be
28 a public nuisance.

1 2. Any ordinance enacted pursuant to this section shall:

2 (1) Set forth those conditions which constitute a nuisance
3 and which are detrimental to the health, safety, or welfare of
4 the residents of the county;

5 (2) Provide for duties of inspectors with regard to those
6 conditions which may be declared a nuisance, and shall provide
7 for duties of the building commissioner or designated officer or
8 officers to supervise all inspectors and to hold hearings
9 regarding such property;

10 (3) Provide for service of adequate notice of the
11 declaration of nuisance, which notice shall specify that the
12 nuisance is to be abated, listing a reasonable time for
13 commencement, and may provide that such notice be served either
14 by personal service or by certified mail, return receipt
15 requested, but if service cannot be had by either of these modes
16 of service, then service may be had by publication. The
17 ordinances shall further provide that the owner, occupant,
18 lessee, mortgagee, agent, and all other persons having an
19 interest in the property as shown by the land records of the
20 recorder of deeds of the county wherein the property is located
21 shall be made parties;

22 (4) Provide that upon failure to commence work of abating
23 the nuisance within the time specified or upon failure to proceed
24 continuously with the work without unnecessary delay, the
25 building commissioner or designated officer or officers shall
26 call and have a full and adequate hearing upon the matter before
27 the county commission, giving the affected parties at least ten
28 days' written notice of the hearing. Any party may be

1 represented by counsel, and all parties shall have an opportunity
2 to be heard. After the hearings, if evidence supports a finding
3 that the property is a nuisance or detrimental to the health,
4 safety, or welfare of the residents of the county, the county
5 commission shall issue an order making specific findings of fact,
6 based upon competent and substantial evidence, which shows the
7 property to be a nuisance and detrimental to the health, safety,
8 or welfare of the residents of the county and ordering the
9 nuisance abated. If the evidence does not support a finding that
10 the property is a nuisance or detrimental to the health, safety,
11 or welfare of the residents of the county, no order shall be
12 issued.

13 3. Any ordinance authorized by this section may provide
14 that if the owner fails to begin abating the nuisance within a
15 specific time which shall not be longer than seven days of
16 receiving notice that the nuisance has been ordered removed, the
17 building commissioner or designated officer shall cause the
18 condition which constitutes the nuisance to be removed. If the
19 building commissioner or designated officer causes such condition
20 to be removed or abated, the cost of such removal shall be
21 certified to the county clerk or officer in charge of finance who
22 shall cause the certified cost to be included in a special tax
23 bill or added to the annual real estate tax bill, at the county
24 collector's option, for the property and the certified cost shall
25 be collected by the county collector in the same manner and
26 procedure for collecting real estate taxes. If the certified
27 cost is not paid, the tax bill shall be considered delinquent,
28 and the collection of the delinquent bill shall be governed by

1 the laws governing delinquent and back taxes. The tax bill from
2 the date of its issuance shall be deemed a personal debt against
3 the owner and shall also be a lien on the property until paid.

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

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

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

19 (3) The name of the proposed district;

20 (4) The population of the proposed district;

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

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

23 (7) A request that the question be submitted to the voters
24 residing within the limits of the proposed regional recreational
25 district whether they will establish a regional recreational
26 district pursuant to the provisions of sections 67.792 to 67.799
27 to be known as ". . . Regional Recreational District" for the
28 purpose of establishing, operating and maintaining public parks,

1 neighborhood trails and recreational facilities within the
2 boundaries of the district.

3 2. Whenever one hundred or more persons residing in an area
4 contiguous to an existing regional recreational district desire
5 to become part of that contiguous district, such persons may file
6 a petition with the county clerk of the county in which the
7 greater part of the population within the proposed addition to
8 the district resides, and the governing body of that county shall
9 set the petition for public hearing and conduct such hearing.
10 The petition for the addition to a district shall set forth the
11 same facts required for the creation of such a district pursuant
12 to subdivisions (1) to (7) of subsection 1 of this section,
13 except that:

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

17 (2) Subdivision (7) of subsection 1 of this section shall,
18 in the petition for the addition, be a request that the question
19 be submitted to the voters residing within the limits of the
20 proposed addition to the ". . . . regional recreational
21 district" as to whether or not they will become a part of the ".
22 regional recreational district" for the purpose of
23 establishing, operating and maintaining public parks,
24 neighborhood trails and recreational facilities within the
25 boundaries of such district.

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

1 4. The governing body of any county otherwise eligible to
2 participate in a regional recreational district may directly
3 authorize, by ordinance, the creation of a regional recreational
4 district or an addition to an existing regional recreational
5 district without the submission of a petition. The governing
6 body of each such county shall, upon the enactment of such
7 ordinance, submit the question of its approval to the voters in
8 such county. If less than an entire county is proposed to
9 participate in such a regional recreational district, the
10 question may be submitted to the registered and qualified voters
11 residing in the proposed [area, provided, that any regional
12 recreational district which is supported by a sales tax shall be
13 approved by the voters of the entire county] district, or if no
14 registered and qualified voters reside in the proposed district,
15 to the owners of the real property located within the proposed
16 district. Any ordinance adopted by the governing body creating a
17 regional recreational district supported by a sales tax but with
18 no registered and qualified voters residing within the proposed
19 district boundaries shall be unanimously approved by the owners
20 of real property within the proposed district. The proposed
21 district shall consist only of those counties, or portions of
22 counties, where the governing body has approved an ordinance to
23 create a district.

24 67.799. 1. A regional recreational district may, by a
25 majority vote of its board of directors, impose an annual
26 property tax for the establishment and maintenance of public
27 parks and recreational facilities and grounds within the
28 boundaries of the regional recreational district not to exceed

1 sixty cents per year on each one hundred dollars of assessed
2 valuation on all property within the district, except that no
3 such tax shall become effective unless the board of directors of
4 the district submits to the voters of the district, at a county
5 or state general, primary or special election, a proposal to
6 authorize the tax.

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

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

11 YES NO

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

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

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

1 regional recreational district. The tax authorized by this
2 subsection shall be in addition to all other sales taxes allowed
3 by law. No tax pursuant to this subsection shall become
4 effective unless the board of directors submits to the voters of
5 the district, at a county or state general, primary or special
6 election, a proposal to authorize the tax, and such tax shall
7 become effective only after the majority of the voters voting on
8 such tax approve such tax. [Only whole counties participating in
9 a regional recreational district shall be able to impose a sales
10 tax pursuant to this subsection.]

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

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

16 [] YES [] NO

17 If a majority of the votes cast on the proposal by the qualified
18 voters voting thereon are in favor of the proposal, then the tax
19 shall become effective. If a majority of the votes cast by the
20 qualified voters voting are opposed to the proposal, then the
21 board of directors shall have no power to impose the tax unless
22 and until another proposal to authorize the tax is submitted to
23 the voters of the district and such proposal is approved by a
24 majority of the qualified voters voting thereon. The provisions
25 of sections 32.085 and 32.087, RSMo, shall apply to any tax
26 approved pursuant to this subsection.

27 5. As used in this section, "qualified voters" or "voters"
28 means any individuals residing within the proposed district who

1 are eligible to be registered voters and who have registered to
2 vote under chapter 115, RSMo, or, if no individuals eligible and
3 registered to vote reside within the proposed district, all of
4 the owners of real property located within the proposed district
5 who have unanimously petitioned for or consented to the adoption
6 of an ordinance by the governing body imposing a tax authorized
7 in this section. If the owner of the property within the
8 proposed district is a political subdivision or corporation of
9 the state, the governing body of such political subdivision or
10 corporation shall be considered the owner for purposes of this
11 section.

12 67.1706. The metropolitan district shall have as its
13 **[primary]** duty the development, operation and maintenance of a
14 public system of interconnecting trails and parks throughout the
15 counties comprising the district. Nothing in this section shall
16 restrict the district's entering into and initiating projects
17 dealing with parks not necessarily connected to trails. The
18 metropolitan district shall supplement but shall not substitute
19 for the powers and responsibilities of the other parks and
20 recreation systems within the metropolitan district or other
21 conservation and environmental regulatory agencies and shall have
22 the power to contract with other parks and recreation systems as
23 well as with other public and private entities. Nothing in this
24 section shall give the metropolitan district authority to
25 regulate water quality, watershed or land use issues in the
26 counties comprising the district.

27 67.1754. The sales tax authorized in sections 67.1712 to
28 67.1721 shall be collected and allocated as follows:

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

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

24 67.2000. 1. This section shall be known as the "Exhibition
25 Center and Recreational Facility District Act".

26 2. Whenever not less than fifty owners of real property
27 located within any county of the first classification with more
28 than seventy-one thousand three hundred but less than seventy-one

1 thousand four hundred inhabitants, or any county of the first
2 classification with more than one hundred ninety-eight thousand
3 but less than one hundred ninety-nine thousand two hundred
4 inhabitants, or any county of the first classification with more
5 than eighty-five thousand nine hundred but less than eighty-six
6 thousand inhabitants, or any county of the second classification
7 with more than fifty-two thousand six hundred but less than
8 fifty-two thousand seven hundred inhabitants, or any county of
9 the first classification with more than one hundred four thousand
10 six hundred but less than one hundred four thousand seven hundred
11 inhabitants, or any county of the third classification without a
12 township form of government and with more than seventeen thousand
13 nine hundred but less than eighteen thousand inhabitants, or any
14 county of the first classification with more than thirty-seven
15 thousand but less than thirty-seven thousand one hundred
16 inhabitants, or any county of the third classification without a
17 township form of government and with more than twenty-three
18 thousand five hundred but less than twenty-three thousand six
19 hundred inhabitants, or any county of the third classification
20 without a township form of government and with more than nineteen
21 thousand three hundred but less than nineteen thousand four
22 hundred inhabitants, or any county of the first classification
23 with more than two hundred forty thousand three hundred but less
24 than two hundred forty thousand four hundred inhabitants, desire
25 to create an exhibition center and recreational facility
26 district, the property owners shall file a petition with the
27 governing body of each county located within the boundaries of
28 the proposed district requesting the creation of the district.

1 The district boundaries may include all or part of the counties
2 described in this section. The petition shall contain the
3 following information:

4 (1) The name and residence of each petitioner and the
5 location of the real property owned by the petitioner;

6 (2) A specific description of the proposed district
7 boundaries, including a map illustrating the boundaries; and

8 (3) The name of the proposed district.

9 3. Upon the filing of a petition pursuant to this section,
10 the governing body of any county described in this section may,
11 by resolution, approve the creation of a district. Any
12 resolution to establish such a district shall be adopted by the
13 governing body of each county located within the proposed
14 district, and shall contain the following information:

15 (1) A description of the boundaries of the proposed
16 district;

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

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

21 (4) The proposed uses for the revenue generated by the new
22 sales tax.

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

26 (1) Publish notice of the hearing on two separate occasions
27 in at least one newspaper of general circulation in each county
28 located within the proposed district, with the first publication

1 to occur not more than thirty days before the hearing, and the
2 second publication to occur not more than fifteen days or less
3 than ten days before the hearing;

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

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

8 5. Following the hearing, if the governing body of each
9 county located within the proposed district decides to establish
10 the proposed district, it shall adopt an order to that effect; if
11 the governing body of any county located within the proposed
12 district decides to not establish the proposed district, the
13 boundaries of the proposed district shall not include that
14 county. The order shall contain the following:

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

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

18 (3) The name of the district;

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

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

23 6. A district established pursuant to this section may, at
24 a general, primary, or special election, submit to the qualified
25 voters within the district boundaries a sales tax of one-fourth
26 of one percent, for a period not to exceed twenty-five years, on
27 all retail sales within the district, which are subject to
28 taxation pursuant to sections 144.010 to 144.525, RSMo, to fund

1 the acquisition, construction, maintenance, operation,
2 improvement, and promotion of an exhibition center and
3 recreational facilities. The ballot of submission shall be in
4 substantially the following form:

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

10 YES NO

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

14
15 If a majority of the votes cast in the portion of any county that
16 is part of the proposed district favor the proposal, then the
17 sales tax shall become effective in that portion of the county
18 that is part of the proposed district on the first day of the
19 first calendar quarter immediately following the election. If a
20 majority of the votes cast in the portion of a county that is a
21 part of the proposed district oppose the proposal, then that
22 portion of such county shall not impose the sales tax authorized
23 in this section until after the county governing body has
24 submitted another such sales tax proposal and the proposal is
25 approved by a majority of the qualified voters voting thereon.
26 However, if a sales tax proposal is not approved, the governing
27 body of the county shall not resubmit a proposal to the voters
28 pursuant to this section sooner than twelve months from the date

1 of the last proposal submitted pursuant to this section. If the
2 qualified voters in two or more counties that have contiguous
3 districts approve the sales tax proposal, the districts shall
4 combine to become one district.

5 7. There is hereby created a board of trustees to
6 administer any district created and the expenditure of revenue
7 generated pursuant to this section consisting of four individuals
8 to represent each county approving the district, as provided in
9 this subsection. The governing body of each county located
10 within the district, upon approval of that county's sales tax
11 proposal, shall appoint four members to the board of trustees; at
12 least one shall be an owner of a nonlodging business located
13 within the taxing district, or their designee, at least one shall
14 be an owner of a lodging facility located within the district, or
15 their designee, and all members shall reside in the district
16 except that one nonlodging business owner, or their designee, and
17 one lodging facility owner, or their designee, may reside outside
18 the district. Each trustee shall be at least twenty-five years
19 of age and a resident of this state. Of the initial trustees
20 appointed from each county, two shall hold office for two years,
21 and two shall hold office for four years. Trustees appointed
22 after expiration of the initial terms shall be appointed to a
23 four-year term by the governing body of the county the trustee
24 represents, with the initially appointed trustee to remain in
25 office until a successor is appointed, and shall take office upon
26 being appointed. Each trustee may be reappointed. Vacancies
27 shall be filled in the same manner in which the trustee vacating
28 the office was originally appointed. The trustees shall not

1 receive compensation for their services, but may be reimbursed
2 for their actual and necessary expenses. The board shall elect a
3 chair and other officers necessary for its membership. Trustees
4 may be removed if:

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

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

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

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

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

15 (3) To enter into contracts, franchises, and agreements
16 with any person or entity, public or private, affecting the
17 affairs of the district, including contracts with any
18 municipality, district, or state, or the United States, and any
19 of their agencies, political subdivisions, or instrumentalities,
20 for the funding, including without limitation interest rate
21 exchange or swap agreements, planning, development, construction,
22 acquisition, maintenance, or operation of a single exhibition
23 center and recreational facilities or to assist in such activity.
24 "Recreational facilities", means locations explicitly designated
25 for public use where the primary use of the facility involves
26 participation in hobbies or athletic activities;

27 (4) To borrow money and incur indebtedness and evidence the
28 same by certificates, notes, or debentures, to issue bonds and

1 use any one or more lawful funding methods the district may
2 obtain for its purposes at such rates of interest as the district
3 may determine. Any bonds, notes, and other obligations issued or
4 delivered by the district may be secured by mortgage, pledge, or
5 deed of trust of any or all of the property and income of the
6 district. Every issue of such bonds, notes, or other obligations
7 shall be payable out of property and revenues of the district and
8 may be further secured by other property of the district, which
9 may be pledged, assigned, mortgaged, or a security interest
10 granted for such payment, without preference or priority of the
11 first bonds issued, subject to any agreement with the holders of
12 any other bonds pledging any specified property or revenues.
13 Such bonds, notes, or other obligations shall be authorized by
14 resolution of the district board, and shall bear such date or
15 dates, and shall mature at such time or times, but not in excess
16 of thirty years, as the resolution shall specify. Such bonds,
17 notes, or other obligations shall be in such denomination, bear
18 interest at such rate or rates, be in such form, either coupon or
19 registered, be issued as current interest bonds, compound
20 interest bonds, variable rate bonds, convertible bonds, or zero
21 coupon bonds, be issued in such manner, be payable in such place
22 or places, and be subject to redemption as such resolution may
23 provide, notwithstanding section 108.170, RSMo. The bonds,
24 notes, or other obligations may be sold at either public or
25 private sale, at such interest rates, and at such price or prices
26 as the district shall determine;

27 _____ (5) To acquire, transfer, donate, lease, exchange,
28 mortgage, and encumber real and personal property in furtherance

1 of district purposes;

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

9 (7) To have the management, control and supervision of all
10 the business and affairs of the district, and the construction,
11 installation, operation, and maintenance of district improvements
12 therein; to collect rentals, fees, and other charges in
13 connection with its services or for the use of any of its
14 facilities;

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

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

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

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

26 9. There is hereby created the "Exhibition Center and
27 Recreational Facility District Sales Tax Trust Fund", which shall
28 consist of all sales tax revenue collected pursuant to this

1 section. The director of revenue shall be custodian of the trust
2 fund, and moneys in the trust fund shall be used solely for the
3 purposes authorized in this section. Moneys in the trust fund
4 shall be considered nonstate funds pursuant to section 15,
5 article IV, constitution of Missouri. The director of revenue
6 shall invest moneys in the trust fund in the same manner as other
7 funds are invested. Any interest and moneys earned on such
8 investments shall be credited to the trust fund. All sales taxes
9 collected by the director of revenue pursuant to this section on
10 behalf of the district, less one percent for the cost of
11 collection which shall be deposited in the state's general
12 revenue fund after payment of premiums for surety bonds as
13 provided in section 532.087, RSMo, shall be deposited in the
14 trust fund. The director of revenue shall keep accurate records
15 of the amount of moneys in the trust fund which was collected in
16 the district imposing a sales tax pursuant to this section, and
17 the records shall be open to the inspection of the officers of
18 each district and the general public. Not later than the tenth
19 day of each month, the director of revenue shall distribute all
20 moneys deposited in the trust fund during the preceding month to
21 the district. The director of revenue may authorize refunds from
22 the amounts in the trust fund and credited to the district for
23 erroneous payments and overpayments made, and may redeem
24 dishonored checks and drafts deposited to the credit of the
25 district.

26 10. The sales tax authorized by this section is in addition
27 to all other sales taxes allowed by law. Except as modified in
28 this section, all provisions of sections 32.085 and 32.087, RSMo,

1 apply to the sales tax imposed pursuant to this section.

2 11. Any sales tax imposed pursuant to this section shall
3 not extend past the initial term approved by the voters unless an
4 extension of the sales tax is submitted to and approved by the
5 qualified voters in each county in the manner provided in this
6 section. Each extension of the sales tax shall be for a period
7 not to exceed twenty years. The ballot of submission for the
8 extension shall be in substantially the following form:

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

14 YES NO

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

18
19 If a majority of the votes cast favor the extension, then the
20 sales tax shall remain in effect at the rate and for the time
21 period approved by the voters. If a sales tax extension is not
22 approved, the district may submit another sales tax proposal as
23 authorized in this section, but the district shall not submit
24 such a proposal to the voters sooner than twelve months from the
25 date of the last extension submitted.

26 12. Once the sales tax authorized by this section is
27 abolished or terminated by any means, all funds remaining in the
28 trust fund shall be used solely for the purposes approved in the

1 ballot question authorizing the sales tax. The sales tax shall
2 not be abolished or terminated while the district has any
3 financing or other obligations outstanding; provided that any new
4 financing, debt, or other obligation or any restructuring or
5 refinancing of an existing debt or obligation incurred more than
6 ten years after voter approval of the sales tax provided in this
7 section or more than ten years after any voter approved extension
8 thereof shall not cause the extension of the sales tax provided
9 in this section or cause the final maturity of any financing or
10 other obligations outstanding to be extended. Any funds in the
11 trust fund which are not needed for current expenditures may be
12 invested by the district in the securities described in
13 subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo,
14 or repurchase agreements secured by such securities. If the
15 district abolishes the sales tax, the district shall notify the
16 director of revenue of the action at least ninety days before the
17 effective date of the repeal, and the director of revenue may
18 order retention in the trust fund, for a period of one year, of
19 two percent of the amount collected after receipt of such notice
20 to cover possible refunds or overpayment of the sales tax and to
21 redeem dishonored checks and drafts deposited to the credit of
22 such accounts. After one year has elapsed after the effective
23 date of abolition of the sales tax in the district, the director
24 of revenue shall remit the balance in the account to the district
25 and close the account of the district. The director of revenue
26 shall notify the district of each instance of any amount refunded
27 or any check redeemed from receipts due the district.

28 13. In the event that the district is dissolved or

1 terminated by any means, the governing bodies of the counties in
2 the district shall appoint a person to act as trustee for the
3 district so dissolved or terminated. Before beginning the
4 discharge of duties, the trustee shall take and subscribe an oath
5 to faithfully discharge the duties of the office, and shall give
6 bond with sufficient security, approved by the governing bodies
7 of the counties, to the use of the dissolved or terminated
8 district, for the faithful discharge of duties. The trustee
9 shall have and exercise all powers necessary to liquidate the
10 district, and upon satisfaction of all remaining obligations of
11 the district, shall pay over to the county treasurer of each
12 county in the district and take receipt for all remaining moneys
13 in amounts based on the ratio the levy of each county bears to
14 the total levy for the district in the previous three years or
15 since the establishment of the district, whichever time period is
16 shorter. Upon payment to the county treasurers, the trustee
17 shall deliver to the clerk of the governing body of any county in
18 the district all books, papers, records, and deeds belonging to
19 the dissolved district.

20 67.2500. 1. The governing body of any city, town, or
21 village that is within a first class county with a charter form
22 of government with a population over two hundred fifty thousand
23 that adjoins a first class county with a charter form of
24 government with a population over nine hundred thousand, may
25 establish a theater, cultural arts, and entertainment district in
26 the manner provided in section 67.2505.

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

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

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

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

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

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

18 67.2505. 1. A district may be created to fund, promote,
19 and provide educational, civic, musical, theatrical, cultural,
20 concerts, lecture series, and related or similar entertainment
21 events or activities, and to fund, promote, plan, design,
22 construct, improve, maintain, and operate public improvements,
23 transportation projects, and related facilities in the district.

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

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

28 4. The district shall include a minimum of fifty contiguous

1 acres.

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

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

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

18 (2) The name of the proposed district;

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

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

28 (5) A request that the district be established;

1 (6) A general description of the activities that are
2 planned for the district;

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

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

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

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

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

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

20 (1) A description of the boundaries of the proposed
21 district and each subdistrict;

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

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

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

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

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

3 8. Prior to the governing body certifying the question of
4 the district's creation and imposing a sales tax for approval by
5 the qualified electors, a hearing shall be held as provided by
6 this subsection. The governing body of the municipality
7 approving a resolution as set forth in section 67.2520 shall:

8 (1) Publish notice of the hearing, which shall include the
9 information contained in the resolution cited in section 67.2520,
10 on two separate occasions in at least one newspaper of general
11 circulation in the county where the proposed district is located,
12 with the first publication to occur not more than thirty days
13 before the hearing, and the second publication to occur not more
14 than fifteen days or less than ten days before the hearing;

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

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

19
20 The costs of printing and publication of the notice shall be paid
21 by the petitioners. If the district is organized pursuant to
22 sections 67.2500 to 67.2530, the petitioners may be reimbursed
23 for such costs out of the revenues received by the district.

24 9. Following the hearing, the governing body of any city,
25 town, or village within which the proposed district will be
26 located may order an election on the questions of the district
27 creation and sales tax funding for voter approval and certify the
28 questions to the municipal clerk. The election order shall

1 include the date on which the ballots will be mailed to qualified
2 electors, which shall be not sooner than the eighth Tuesday from
3 the issuance of the order. The election regarding the
4 incorporation of the district and the imposing of the sales tax
5 shall follow the procedure set forth in section 67.2520, and
6 shall be held pursuant to the order and certification by the
7 governing body. Only those subdistricts approving the question
8 of creating the district and imposing the sales tax shall become
9 part of the district.

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

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

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

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

24 (4) The name of the district;

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

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

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

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

6 11. Any subdistrict that does not approve the creation of
7 the district and imposing the sales tax shall not be a part of
8 the district and the sales tax shall not be imposed until after
9 the district board of directors has submitted another proposal
10 for the inclusion of the area into the district and such proposal
11 and the sales tax proposal are approved by a majority of the
12 qualified voters in the subdistrict voting thereon. Such
13 subsequent elections shall be conducted in accordance with
14 section 67.2520; provided, however, that the district board of
15 directors may place the question of the inclusion of a
16 subdistrict within a district and the question of imposing a
17 sales tax before the voters of a proposed subdistrict, and the
18 municipal clerk, or circuit clerk if the district is formed by
19 the circuit court, shall conduct the election. In subsequent
20 elections, the election judges shall certify the election results
21 to the district board of directors.

22 67.2510. As a complete alternative to the procedure
23 establishing a district set forth in section 67.2505, a circuit
24 court with jurisdiction over any city, town, or village that is
25 within a first class county with a charter form of government
26 with a population over two hundred fifty thousand that adjoins a
27 first class county with a charter form of government with a
28 population over nine hundred thousand, may establish a theater,

1 cultural arts, and entertainment district in the manner provided
2 in section 67.2515.

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

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

15 (2) The name of the proposed district;

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

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

25 (5) A request that the district be established;

26 (6) A general description of the activities that are
27 planned for the district;

28 (7) A proposal for a sales tax to fund the district

1 initially, pursuant to the authority granted in sections 67.2500
2 to 67.2530, together with a request that the imposing of the
3 sales tax be submitted to the qualified voters within the
4 district;

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

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

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

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

13 2. The circuit clerk of the county in which the petition is
14 filed pursuant to this section shall present the petition to the
15 judge, who shall thereupon set the petition for hearing not less
16 than thirty days nor more than forty days after the filing. The
17 judge shall cause publication of the notice of the hearing on two
18 separate occasions in at least one newspaper of general
19 circulation in the county where the proposed district is located,
20 with the first publication to occur not more than thirty days
21 before the hearing, and the second publication to occur not more
22 than fifteen days or less than ten days before the hearing. The
23 notice shall recite the following information:

24 (1) A description of the boundaries of the proposed
25 district and each subdistrict;

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

28 (3) The timeframe and manner for the filing of the

1 petitions or answers in the case;

2 (4) The proposed sales tax rate to be voted on within the
3 subdistricts of the proposed district;

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

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

8
9 The costs of printing and publication of the notice shall be paid
10 by the petitioners. If the district is organized pursuant to
11 sections 67.2500 to 67.2530, the petitioners may be reimbursed
12 for such costs out of the revenues received by the district.

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

19 4. The court shall hear the case without a jury. If the
20 court determines the petition is defective or the proposed
21 district or its plan of operation is unconstitutional, it shall
22 enter its judgment to that effect and shall refuse to incorporate
23 the district as requested in the pleadings. If the court
24 determines the petition is not legally defective and the proposed
25 district and plan of operation are not unconstitutional, the
26 court shall order an election on the questions of the district
27 creation and sales tax funding for voter approval and certify the
28 questions to the circuit clerk. The election order shall include

1 the date on which the ballots will be mailed to qualified
2 electors, which shall be not sooner than the eighth Tuesday from
3 the issuance of the order. The election regarding the
4 incorporation of the district and the imposing the sales tax
5 shall follow the procedure set forth in section 67.2520, and
6 shall be held pursuant to the order and certification by the
7 circuit judge. Only those subdistricts approving the question of
8 creating the district and imposing the sales tax shall become
9 part of the district.

10 5. If the results of the election conducted in accordance
11 with section 67.2520 show that a majority of the votes cast were
12 in favor of organizing the district and imposing the sales tax,
13 the circuit judge shall establish the proposed district in those
14 subdistricts approving the question of creating the district and
15 imposing the sales tax by issuing an order to that effect. The
16 court shall determine and declare the district organized and
17 incorporated and issue an order that includes the following:

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

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

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

24 (4) The name of the district;

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

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

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

4 (8) Such other matters as the circuit court deems
5 appropriate.

6 6. Any subdistrict that does not approve the creation of
7 the district and imposing the sales tax shall not be a part of
8 the district and the sales tax shall not be imposed until after
9 the district board of directors has submitted another proposal
10 for the inclusion of the area into the district and such proposal
11 and the sales tax proposal are approved by a majority of the
12 qualified voters in the subdistrict voting thereon. Such
13 subsequent elections shall be conducted in accordance with
14 section 67.2520; provided, however, that the district board of
15 directors may place the question of the inclusion of a
16 subdistrict within a district and the question of imposing a
17 sales tax in the proposed subdistrict before the voters of a
18 proposed subdistrict, and the circuit clerk shall conduct the
19 subsequent election. In subsequent elections, the election
20 judges shall certify the election results to the district board
21 of directors.

22 7. Any party having filed a petition or answer to a
23 petition may appeal the circuit court's order or judgment in the
24 same manner as provided for other appeals. Any order either
25 refusing to incorporate the district or incorporating the
26 district shall be a final judgment for purposes of appeal.

27 67.2520. 1. If a governing body or circuit court judge has
28 certified the question regarding the district creation and sales

1 tax funding for voter approval, the municipal clerk in which the
2 district is located, or the circuit clerk if the order and
3 certification has been by a circuit judge, shall conduct the
4 election. The questions shall be submitted to the qualified
5 voters of each subdistrict within the district boundaries who
6 have filed an application pursuant to this section. The
7 municipal clerk, or the circuit clerk if the district is being
8 formed by the circuit court, shall publish notice of the election
9 in at least one newspaper of general circulation in the county
10 where the proposed district is located, with the publication to
11 occur not more than fifteen days but not less than ten days
12 before the date when applications for ballots will be accepted.
13 The notice shall include a description of the district
14 boundaries, the timeframe and manner of applying for a ballot,
15 the questions to be voted upon, and where and when applications
16 for ballots will be accepted. The municipal clerk, or circuit
17 clerk if the district is being formed by the circuit court, shall
18 also send a notice of the election to all registered voters in
19 the proposed district, which shall include the information in the
20 published notice. The costs of printing and publication of the
21 notice, and mailing of the notices to registered voters, shall be
22 paid by the petitioners. If the district is organized pursuant
23 to sections 67.2500 to 67.2530, the petitioners may be reimbursed
24 for such costs out of the revenues received by the district.
25 2. For elections held in subdistricts pursuant to this
26 section, if all the owners of property in a subdistrict joined in
27 the petition for formation of the district, such owners may cast
28 their ballot by unanimous petition approving any measure

1 submitted to them as subdistrict voters pursuant to this section.
2 Each owner shall receive one vote per acre owned. Fractional
3 votes shall be allowed. The petition shall be submitted to the
4 municipal clerk, or the circuit court clerk if the district is
5 being formed by the circuit court, who shall verify the
6 authenticity of all signatures thereon. The filing of a
7 unanimous petition shall constitute an election in the
8 subdistrict under this section and the results of said election
9 shall be entered pursuant to this section.

10 3. The sales tax shall be not more than one-half of one
11 percent on all retail sales within the district, which are
12 subject to taxation pursuant to section 67.2530, to fund,
13 promote, and provide educational, civic, musical, theatrical,
14 cultural, concerts, lecture series, and related or similar
15 entertainment events or activities, and to fund, promote, plan,
16 design, construct, improve, maintain, and operate public
17 improvements, transportation projects, and related facilities in
18 the district.

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

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

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

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

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

7 _____ (2) Only persons entitled to apply for a ballot in
8 elections pursuant to this subsection shall apply. Such persons
9 shall apply with the municipal clerk, or the circuit clerk if the
10 district is formed by the circuit court. Each person applying
11 shall provide:

12 _____ (a) Such person's name, address, mailing address, and phone
13 number;

14 _____ (b) An authorized signature; and

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

17 _____ a. For resident individuals, proof of registration from the
18 election authority;

19 _____ b. For owners of real property, a tax receipt or deed or
20 other document which evidences an equitable ownership, and
21 identifies the real property by location;

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

26 _____ "Shall there be organized in (here specifically
27 describe the proposed district boundaries), within the state of
28 Missouri, a district, to be known as the "..... Theater,

1 Cultural Arts, and Entertainment District" for the purpose of
2 funding, promoting, and providing educational, civic, musical,
3 theatrical, cultural, concerts, lecture series, and related or
4 similar entertainment events or activities, and funding,
5 promoting, planning, designing, constructing, improving,
6 maintaining, and operating public improvements, transportation
7 projects, and related facilities in the district?

8 _____ YES _____ NO

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

12 _____ Shall the (name of district) impose a sales tax
13 of (insert rate) to fund, promote, and provide
14 educational, civic, musical, theatrical, cultural, concerts,
15 lecture series, and related or similar entertainment events or
16 activities, and to fund, promote, plan, design, construct,
17 improve, maintain, and operate public improvements,
18 transportation projects, and related facilities in the district?

19 _____ YES _____ NO

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

23 _____ (4) Not sooner than the fourth Tuesday after the deadline
24 for applying for ballots, the municipal clerk, or the circuit
25 clerk if the district is being formed by the circuit court, shall
26 mail a ballot to each qualified voter who applied for a ballot
27 pursuant to this subsection along with a return addressed
28 envelope directed to the municipal clerk or the circuit clerk's

1 office, with a sworn affidavit on the reverse side of such
2 envelope for the voter's signature. Such affidavit shall be in
3 the following form:

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

7
8 Authorized Signature

9 Printed Name of Voter Signature of notary or other officer
10 authorized to administer oaths.

11 Mailing Address of Voter (if different)
12 Subscribed and sworn to before me this day
13 of....., 20.."

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

18 (6) Voted ballots shall be returned to the municipal clerk,
19 or the clerk of the circuit court if the district is being formed
20 by the circuit court, by mail or hand delivery no later than 5:00
21 p.m. on the fourth Tuesday after the date for mailing the
22 ballots. The municipal clerk, or circuit clerk if the district
23 is being formed by the circuit court, shall transmit all voted
24 ballots to a beam of judges of not less than four, with an equal
25 number from each of the two major political parties. The judges
26 shall be selected by the city, town, or village, or the circuit
27 clerk, from lists compiled by the county election authority.
28 Upon receipt of the voted ballots the judges shall verify the

1 authenticity of the ballots, canvass the votes, and certify the
2 results. Certification by the election judges shall be final and
3 shall be immediately transmitted to the governing body of the
4 city, town, or village for further action, or the circuit judge
5 for further action if the district is being formed by the circuit
6 court. Any voter who applied for such election may contest the
7 result in the same manner as provided in chapter 115, RSMo.

8 67.2525. 1. Each member of the board of directors shall
9 have the following qualifications:

10 (1) As to those subdistricts in which there are registered
11 voters, a resident registered voter in the subdistrict that he or
12 she represents, or be a property owner or, as to those
13 subdistricts in which there are not registered voters who are
14 residents, a property owner or representative of a property owner
15 in the subdistrict he or she represents;

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

18 2. The district shall be subdivided into at least five, but
19 not more than fifteen subdistricts, which shall be represented by
20 one representative on the district board of directors. All board
21 members shall have terms of four years, including the initial
22 board of directors. All members shall take office upon being
23 appointed and shall remain in office until a successor is
24 appointed by the mayor or chairman of the municipality in which
25 the district is located, or elected by the property owners in
26 those subdistricts without registered voters.

27 3. For those subdistricts which contain one or more
28 registered voters, the mayor or chairman of the city, town, or

1 village shall, with the consent of the governing body, appoint a
2 registered voter residing in the subdistrict to the board of
3 directors.

4 4. For those subdistricts which contain no registered
5 voters, the property owners who collectively own one or more
6 parcels of real estate comprising more than half of the land
7 situated in each subdistrict shall meet and shall elect a
8 representative to serve upon the board of directors. The clerk
9 of the city, town, or village in which the petition was filed
10 shall, unless waived in writing by all property owners in the
11 subdistrict, give notice by causing publication to be made once a
12 week for two consecutive weeks in a newspaper of general
13 circulation in the county, the last publication of which shall be
14 at least ten days before the day of the meeting required by this
15 section, to call a meeting of the owners of real property within
16 the subdistrict at a day and hour specified in a public place in
17 the city, town, or village in which the petition was filed for
18 the purpose of electing members of the board of directors.

19 5. The property owners, when assembled, shall organize by
20 the election of a temporary chairman and secretary of the meeting
21 who shall conduct the election. An election shall be conducted
22 for each subdistrict, with the eligible property owners voting in
23 that subdistrict. At the election, each acre of real property
24 within the subdistrict shall represent one share, and each owner,
25 including corporations and other entities, may have one vote in
26 person or for every acre of real property owned by such person
27 within the subdistrict. Each voter which is not an individual
28 shall determine how to cast its vote as provided for in its

1 articles of incorporation, articles of organization, articles of
2 partnership, bylaws, or other document which sets forth an
3 appropriate mechanism for the determination of the entity's vote.

4 If a voter has no such mechanism, then its vote shall be cast as
5 determined by a majority of the persons who run the day-to-day
6 affairs of the voter. The results of the meeting shall be
7 certified by the temporary chairman and secretary to the
8 municipal clerk if the district is established by a municipality
9 described in this section, or to the circuit clerk if the
10 district is established by a circuit court.

11 6. Successor boards shall be appointed or elected,
12 depending upon the presence or absence of resident registered
13 voters, by the mayor or chairman of a city, town, or village
14 described in this section, or the property owners as set forth
15 above; provided, however, that elections held by the property
16 owners after the initial board is elected shall be certified to
17 the municipal clerk of the city, town, or village where the
18 district is located and the board of directors of the district.

19 7. Should a vacancy occur on the board of directors, the
20 mayor or chairman of the city, town, or village if there are
21 registered voters within the subdistrict, or a majority of the
22 owners of real property in a subdistrict if there are not
23 registered voters in the subdistrict, shall have the authority to
24 appoint or elect, as set forth in this section, an interim
25 director to complete any unexpired term of a director caused by
26 resignation or disqualification.

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

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

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

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

10 9. Within thirty days after the selection of the initial
11 directors, the board shall meet. At its first meeting and
12 annually thereafter the board shall elect a chairman from its
13 members.

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

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

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

24 13. At the first meeting, the board, by resolution, shall
25 receive the certification of the election regarding the sales
26 tax, and may impose the sales tax in all subdistricts approving
27 the imposing sales tax. In those subdistricts that approve the
28 sales tax, the sales tax shall become effective on the first day

1 of the first calendar quarter immediately following the action by
2 the district board of directors imposing the tax.

3 14. Each director shall devote such time to the duties of
4 the office as the faithful discharge thereof and may require and
5 be reimbursed for his actual expenditures in the performance of
6 his duties on behalf of the district. Directors may be
7 compensated, but such compensation shall not exceed one hundred
8 dollars per month.

9 15. In addition to all other powers granted by sections
10 67.2500 to 67.2530, the district shall have the following general
11 powers:

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

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

16 (3) To enter into contracts, franchises, and agreements
17 with any person or entity, public or private, affecting the
18 affairs of the district, including contracts with any
19 municipality, district, or state, or the United States,
20 and any of their agencies, political subdivisions, or
21 instrumentalities, for the funding, including without limitation,
22 interest rate exchange or swap agreements, planning, development,
23 construction, acquisition, maintenance, or operation of a
24 district facility or to assist in such activity;

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

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

- 1 (6) To collect taxes and other revenues;
- 2 (7) To borrow money and incur indebtedness and evidence the
3 same by certificates, notes, bonds, debentures, or refunding of
4 any such obligations for the purpose of paying all or any part of
5 the cost of land, construction, development, or equipping of any
6 facilities or operations of the district;
- 7 (8) To own or lease real or personal property for use in
8 connection with the exercise of powers pursuant to this
9 subsection;
- 10 (9) To provide for the election or appointment of officers,
11 including a chairman, treasurer, and secretary. Officers shall
12 not be required to be residents of the district, and one officer
13 may hold more than one office;
- 14 (10) To hire and retain agents, employees, engineers, and
15 attorneys;
- 16 (11) To enter into entertainment contracts binding the
17 district and artists, agencies, or performers, management
18 contracts, contracts relating to the booking of entertainment and
19 the sale of tickets, and all other contracts which relate to the
20 purposes of the district;
- 21 (12) To contract with a local government, a corporation,
22 partnership, or individual regarding funding, promotion,
23 planning, designing, constructing, improving, maintaining, or
24 operating a project or to assist in such activity;
- 25 (13) To contract for transfer to a city, town, or village
26 such district facilities and improvements free of cost or
27 encumbrance on such terms set forth by contract;
- 28 (14) To exercise such other powers necessary or convenient

1 for the district to accomplish its purposes which are not
2 inconsistent with its express powers.

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

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

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

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

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

17 (5) Shall be in such denomination, bear interest at such
18 rates, be in such form, be issued as current interest bonds,
19 compound interest bonds, variable rate bonds, convertible bonds,
20 or zero coupon bonds, be issued in such manner, be payable in
21 such place or places and subject to redemption as such resolution
22 may provide; and

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

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

28 67.2530. 1. Any note, bond, or other indebtedness of the

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

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

23 3. Any district may by resolution impose a district sales
24 tax of up to one half of one percent on all retail sales made in
25 such district that are subject to taxation pursuant to the
26 provisions of sections 144.010 to 144.525, RSMo. Upon voter
27 approval, and receiving the necessary certifications from the
28 governing body of the municipality in which the district is

1 located, or from the circuit court if the district was formed by
2 the circuit court, the board of directors shall have the power to
3 impose a sales tax at its first meeting, or any meeting
4 thereafter. Voter approval of the question of the imposing sales
5 tax shall be in accordance with section 67.2520 of this section.
6 The sales tax shall become effective in those subdistricts that
7 approve the sales tax on the first day of the first calendar
8 quarter immediately following the passage of a resolution by the
9 board of directors imposing the sales tax.

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

17 5. In order to permit sellers required to collect and
18 report the sales tax authorized by this section to collect the
19 amount required to be reported and remitted, but not to change
20 the requirements of reporting or remitting tax or to serve as a
21 levy of the tax, and in order to avoid fractions of pennies, the
22 district may establish appropriate brackets which shall be used
23 in the district imposing a tax pursuant to this section in lieu
24 of those brackets provided in section 144.285, RSMo.

25 6. All revenue received by a district from the sales tax
26 authorized by this section shall be deposited in a special trust
27 fund and shall be used solely for the purposes of the district.
28 Any funds in such special trust fund which are not needed for the

1 district's current expenditures may be invested by the district
2 board of directors in accordance with applicable laws relating to
3 the investment of other district funds.

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

13 8. The resolution imposing the sales tax pursuant to this
14 section shall impose upon all sellers a tax for the privilege of
15 engaging in the business of selling tangible personal property or
16 rendering taxable services at retail to the extent and in the
17 manner provided in sections 144.010 to 144.525, RSMo, and the
18 rules and regulations of the director of revenue issued pursuant
19 thereto; except that the rate of the tax shall be the rate
20 imposed by the resolution as the sales tax and the tax shall be
21 reported and returned to and collected by the district.

22 9. (1) On and after the effective date of any sales tax
23 imposed pursuant to this section, the district shall perform all
24 functions incident to the administration, collection,
25 enforcement, and operation of the tax. The sales tax imposed
26 pursuant to this section shall be collected and reported upon
27 such forms and under such administrative rules and regulations as
28 may be prescribed by the district.

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

7 (3) The district may contract with the municipality that
8 the district is within for the municipality to collect any
9 revenue received by the district and, after deducting the cost of
10 such collection, but not to exceed one percent of the total
11 amount collected, deposit such revenue in a special trust
12 account. Such revenue and interest may be applied by the
13 municipality to expenses, costs, or debt service of the district
14 at the direction of the district as set forth in a contract
15 between the municipality and the district.

16 10. (1) All applicable provisions contained in sections
17 144.010 to 144.525, RSMo, governing the state sales tax, sections
18 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform
19 confidentiality provision, shall apply to the collection of the
20 tax imposed by this section, except as modified in this section.

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

27 (3) The same sales tax permit, exemption certificate, and
28 retail certificate required by sections 144.010 to 144.525, RSMo,

1 for the administration and collection of the state sales tax
2 shall satisfy the requirements of this section, and no additional
3 permit or exemption certificate or retail certificate shall be
4 required; except that the district may prescribe a form of
5 exemption certificate for an exemption from the tax imposed by
6 this section.

7 (4) All discounts allowed the retailer pursuant to the
8 provisions of the state sales tax laws for the collection of and
9 for payment of taxes pursuant to such laws are hereby allowed and
10 made applicable to any taxes collected pursuant to the provisions
11 of this section.

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

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

1 business from which the employee works.

2 (7) Subsequent to the initial approval by the voters and
3 implementation of a sales tax in the district, the rate of the
4 sales tax may be increased, but not to exceed a rate of one-half
5 of one percent on retail sales as provided in this subsection.
6 The election shall be conducted in accordance with section
7 67.2520; provided, however, that the district board of directors
8 may place the question of the increase of the sales tax before
9 the voters of the district by resolution, and the municipal clerk
10 of the city, town, or village which originally conducted the
11 incorporation of the district, or the circuit clerk of the court
12 which originally conducted the incorporation of the district,
13 shall conduct the subsequent election. In subsequent elections,
14 the election judges shall certify the election results to the
15 district board of directors. The ballot of submission shall be
16 in substantially the following form:

17 "Shall (name of district) increase the
18 (insert amount) percent district sales tax now
19 in effect to..... (insert amount) in the
20 (name of district)?

21 [] YES [] No

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

25
26 If a majority of the votes cast on the proposal by the qualified
27 voters of the district voting thereon are in favor of the
28 increase, the increase shall become effective December

1 thirty-first of the calendar year in which such increase was
2 approved.

3 11. (1) There shall not be any election as provided for in
4 this section while the district has any financing or other
5 obligations outstanding.

6 (2) The board, when presented with a petition signed by at
7 least one-third of the registered voters in a district that voted
8 in the last gubernatorial election, or signed by at least
9 two-thirds of property owners of the district, calling for an
10 election to dissolve and repeal the tax shall submit the question
11 to the voters using the same procedure by which the imposing tax
12 was voted. The ballot of submission shall be in substantially
13 the following form:

14 "Shall (name of district) dissolve and
15 repeal the (insert amount) percent district
16 sales tax now in effect in the (name of
17 district)?

18 [] YES [] NO

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

22
23 Such subsequent elections for the repeal of the sales tax shall
24 be conducted in accordance with section 67.2520; provided,
25 however, that the district board of directors may place the
26 question of the repeal of the sales tax before the voters of the
27 district, and the municipal clerk of the city, town, or village
28 which originally conducted the incorporation of the district, or

1 the circuit clerk of the court which originally conducted the
2 incorporation of the district, shall conduct the subsequent
3 election. In subsequent elections the election judges shall
4 certify the election results to the district board of directors.

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

11 12. (1) At such time as the board of directors of the
12 district determines that further operation of the district is not
13 in the best interests of the inhabitants of the district, and
14 that the district should dissolve, the board shall submit for a
15 vote in an election held throughout the district the question of
16 whether the district should be abolished. The question shall be
17 submitted in substantially the following form:

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

20 [] YES [] NO

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

24 (2) The district board shall not propose the question to
25 abolish the district while there are outstanding claims or causes
26 of action pending against the district, while the district
27 liabilities exceed its assets, while indebtedness of the district
28 is outstanding, or while the district is insolvent, in

1 receivership or under the jurisdiction of the bankruptcy court.
2 Prior to submitting the question to abolish the district to a
3 vote of the entire district, the state auditor shall audit the
4 district to determine the financial status of the district, and
5 whether the district may be abolished pursuant to law. The vote
6 on the abolition of the district shall be conducted by the
7 municipal clerk of the city, town, or village in which the
8 district is located. The procedure shall be the same as in
9 section 67.2520, except that the question shall be determined by
10 the qualified voters of the entire district. No individual
11 subdistrict may be abolished, except at such time as the district
12 is abolished.

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

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

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

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

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

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

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

11 67.2535. 1. No village, town, city, or municipality in any
12 charter county with a population of at least two hundred fifty
13 thousand adjoining a charter county with a population of at least
14 nine hundred thousand shall regulate or require a permit or
15 license for blasting operations involving class A explosives.
16 However, the governing body of such charter county with a
17 population of at least two hundred fifty thousand adjoining a
18 charter county with a population of at least nine hundred
19 thousand may regulate such blasting operations and may require
20 such fee, permit, or license of any such blasting operation
21 conducted in such county, whether the blasting operation is
22 located in an unincorporated area or within a village, town,
23 city, or municipal limits.

24 2. If such a county determines to regulate such blasting
25 operations, the county may charge a nonrefundable fee to recover
26 the cost of processing the application and to cover the cost of
27 on-site regulation of the blasting operation, including the cost
28 of monitoring blasts.

1 94.578. 1. In addition to the sales tax authorized in
2 section 94.577, the governing body of any home rule city with
3 more than one hundred fifty-one thousand five hundred but less
4 than one hundred fifty-one thousand six hundred inhabitants is
5 hereby authorized to impose, by order or ordinance, a sales tax
6 on all retail sales made within the city which are subject to
7 sales tax under chapter 144, RSMo. The tax authorized in this
8 section may be imposed at a rate of one-eighth, one-fourth,
9 three-eighths, or one-half of one percent, but shall not exceed
10 one-half of one percent, shall not be imposed for longer than
11 three years, and shall be imposed solely for the purpose of
12 funding the construction, operation, and maintenance of capital
13 improvements in the city's center city. The governing body may
14 issue bonds for the funding of such capital improvements, which
15 will be retired by the revenues received from the sales tax
16 authorized by this section. The order or ordinance shall not
17 become effective unless the governing body of the city submits to
18 the voters residing within the city at a state or municipal
19 general, primary, or special election a proposal to authorize the
20 governing body of the city to impose a tax under this section.
21 The tax authorized in this section shall be in addition to all
22 other sales taxes imposed by law, and shall be stated separately
23 from all other charges and taxes.

24 2. The ballot submission for the tax authorized in this
25 section shall be in substantially the following form:

26 Shall (insert the name of the city) impose a sales
27 tax at a rate of(insert rate of percent) percent for a
28 capital improvements purposes in the city's center city for a

1 period of (insert number of years, not to exceed three)
2 years?

3 YES NO

4
5 If a majority of the votes cast on the question by the qualified
6 voters voting thereon are in favor of the question, then the tax
7 shall become effective on the first day of the second calendar
8 quarter after the director of revenue receives notice of the
9 adoption of the sales tax. If a majority of the votes cast on
10 the question by the qualified voters voting thereon are opposed
11 to the question, then the tax shall not become effective unless
12 and until the question is resubmitted under this section to the
13 qualified voters and such question is approved by a majority of
14 the qualified voters voting on the question. In no case shall a
15 tax be resubmitted to the qualified voters of the city sooner
16 than twelve months from the date of the proposal under this
17 section.

18 3. Any sales tax imposed under this section shall be
19 administered, collected, enforced, and operated as required in
20 section 32.087, RSMo. All revenue generated by the tax shall be
21 deposited in a special trust fund and shall be used solely for
22 the designated purposes. If the tax is repealed, all funds
23 remaining in the special trust fund shall continue to be used
24 solely for the designated purposes. Any funds in the special
25 trust fund which are not needed for current expenditures shall be
26 invested in the same manner as other funds are invested. Any
27 interest and moneys earned on such investments shall be credited
28 to the fund.

1 4. The director of revenue may authorize the state
2 treasurer to make refunds from the amounts in the trust fund and
3 credited to any city for erroneous payments and overpayments
4 made, and may redeem dishonored checks and drafts deposited to
5 the credit of such cities. If any city abolishes the tax, the
6 city shall notify the director of revenue of the action at least
7 ninety days before the effective date of the repeal, and the
8 director of revenue may order retention in the trust fund, for a
9 period of one year, of two percent of the amount collected after
10 receipt of such notice to cover possible refunds or overpayment
11 of the tax and to redeem dishonored checks and drafts deposited
12 to the credit of such accounts. After one year has elapsed after
13 the effective date of abolition of the tax in such city, the
14 director of revenue shall remit the balance in the account to the
15 city and close the account of that city. The director of revenue
16 shall notify each city of each instance of any amount refunded.

17 5. The governing body of any city that has adopted the
18 sales tax authorized in this section may submit the question of
19 repeal of the tax to the voters on any date available for
20 elections for the city. The ballot of submission shall be in
21 substantially the following form:

22 Shall (insert the name of the city) repeal the sales
23 tax imposed at a rate of (insert rate of percent) percent
24 for capital improvements purposes in the city's center city?

25 YES NO

26
27 If a majority of the votes cast on the proposal are in favor of
28 repeal, that repeal shall become effective on December thirty-

1 first of the calendar year in which such repeal was approved. If
2 a majority of the votes cast on the question by the qualified
3 voters voting thereon are opposed to the repeal, then the sales
4 tax authorized in this section shall remain effective until the
5 question is resubmitted under this section to the qualified
6 voters, and the repeal is approved by a majority of the qualified
7 voters voting on the question.

8 6. Whenever the governing body of any city that has adopted
9 the sales tax authorized in this section receives a petition,
10 signed by ten percent of the registered voters of the city voting
11 in the last gubernatorial election, calling for an election to
12 repeal the sales tax imposed under this section, the governing
13 body shall submit to the voters of the city a proposal to repeal
14 the tax. If a majority of the votes cast on the question by the
15 qualified voters voting thereon are in favor of the repeal, that
16 repeal shall become effective on December thirty-first of the
17 calendar year in which such repeal was approved. If a majority
18 of the votes cast on the question by the qualified voters voting
19 thereon are opposed to the repeal, then the tax shall remain
20 effective until the question is resubmitted under this section to
21 the qualified voters and the repeal is approved by a majority of
22 the qualified voters voting on the question.

23 137.100. The following subjects are exempt from taxation
24 for state, county or local purposes:

- 25 (1) Lands and other property belonging to this state;
26 (2) Lands and other property belonging to any city, county
27 or other political subdivision in this state, including market
28 houses, town halls and other public structures, with their

1 furniture and equipments, and on public squares and lots kept
2 open for health, use or ornament;

3 (3) Nonprofit cemeteries;

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

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

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

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

23 (8) Real or personal property leased or otherwise
24 transferred by an interstate compact agency created pursuant to
25 sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100,
26 RSMo, to another for which or whom such property is not exempt
27 when immediately after the lease or transfer, the interstate
28 compact agency enters into a leaseback or other agreement that

1 directly or indirectly gives such interstate compact agency a
2 right to use, control, and possess the property; provided,
3 however, that in the event of a conveyance of such property, the
4 interstate compact agency must retain an option to purchase the
5 property at a future date or, within the limitations period for
6 reverters, the property must revert back to the interstate
7 compact agency. Property will no longer be exempt under this
8 subdivision in the event of a conveyance as of the date, if any,
9 when:

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

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

14 (c) There is no provisions for reverter of the property
15 within the limitation period for reverters.

16 137.720. 1. A percentage of all ad valorem property tax
17 collections allocable to each taxing authority within the county
18 and the county shall be deducted from the collections of taxes
19 each year and shall be deposited into the assessment fund of the
20 county as required pursuant to section 137.750. The percentage
21 shall be one-half of one percent for all counties of the first
22 and second classification and cities not within a county and one
23 percent for counties of the third and fourth classification.

24 2. For counties of the first classification, counties with
25 a charter form of government, and any city not within a county,
26 an additional one-eighth of one percent of all ad valorem
27 property tax collections shall be deducted from the collections
28 of taxes each year and shall be deposited into the assessment

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

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

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

28 5. Any increase to the portion of property tax collections

1 deposited into the county assessment funds provided for in
2 subsection 2 of this section shall be disallowed in any year in
3 which the state tax commission certifies an equivalent sales
4 ratio for the county of less than or equal to thirty-one and two-
5 thirds percent pursuant to the provisions of section 138.395,
6 RSMo.

7 6. The provisions of subsections 2, 4, and 5 of this
8 section shall expire on December 31, 2009.

9 138.011. No member of any board of equalization in any
10 county with a charter form of government shall be an official of
11 any city, town, or village in the county, a member of any school
12 board in the county, or an employee of any school district within
13 the county. Each member shall have some level of experience as
14 determined by the governing authority of the county as a real
15 estate broker, real estate appraiser, home builder, property
16 developer, lending officer, or investor in real estate before
17 their appointment to the board.

18 144.030. 1. There is hereby specifically exempted from the
19 provisions of sections 144.010 to 144.525 and from the
20 computation of the tax levied, assessed or payable pursuant to
21 sections 144.010 to 144.525 such retail sales as may be made in
22 commerce between this state and any other state of the United
23 States, or between this state and any foreign country, and any
24 retail sale which the state of Missouri is prohibited from taxing
25 pursuant to the Constitution or laws of the United States of
26 America, and such retail sales of tangible personal property
27 which the general assembly of the state of Missouri is prohibited
28 from taxing or further taxing by the constitution of this state.

1 2. There are also specifically exempted from the provisions
2 of the local sales tax law as defined in section 32.085, RSMo,
3 section 238.235, RSMo, and sections 144.010 to 144.525 and
4 144.600 to 144.745 and from the computation of the tax levied,
5 assessed or payable pursuant to the local sales tax law as
6 defined in section 32.085, RSMo, section 238.235, RSMo, and
7 sections 144.010 to 144.525 and 144.600 to 144.745:

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

26 (2) Materials, manufactured goods, machinery and parts
27 which when used in manufacturing, processing, compounding,
28 mining, producing or fabricating become a component part or

1 ingredient of the new personal property resulting from such
2 manufacturing, processing, compounding, mining, producing or
3 fabricating and which new personal property is intended to be
4 sold ultimately for final use or consumption; and materials,
5 including without limitation, gases and manufactured goods,
6 including without limitation, slagging materials and firebrick,
7 which are ultimately consumed in the manufacturing process by
8 blending, reacting or interacting with or by becoming, in whole
9 or in part, component parts or ingredients of steel products
10 intended to be sold ultimately for final use or consumption;

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

16 (4) Replacement machinery, equipment, and parts and the
17 materials and supplies solely required for the installation or
18 construction of such replacement machinery, equipment, and parts,
19 used directly in manufacturing, mining, fabricating or producing
20 a product which is intended to be sold ultimately for final use
21 or consumption; and machinery and equipment, and the materials
22 and supplies required solely for the operation, installation or
23 construction of such machinery and equipment, purchased and used
24 to establish new, or to replace or expand existing, material
25 recovery processing plants in this state. For the purposes of
26 this subdivision, a "material recovery processing plant" means a
27 facility which converts recovered materials into a new product,
28 or a different form which is used in producing a new product, and

1 shall include a facility or equipment which is used exclusively
2 for the collection of recovered materials for delivery to a
3 material recovery processing plant but shall not include motor
4 vehicles used on highways. For purposes of this section, the
5 terms "motor vehicle" and "highway" shall have the same meaning
6 pursuant to section 301.010, RSMo;

7 (5) Machinery and equipment, and parts and the materials
8 and supplies solely required for the installation or construction
9 of such machinery and equipment, purchased and used to establish
10 new or to expand existing manufacturing, mining or fabricating
11 plants in the state if such machinery and equipment is used
12 directly in manufacturing, mining or fabricating a product which
13 is intended to be sold ultimately for final use or consumption;

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

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

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

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

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

28 (11) Railroad rolling stock for use in transporting persons

1 or property in interstate commerce and motor vehicles licensed
2 for a gross weight of twenty-four thousand pounds or more or
3 trailers used by common carriers, as defined in section 390.020,
4 RSMo, solely in the transportation of persons or property in
5 interstate commerce;

6 (12) Electrical energy used in the actual primary
7 manufacture, processing, compounding, mining or producing of a
8 product, or electrical energy used in the actual secondary
9 processing or fabricating of the product, or a material recovery
10 processing plant as defined in subdivision (4) of this
11 subsection, in facilities owned or leased by the taxpayer, if the
12 total cost of electrical energy so used exceeds ten percent of
13 the total cost of production, either primary or secondary,
14 exclusive of the cost of electrical energy so used or if the raw
15 materials used in such processing contain at least twenty-five
16 percent recovered materials as defined in section 260.200, RSMo.
17 For purposes of this subdivision, "processing" means any mode of
18 treatment, act or series of acts performed upon materials to
19 transform and reduce them to a different state or thing,
20 including treatment necessary to maintain or preserve such
21 processing by the producer at the production facility;

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

25 (14) Machinery, equipment, appliances and devices purchased
26 or leased and used solely for the purpose of preventing, abating
27 or monitoring air pollution, and materials and supplies solely
28 required for the installation, construction or reconstruction of

1 such machinery, equipment, appliances and devices, and so
2 certified as such by the director of the department of natural
3 resources, except that any action by the director pursuant to
4 this subdivision may be appealed to the air conservation
5 commission which may uphold or reverse such action;

6 (15) Machinery, equipment, appliances and devices purchased
7 or leased and used solely for the purpose of preventing, abating
8 or monitoring water pollution, and materials and supplies solely
9 required for the installation, construction or reconstruction of
10 such machinery, equipment, appliances and devices, and so
11 certified as such by the director of the department of natural
12 resources, except that any action by the director pursuant to
13 this subdivision may be appealed to the Missouri clean water
14 commission which may uphold or reverse such action;

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

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

25 (18) All sales of insulin and prosthetic or orthopedic
26 devices as defined on January 1, 1980, by the federal Medicare
27 program pursuant to Title XVIII of the Social Security Act of
28 1965, including the items specified in Section 1862(a)(12) of

1 that act, and also specifically including hearing aids and
2 hearing aid supplies and all sales of drugs which may be legally
3 dispensed by a licensed pharmacist only upon a lawful
4 prescription of a practitioner licensed to administer those
5 items, including samples and materials used to manufacture
6 samples which may be dispensed by a practitioner authorized to
7 dispense such samples and all sales of medical oxygen, home
8 respiratory equipment and accessories, hospital beds and
9 accessories and ambulatory aids, all sales of manual and powered
10 wheelchairs, stairway lifts, Braille writers, electronic Braille
11 equipment and, if purchased by or on behalf of a person with one
12 or more physical or mental disabilities to enable them to
13 function more independently, all sales of scooters, reading
14 machines, electronic print enlargers and magnifiers, electronic
15 alternative and augmentative communication devices, and items
16 used solely to modify motor vehicles to permit the use of such
17 motor vehicles by individuals with disabilities or sales of
18 over-the-counter or nonprescription drugs to individuals with
19 disabilities;

20 (19) All sales made by or to religious and charitable
21 organizations and institutions in their religious, charitable or
22 educational functions and activities and all sales made by or to
23 all elementary and secondary schools operated at public expense
24 in their educational functions and activities;

25 (20) All sales of aircraft to common carriers for storage
26 or for use in interstate commerce and all sales made by or to
27 not-for-profit civic, social, service or fraternal organizations,
28 including fraternal organizations which have been declared tax-

1 exempt organizations pursuant to Section 501(c)(8) or (10) of the
2 1986 Internal Revenue Code, as amended, solely in their civic or
3 charitable functions and activities and all sales made to
4 eleemosynary and penal institutions and industries of the state,
5 and all sales made to any private not-for-profit institution of
6 higher education not otherwise excluded pursuant to subdivision
7 (19) of this subsection or any institution of higher education
8 supported by public funds, and all sales made to a state relief
9 agency in the exercise of relief functions and activities;

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

20 (22) All sales made to any private not-for-profit
21 elementary or secondary school, all sales of feed additives,
22 medications or vaccines administered to livestock or poultry in
23 the production of food or fiber, all sales of pesticides used in
24 the production of crops, livestock or poultry for food or fiber,
25 all sales of bedding used in the production of livestock or
26 poultry for food or fiber, all sales of propane or natural gas,
27 electricity or diesel fuel used exclusively for drying
28 agricultural crops, natural gas used in the primary manufacture

1 or processing of fuel ethanol as defined in section 142.028,
2 RSMo, and all sales of farm machinery and equipment, other than
3 airplanes, motor vehicles and trailers. As used in this
4 subdivision, the term "feed additives" means tangible personal
5 property which, when mixed with feed for livestock or poultry, is
6 to be used in the feeding of livestock or poultry. As used in
7 this subdivision, the term "pesticides" includes adjuvants such
8 as crop oils, surfactants, wetting agents and other assorted
9 pesticide carriers used to improve or enhance the effect of a
10 pesticide and the foam used to mark the application of pesticides
11 and herbicides for the production of crops, livestock or poultry.
12 As used in this subdivision, the term "farm machinery and
13 equipment" means new or used farm tractors and such other new or
14 used farm machinery and equipment and repair or replacement parts
15 thereon, and supplies and lubricants used exclusively, solely,
16 and directly for producing crops, raising and feeding livestock,
17 fish, poultry, pheasants, chukar, quail, or for producing milk
18 for ultimate sale at retail and one-half of each purchaser's
19 purchase of diesel fuel therefor which is:

20 (a) Used exclusively for agricultural purposes;

21 (b) Used on land owned or leased for the purpose of
22 producing farm products; and

23 (c) Used directly in producing farm products to be sold
24 ultimately in processed form or otherwise at retail or in
25 producing farm products to be fed to livestock or poultry to be
26 sold ultimately in processed form at retail;

27 (23) Except as otherwise provided in section 144.032, all
28 sales of metered water service, electricity, electrical current,

1 natural, artificial or propane gas, wood, coal or home heating
2 oil for domestic use and in any city not within a county, all
3 sales of metered or unmetered water service for domestic use;

4 (a) "Domestic use" means that portion of metered water
5 service, electricity, electrical current, natural, artificial or
6 propane gas, wood, coal or home heating oil, and in any city not
7 within a county, metered or unmetered water service, which an
8 individual occupant of a residential premises uses for
9 nonbusiness, noncommercial or nonindustrial purposes. Utility
10 service through a single or master meter for residential
11 apartments or condominiums, including service for common areas
12 and facilities and vacant units, shall be deemed to be for
13 domestic use. Each seller shall establish and maintain a system
14 whereby individual purchases are determined as exempt or
15 nonexempt;

16 (b) Regulated utility sellers shall determine whether
17 individual purchases are exempt or nonexempt based upon the
18 seller's utility service rate classifications as contained in
19 tariffs on file with and approved by the Missouri public service
20 commission. Sales and purchases made pursuant to the rate
21 classification "residential" and sales to and purchases made by
22 or on behalf of the occupants of residential apartments or
23 condominiums through a single or master meter, including service
24 for common areas and facilities and vacant units, shall be
25 considered as sales made for domestic use and such sales shall be
26 exempt from sales tax. Sellers shall charge sales tax upon the
27 entire amount of purchases classified as nondomestic use. The
28 seller's utility service rate classification and the provision of

1 service thereunder shall be conclusive as to whether or not the
2 utility must charge sales tax;

3 (c) Each person making domestic use purchases of services
4 or property and who uses any portion of the services or property
5 so purchased for a nondomestic use shall, by the fifteenth day of
6 the fourth month following the year of purchase, and without
7 assessment, notice or demand, file a return and pay sales tax on
8 that portion of nondomestic purchases. Each person making
9 nondomestic purchases of services or property and who uses any
10 portion of the services or property so purchased for domestic
11 use, and each person making domestic purchases on behalf of
12 occupants of residential apartments or condominiums through a
13 single or master meter, including service for common areas and
14 facilities and vacant units, under a nonresidential utility
15 service rate classification may, between the first day of the
16 first month and the fifteenth day of the fourth month following
17 the year of purchase, apply for credit or refund to the director
18 of revenue and the director shall give credit or make refund for
19 taxes paid on the domestic use portion of the purchase. The
20 person making such purchases on behalf of occupants of
21 residential apartments or condominiums shall have standing to
22 apply to the director of revenue for such credit or refund;

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

28 (25) Excise taxes, collected on sales at retail, imposed by

1 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
2 4271 of Title 26, United States Code. The director of revenue
3 shall promulgate rules pursuant to chapter 536, RSMo, to
4 eliminate all state and local sales taxes on such excise taxes;

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

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

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

23 (29) All livestock sales when either the seller is engaged
24 in the growing, producing or feeding of such livestock, or the
25 seller is engaged in the business of buying and selling,
26 bartering or leasing of such livestock;

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

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

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

7 (33) Tangible personal property purchased for use or
8 consumption directly or exclusively in the research and
9 development of prescription pharmaceuticals consumed by humans or
10 animals;

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

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

17 (36) All purchases by a contractor on behalf of an entity
18 located in another state, provided that the entity is authorized
19 to issue a certificate of exemption for purchases to a contractor
20 under the provisions of that state's laws. For purposes of this
21 subdivision, the term "certificate of exemption" shall mean any
22 document evidencing that the entity is exempt from sales and use
23 taxes on purchases pursuant to the laws of the state in which the
24 entity is located. Any contractor making purchases on behalf of
25 such entity shall maintain a copy of the entity's exemption
26 certificate as evidence of the exemption. If the exemption
27 certificate issued by the exempt entity to the contractor is
28 later determined by the director of revenue to be invalid for any

1 reason and the contractor has accepted the certificate in good
2 faith, neither the contractor or the exempt entity shall be
3 liable for the payment of any taxes, interest and penalty due as
4 the result of use of the invalid exemption certificate.

5 Materials shall be exempt from all state and local sales and use
6 taxes when purchased by a contractor for the purpose of
7 fabricating tangible personal property which is used in
8 fulfilling a contract for the purpose of constructing, repairing
9 or remodeling facilities for the following:

10 (a) An exempt entity located in this state, if the entity
11 is one of those entities able to issue project exemption
12 certificates in accordance with the provisions of section
13 144.062; or

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

18 (37) Tangible personal property purchased for use or
19 consumption directly or exclusively in research or
20 experimentation activities performed by life science companies
21 and so certified as such by the director of the department of
22 economic development or the director's designees; except that,
23 the total amount of exemptions certified pursuant to this section
24 shall not exceed one million three hundred thousand dollars in
25 state and local taxes per fiscal year. For purposes of this
26 subdivision, the term "life science companies" means companies
27 whose primary research activities are in agriculture,
28 pharmaceuticals, biomedical or food ingredients, and whose North

1 American Industry Classification System (NAICS) Codes fall under
2 industry 541710 (biotech research or development laboratories),
3 621511 (medical laboratories) or 541940 (veterinary services).
4 The exemption provided by this subdivision shall expire on June
5 30, 2003;

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

12 144.615. There are specifically exempted from the taxes
13 levied in sections 144.600 to 144.745:

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

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

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

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

26 (5) Tangible personal property which has been subjected to
27 a tax by any other state in this respect to its sales or use;
28 provided, if such tax is less than the tax imposed by sections

1 144.600 to 144.745, such property, if otherwise taxable, shall be
2 subject to a tax equal to the difference between such tax and the
3 tax imposed by sections 144.600 to 144.745;

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

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

13 144.757. 1. Any county or municipality, except
14 municipalities within a county [of the first classification]
15 having a charter form of government with a population in excess
16 of nine hundred thousand may, by a majority vote of its governing
17 body, impose a local use tax if a local sales tax is imposed as
18 defined in section 32.085, RSMo, at a rate equal to the rate of
19 the local sales tax in effect in such county or municipality;
20 provided, however, that no ordinance or order enacted pursuant to
21 sections 144.757 to 144.761 shall be effective unless the
22 governing body of the county or municipality submits to the
23 voters thereof at a municipal, county or state general, primary
24 or special election [prior to August 7, 1996, or after December
25 31, 1996,] a proposal to authorize the governing body of the
26 county or municipality to impose a local use tax pursuant to
27 sections 144.757 to 144.761. Municipalities within a county [of
28 the first classification] having a charter form of government

1 with a population in excess of nine hundred thousand may, upon
2 voter approval received pursuant to paragraph (b) of subdivision
3 (2) of subsection 2 of this section, impose a local use tax at
4 the same rate as the local municipal sales tax with the revenues
5 from all such municipal use taxes to be distributed pursuant to
6 subsection 4 of section 94.890, RSMo. The municipality shall
7 within thirty days of the approval of the use tax imposed
8 pursuant to paragraph (b) of subdivision (2) of subsection 2 of
9 this section select one of the distribution options permitted in
10 subsection 4 of section 94.890, RSMo, for distribution of all
11 municipal use taxes.

12 2. (1) The ballot of submission, except for counties and
13 municipalities described in subdivisions (2) and (3) of this
14 subsection, shall contain substantially the following language:

15 Shall the (county or municipality's name)
16 impose a local use tax at the same rate as the total local sales
17 tax rate, currently (insert percent), provided that if
18 the local sales tax rate is reduced or raised by voter approval,
19 the local use tax rate shall also be reduced or raised by the
20 same action? A use tax return shall not be required to be filed
21 by persons whose purchases from out-of-state vendors do not in
22 total exceed two thousand dollars in any calendar year.

23 YES NO

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

27 (2) (a) The ballot of submission in a county [of the first
28 classification] having a charter form of government with a

1 population in excess of nine hundred thousand shall contain
2 substantially the following language:

3 For the purposes of [preventing neighborhood decline,
4 demolishing old deteriorating and vacant buildings,
5 rehabilitating historic structures, cleaning polluted sites,
6 promoting reinvestment in neighborhoods by creating the (name of
7 county) Community Comeback Program; and for the purposes of]
8 economic development and enhancing local government services[;].
9 shall the county [governing body] be authorized to collect a
10 local use tax equal to the total of the existing county sales tax
11 rate of (insert tax rate), provided that if the county sales tax
12 is repealed, reduced or raised by voter approval, the local use
13 tax rate shall also be repealed, reduced or raised by the same
14 voter action? [The Community Comeback Program] Fifty percent of
15 the revenue shall be used for economic development, including
16 retention, creation, and attraction of better paying jobs, and
17 fifty percent shall be used for enhancing local government
18 services. The county shall be required to [submit] make
19 available to the public [a] an audited comprehensive financial
20 report detailing the management and use of economic development
21 funds each year.

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

27 [] YES [] NO

28 If you are in favor of the question, place an "X" in the box

1 opposite "Yes". If you are opposed to the question, place an "X"
2 in the box opposite "No".

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

7 Shall the municipality be authorized to impose a local use
8 tax at the same rate as the local sales tax by a vote of the
9 governing body, provided that if any local sales tax is repealed,
10 reduced or raised by voter approval, the respective local use tax
11 shall also be repealed, reduced or raised by the same action? A
12 use tax return shall not be required to be filed by persons whose
13 purchases from out-of-state vendors do not in total exceed two
14 thousand dollars in any calendar year.

15 [] YES [] NO

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

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

21 Shall the (city name) impose a local use tax
22 at the same rate as the local sales tax, currently at a rate of
23 (insert percent) which includes the capital improvements
24 sales tax and the transportation tax, provided that if any local
25 sales tax is repealed, reduced or raised by voter approval, the
26 respective local use tax shall also be repealed, reduced or
27 raised by the same action? A use tax return shall not be
28 required to be filed by persons whose purchases from out-of-

1 state vendors do not in total exceed two thousand dollars in any
2 calendar year.

3 YES NO

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

7 (4) If any of such ballots are submitted on August 6, 1996,
8 and if a majority of the votes cast on the proposal by the
9 qualified voters voting thereon are in favor of the proposal,
10 then the ordinance or order and any amendments thereto shall be
11 in effect October 1, 1996, provided the director of revenue
12 receives notice of adoption of the local use tax on or before
13 August 16, 1996. If any of such ballots are submitted after
14 December 31, 1996, and if a majority of the votes cast on the
15 proposal by the qualified voters voting thereon are in favor of
16 the proposal, then the ordinance or order and any amendments
17 thereto shall be in effect on the first day of the calendar
18 quarter which begins at least forty-five days after the director
19 of revenue receives notice of adoption of the local use tax. If
20 a majority of the votes cast by the qualified voters voting are
21 opposed to the proposal, then the governing body of the county or
22 municipality shall have no power to impose the local use tax as
23 herein authorized unless and until the governing body of the
24 county or municipality shall again have submitted another
25 proposal to authorize the governing body of the county or
26 municipality to impose the local use tax [pursuant to sections
27 144.757 to 144.761] and such proposal is approved by a majority
28 of the qualified voters voting thereon.

1 3. The local use tax may be imposed at the same rate as the
2 local sales tax then currently in effect in the county or
3 municipality upon all transactions which are subject to the taxes
4 imposed pursuant to sections 144.600 to 144.745 within the county
5 or municipality adopting such tax; provided, however, that if any
6 local sales tax is repealed or the rate thereof is reduced or
7 raised by voter approval, the local use tax rate shall also be
8 deemed to be repealed, reduced or raised by the same action
9 repealing, reducing or raising the local sales tax.

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

17 144.759. 1. All local use taxes collected by the director
18 of revenue pursuant to sections 144.757 to 144.761 on behalf of
19 any county or municipality, less one percent for cost of
20 collection, which shall be deposited in the state's general
21 revenue fund after payment of premiums for surety bonds as
22 provided in section 32.087, RSMo, shall be deposited with the
23 state treasurer in a local use tax trust fund, which fund shall
24 be separate and apart from the local sales tax trust funds. The
25 moneys in such local use tax trust fund shall not be deemed to be
26 state funds and shall not be commingled with any funds of the
27 state. The director of revenue shall keep accurate records of
28 the amount of money in the trust fund which was collected in each

1 county or municipality imposing a local use tax, and the records
2 shall be open to the inspection of officers of the county or
3 municipality and to the public. No later than the tenth day of
4 each month, the director of revenue shall distribute all moneys
5 deposited in the trust fund during the preceding month, except as
6 provided in subsection 2 of this section, to the county or
7 municipality treasurer, or such other officer as may be
8 designated by the county or municipality ordinance or order, of
9 each county or municipality imposing the tax authorized by
10 sections 144.757 to 144.761, the sum due the county or
11 municipality as certified by the director of revenue.

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

1 and conduct an annual review of the strategy. The treasurer or
2 such other officer as may be designated by county ordinance shall
3 distribute one-third of the balance to the county and to each
4 city, town and village in group B according to section 66.620,
5 RSMo, as modified by this section, a portion of the two-thirds
6 remainder of such balance equal to the percentage ratio that the
7 population of each such city, town or village bears to the total
8 population of all such group B cities, towns and villages. For
9 the purposes of this subsection, population shall be determined
10 by the last federal decennial census or the latest census that
11 determines the total population of the county and all political
12 subdivisions therein. For the purposes of this subsection, each
13 city, town or village in group A according to section 66.620,
14 RSMo, but whose per capita sales tax receipts during the
15 preceding calendar year pursuant to sections 66.600 to 66.630,
16 RSMo, were less than the per capita countywide average of all
17 sales tax receipts during the preceding calendar year, shall be
18 treated as a group B city, town or village until the per capita
19 amount distributed to such city, town or village equals the
20 difference between the per capita sales tax receipts during the
21 preceding calendar year and the per capita countywide average of
22 all sales tax receipts during the preceding calendar year.

23 3. The director of revenue may authorize the state
24 treasurer to make refunds from the amounts in the trust fund and
25 credited to any county or municipality for erroneous payments and
26 overpayments made, and may redeem dishonored checks and drafts
27 deposited to the credit of such counties or municipalities. If
28 any county or municipality abolishes the tax, the county or

1 municipality shall notify the director of revenue of the action
2 at least ninety days prior to the effective date of the repeal,
3 and the director of revenue may order retention in the trust
4 fund, for a period of one year, of two percent of the amount
5 collected after receipt of such notice to cover possible refunds
6 or overpayment of the tax and to redeem dishonored checks and
7 drafts deposited to the credit of such accounts. After one year
8 has elapsed after the effective date of abolition of the tax in
9 such county or municipality, the director of revenue shall
10 authorize the state treasurer to remit the balance in the account
11 to the county or municipality and close the account of that
12 county or municipality. The director of revenue shall notify
13 each county or municipality of each instance of any amount
14 refunded or any check redeemed from receipts due the county or
15 municipality.

16 4. Except as modified in sections 144.757 to 144.761, all
17 provisions of sections 32.085 and 32.087, RSMo, applicable to the
18 local sales tax, except for subsection 12 of section 32.087,
19 RSMo, and all provisions of sections 144.600 to 144.745 shall
20 apply to the tax imposed pursuant to sections 144.757 to 144.761,
21 and the director of revenue shall perform all functions incident
22 to the administration, collection, enforcement, and operation of
23 the tax.

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

25 (1) Expenditures for infrastructure and sites for business
26 development or for public infrastructure projects;

27 (2) Purchase, assembly, clearance, demolition,
28 environmental remediation, planning, redesign, reconstruction,

1 rehabilitation, construction, modification or expansion of land,
2 structures and facilities, public or private, either in
3 connection with a reinvestment project in areas with underused,
4 derelict, economically challenged, or environmentally troubled
5 sites, or in connection with business attraction, retention,
6 creation, or expansion;

7 _____ (3) Expenditures related to business district activities
8 such as facade improvements, landscaping, street lighting,
9 sidewalk construction, trash receptacles, park benches, and other
10 public improvements;

11 _____ (4) Expenditures for the provision of workforce training
12 and educational support in connection with job creation,
13 retention, attraction, and expansion;

14 _____ (5) Development and operation of business incubator
15 facilities, and related entrepreneurship support programs;

16 _____ (6) Capitalization or guarantee of small business loan or
17 equity funds;

18 _____ (7) Expenditures for business development activities
19 including attraction, creation, retention, and expansion; and

20 _____ (8) Related administration expenses of economic and
21 community development programs, provided that such expenses shall
22 not exceed five percent of annual revenues.

23 _____ 190.306. No provision in this chapter shall be construed to
24 require any municipality within any county of the third
25 classification without a township form of government and with
26 more than fifty-four thousand two hundred but less than
27 fifty-four thousand three hundred inhabitants that has
28 established an emergency telephone service to dissolve the

1 service in the event that the county in which the municipality is
2 located establishes an emergency telephone service and moves to a
3 higher county classification.

4 193.265. 1. For the issuance of a certification or copy of
5 a vital record, the applicant shall pay a fee of [~~ten~~] thirteen
6 dollars to the state department of revenue. [For each vital
7 records fee collected from August 28, 1992, to June 30, 1996, the
8 director of revenue shall credit four dollars to the general
9 revenue fund, three dollars to the children's trust fund as
10 established pursuant to section 210.173, RSMo, two dollars to the
11 Missouri public health services fund established in section
12 192.900, RSMo, and one dollar shall be deposited in the "Endowed
13 Care Cemetery Audit Fund", which is hereby created in the state
14 treasury. Money in the endowed care cemetery audit fund shall be
15 available by appropriation to the division of professional
16 registration to pay its expenses in administering sections
17 214.270 to 214.410, RSMo. All interest earned on money deposited
18 in the endowed care cemetery audit fund shall be credited to the
19 endowed care cemetery audit fund. Notwithstanding the provisions
20 of section 33.080, RSMo, to the contrary, money placed in the
21 endowed care cemetery audit fund shall not be transferred and
22 placed to the credit of general revenue until the amount in the
23 fund at the end of the biennium exceeds three times the amount of
24 the appropriation from the endowed care cemetery audit fund for
25 the preceding fiscal year. The money deposited in the public
26 health services fund pursuant to this section shall be deposited
27 in a separate account in the fund, and moneys in such account,
28 upon appropriation, shall be used to automate and improve the

1 state vital records system and allow local registrars to issue
2 computer-generated certificates of birth and death records of
3 persons who are born or who die in Missouri. Beginning July 1,
4 1996,] Beginning August 28, 2004, for each vital records fee
5 collected, the director of revenue shall credit four dollars to
6 the general revenue fund, five dollars to the children's trust
7 fund [and], one dollar shall be credited to the endowed care
8 cemetery audit fund, and three dollars to the Missouri public
9 health services fund established in section 192.900, RSMo. Money
10 in the endowed care cemetery audit fund shall be available by
11 appropriation to the division of professional registration to pay
12 its expenses in administering sections 214.270 to 214.410, RSMo.
13 All interest earned on money deposited in the endowed care
14 cemetery audit fund shall be credited to the endowed care
15 cemetery fund. Notwithstanding the provisions of section 33.080,
16 RSMo, to the contrary, money placed in the endowed care cemetery
17 audit fund shall not be transferred and placed to the credit of
18 general revenue until the amount in the fund at the end of the
19 biennium exceeds three times the amount of the appropriation from
20 the endowed care cemetery audit fund for the preceding fiscal
21 year. The money deposited in the public health services fund
22 pursuant to this section shall be deposited in a separate account
23 in the fund, and moneys in such account, upon appropriation,
24 shall be used to automate and improve the state vital records
25 system, and develop and maintain an electronic birth and death
26 registration system which shall be implemented no later than
27 December 31, 2008. For any search of the files and records, when
28 no record is found, the state shall be entitled to a fee equal to

1 the amount for a certification of a vital record for a five-year
2 search to be paid by the applicant. For the processing of each
3 legitimation, adoption, court order or recording after the
4 registrant's twelfth birthday, the state shall be entitled to a
5 fee equal to the amount for a certification of a vital record.
6 Except whenever a certified copy or copies of a vital record is
7 required to perfect any claim of any person on relief, or any
8 dependent of any person who was on relief for any claim upon the
9 government of the state or United States, the state registrar
10 shall, upon request, furnish a certified copy or so many
11 certified copies as are necessary, without any fee or
12 compensation therefor.

13 2. For the issuance of a certification of a birth or death
14 record by the local registrar, the applicant shall pay a fee of
15 ~~[ten]~~ thirteen dollars to the official city or county health
16 agency. A certified copy of a death record by the local
17 registrar can only be issued within twenty-four hours of receipt
18 of the record by the local registrar. Computer-generated
19 certifications of death records may be issued by the local
20 registrar after twenty-four hours of receipt of the records. The
21 fees paid to the official county health agency shall be retained
22 by the local agency for local public health purposes.

23 221.070. 1. Every person who shall be committed to the
24 common jail within any county in this state, by lawful authority,
25 for any offense or misdemeanor, if he shall be convicted thereof,
26 shall bear the expense of carrying him or her to said jail, and
27 also his or her support while in jail, before he or she shall be
28 discharged; and the property of such person shall be subjected to

1 the payment of such expenses, and shall be bound therefor, from
2 the time of his commitment, and may be levied on and sold, from
3 time to time, under the order of the court having criminal
4 jurisdiction in the county, to satisfy such expenses.

5 2. Every person who shall be committed to the common jail
6 within any county of the first classification with more than two
7 hundred forty thousand three hundred but less than two hundred
8 forty thousand four hundred inhabitants, or any county of the
9 first classification with more than one hundred four thousand six
10 hundred but less than one hundred four thousand seven hundred
11 inhabitants or any county of the third classification without a
12 township form of government and with more than thirty-four
13 thousand but less than thirty-four thousand one hundred
14 inhabitants or any county of the first classification with more
15 than thirty-nine thousand seven hundred but less than thirty-nine
16 thousand eight hundred inhabitants, or any county of the second
17 classification without a township form of government and with
18 more than fifty-four thousand two hundred but less than
19 fifty-four thousand three hundred inhabitants, by lawful
20 authority, for any offense or misdemeanor, if he or she shall be
21 convicted thereof, may pay a fee upon being arrested and
22 processed at the county jail. The amount of the processing fee
23 shall be calculated annually by dividing the total amount of the
24 salaries for employees of the county jail employed in the
25 processing division by the total number of inmates processed
26 during one year.

27 245.015. The owners of a majority of the acreage in any
28 contiguous body of swamp, wet or overflowed land or other

1 property in the nature of individual or corporate franchises in
2 this state, or land subject to overflow, wash or bank erosion,
3 [situate] located in one or more counties or in [a third or
4 fourth] any city, town, or village in this state not located
5 within any county with a charter form of government and with more
6 than two hundred fifty thousand but less than three hundred fifty
7 thousand inhabitants, or in any third or fourth class city, town
8 or village in this state which is located within any county with
9 a charter form of government and with more than two hundred fifty
10 thousand but less than three hundred fifty thousand inhabitants,
11 may form a levee district for the purpose of having such land and
12 other property reclaimed and protected from the effects of
13 overflow and other water, for sanitary or agricultural purposes,
14 or from the effect of wash or bank erosion, or when the same may
15 be conducive to the public health, convenience or welfare, or of
16 public utility or benefit, by levee, or otherwise, and for that
17 purpose they may make and sign articles of association in which
18 shall be stated: The name of the district, and the number of
19 years the same is to continue; the boundary lines of the proposed
20 levee district; the names as listed on the county assessor's
21 records of the owners of land or other individual or corporate
22 franchise property in [said] such district, together with a plat
23 of the district showing the lands to be covered in the district;
24 [said] such articles shall further state that the owners of real
25 estate and other such property within [said] the district whose
26 names are subscribed to [said] such articles are willing to and
27 do obligate themselves to pay the tax or taxes which may be
28 assessed against their respective lands or other property to pay

1 the expense of organizing, and of making and maintaining the
2 improvements that may be necessary to effect the reclamation or
3 protection of [said] such lands or other such property, so formed
4 into a levee district, and to reclaim and to protect the same
5 from the effects of overflow and other water, or from bank
6 erosion or wash, and [said] the articles of association shall
7 contain a petition praying that the lands and other property
8 described therein be declared a levee district under the
9 provisions of this law. After [said] the articles of association
10 and petition have been so signed the same shall be filed in the
11 office of the circuit clerk of the county in which such lands and
12 other property are [situate] located; or, if such lands and other
13 property be composed of tracts or parcels [situate] located in
14 two or more different counties then in the office of the clerk of
15 the circuit court of the county in which [there are situate] more
16 of [said] such lands and other property are located than in any
17 other county; provided, that in the event any work is to be done
18 upon any navigable stream, the consent of the federal government
19 shall be obtained to make such improvement or improvements before
20 the actual work on the improvements shall be begun.

21 245.060. Within thirty days after any levee district shall
22 have been organized and incorporated under the provisions of
23 section 245.025 the circuit clerk of the court organizing [said]
24 such district shall, upon giving notice by causing publication to
25 be made once a week for two consecutive weeks in some newspaper
26 published in each county in which lands of the district are
27 [situate] located, the last insertion to be at least ten days
28 before the day of such meeting, call a meeting of the owners of

1 real estate or other property [situate] located in [said] such
2 district, including the authorized representative of any
3 corporation which owns real estate or other property [situate]
4 located in [said] such district, at a day and hour specified in
5 some public place in the county in which the district was
6 organized, for the purpose of electing a board of five
7 supervisors, to be composed of owners of real estate in [said]
8 the district, which may include the authorized representative of
9 any corporation which owns real estate or other property in
10 [said] the district, two of whom at least shall be residents of
11 the county or counties in which [said] the district is [situate]
12 located, or some adjoining counties; the landowners, when
13 assembled, shall organize by the election of a chairman and
14 secretary of the meeting, who shall conduct the election; at such
15 election each and every acre of land and each and every mile of
16 right-of-way of every corporation owning a franchise in the
17 district shall represent one share, and each owner shall be
18 entitled to one vote in person or by proxy for every acre of land
19 or mile of right-of-way owned by him or her in such district, and
20 the five persons receiving the highest number of votes shall be
21 declared elected as supervisors; and [said] the supervisors shall
22 immediately by lot determine the terms of their office, which
23 shall be respectively one, two, three, four and five years, and
24 they shall serve until their successors shall have been elected
25 and qualified; provided, that if the levee district be located
26 wholly within a third or fourth class city of this state, or
27 within any city in this state under fifty thousand population
28 operating under a special charter then the owner of each lot,

1 tract, parcel or subdivision thereof, as set forth in the final
2 decree of the court creating and incorporating [said] such levee
3 district, shall be entitled to one vote, in person or by proxy,
4 for each lot, tract, parcel or subdivision thereof, owned by him
5 or her.

6 245.095. 1. In order to effect the leveeing, protection
7 and reclamation of the land and other property in the district
8 subject to tax, the board of supervisors is authorized and
9 empowered to straighten, widen, change the course and line of any
10 levee in or out of [said] such district; to fill up any creek,
11 drain, channel, river, watercourse or natural stream; and to
12 divert or divide the flow of water in or out of [said] the
13 district; to construct and maintain sewers, levees, dikes, dams,
14 sluices, revetments, drainage ditches, pumping stations, syphons
15 and any other works and improvements deemed necessary to preserve
16 and maintain the works in or out of [said] the district; to
17 construct roadways over levees and embankments; to construct any
18 and all of [said] such works and improvements across, through or
19 over any public highway, railroad right-of-way, track, grade,
20 fill or cut in or out of [said] the district; to remove any
21 fence, building or other improvements in or out of [said] the
22 district, and shall have the right to hold, control and acquire
23 by donation or purchase, and if need be, condemn any land,
24 easement, railroad or other right-of-way, sluice or franchise in
25 or out of [said] the district for right-of-way, or for any of the
26 purposes herein provided, or for material to be used in
27 constructing and maintaining [said] such works and improvements
28 for leveeing, protecting and reclaiming the lands in [said] the

1 district. [Said] The board shall also have the right to condemn
2 for the use of the district, any land or property within or
3 without [said] the district not acquired or condemned by the
4 court on the report of the commissioners assessing benefits and
5 damages and shall follow the procedure that is now provided by
6 law for the appropriation of land or other property taken for
7 telegraph, telephone and railroad rights-of-way.

8 2. In addition to the powers granted in subsection 1 of
9 this section, in any levee district formed under the laws of this
10 state having an assessed valuation of real property of twenty-
11 five million dollars or greater and located, in whole or in part,
12 in any county with a charter form of government and with more
13 than one million inhabitants, the board of supervisors is
14 authorized to construct and maintain waterlines and any other
15 works and improvements deemed necessary to preserve and maintain
16 the works in or out of the district.

17 246.305. 1. In any levee district formed pursuant to the
18 laws of this state having assessed valuation of real property of
19 twenty-five million dollars or greater, which is located in whole
20 or in part in a county [having over nine hundred thousand in
21 population] with a charter form of government and with more than
22 one million inhabitants according to the last decennial census,
23 the board of supervisors may by order, resolution or ordinance,
24 following a public hearing thereon called upon notice as provided
25 in section 245.060, RSMo, adopt the following alternative
26 [procedures] procedure with respect to voting rights [and
27 apportionment of installment taxes]:

28 [(1)] Voting by landowners of the levee district shall be

1 determined on the basis of the assessed benefits of the property
2 owned and the owner of each piece of property shall receive one
3 vote per ten thousand dollars of assessed benefits, rounded to
4 the next lowest amount in cases where assessed benefits do not
5 evenly tally. In cases where the assessed benefits of a piece of
6 property are below ten thousand dollars, the owner shall be
7 entitled to one vote[;].

8 [(2)] 2. In any levee district formed under the laws of
9 this state, the board of supervisors may, by order, resolution,
10 or ordinance, following a public hearing thereon called upon
11 notice as provided in section 245.060, RSMo, adopt the procedure
12 in this subsection with respect to the apportionment of
13 installment taxes. After the making of a readjustment of the
14 assessment of benefits pursuant to section 245.197, RSMo, then
15 the board of supervisors shall reapportion and levy on each tract
16 of land or other property in the district the taxes imposed under
17 section 245.180, 245.190 or 245.198, RSMo, in proportion to the
18 benefits assessed as readjusted and not in excess thereof. In
19 case bonds have been issued as provided in sections 245.010 to
20 245.280, RSMo, then the amount of interest which will accrue on
21 such bonds shall be included and added to said taxes as
22 reapportioned and levied based upon the benefits assessed as
23 readjusted. The secretary of the board of supervisors, as soon
24 as said tax has been reapportioned, shall, at the expense of the
25 district, prepare a list of all taxes as reapportioned and
26 levied, in the form of a well-bound book, which book shall be
27 endorsed and named "Readjusted Levee Tax Record of
28 District", which endorsement shall also be printed or

1 written at the top of each page of said book, and shall be signed
2 and certified by the president and secretary of the board of
3 supervisors, attested by the seal of the district, and the same
4 shall thereafter become a permanent record in the office of
5 [said] the secretary. The [said] board of supervisors shall each
6 year thereafter determine, order and levy the amount of the
7 annual installment of the total taxes levied under section
8 245.180, 245.190 or 245.198, RSMo, based upon such
9 reapportionment, which shall in all other respects be due and
10 collected as provided in section 245.185, RSMo.

11 260.831. 1. Each operator of a solid waste sanitary or
12 demolition landfill in any county wherein a landfill fee has been
13 approved by the voters pursuant to section 260.830 shall collect
14 a charge equal to the charge authorized by the voters in such
15 election, not to exceed one dollar and fifty cents per ton or its
16 volumetric equivalent of solid waste accepted. Such fee shall be
17 collected in addition to any fee authorized or imposed pursuant
18 to the provisions of section 260.330, and shall be paid to such
19 operator by all political subdivisions, municipalities,
20 corporations, entities or persons disposing of solid waste or
21 demolition waste, whether pursuant to contract or otherwise, and
22 notwithstanding that any such contract may provide for
23 collection, transportation and disposal of such waste at a fixed
24 fee. Any such contract providing for collections, transportation
25 and disposal of such waste at a fixed fee which is in force on
26 August 28, 2003, shall be renegotiated by the parties to the
27 contract to include the additional fee imposed by this section.
28 Each such operator shall submit the charge, less collection

1 costs, to the governing body of the county, which shall dedicate
2 such funds for use by the industrial development authority within
3 the county and such funds shall be used by the county commission
4 or authority for economic development within the county.
5 Collection costs shall be the same as established by the
6 department of natural resources pursuant to section 260.330, and
7 shall not exceed two percent of the amount collected pursuant to
8 this section.

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

22 304.010. 1. As used in this section, the following terms
23 mean:

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

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

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

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

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

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

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

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

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

25 (5) All other roads provided for in subdivision (4) of this
26 subsection shall not include any state two-lane road which is
27 identified by letter. Such lettered roads shall not exceed
28 fifty-five miles per hour unless set at a higher speed as

1 established by the department of transportation, except that no
2 speed limit shall be set higher than sixty miles per hour;

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

6 3. On any state road or highway where the speed limit is
7 not set pursuant to a local ordinance, the highways and
8 transportation commission may set a speed limit higher or lower
9 than the uniform maximum speed limit provided in subsection 2 of
10 this section, if a higher or lower speed limit is recommended by
11 the department of transportation. The department of public
12 safety, where it believes for safety reasons, or to expedite the
13 flow of traffic a higher or lower speed limit is warranted, may
14 request the department of transportation to raise or lower such
15 speed limit, except that no speed limit shall be set higher than
16 seventy miles per hour.

17 4. Notwithstanding the provisions of section 304.120 or any
18 other provision of law to the contrary, cities, towns and
19 villages may regulate the speed of vehicles on state roads and
20 highways within such cities', towns' or villages' corporate
21 limits by ordinance with the approval of the state highways and
22 transportation commission. Any reduction of speed in cities,
23 towns or villages shall be designed to expedite the flow of
24 traffic on such state roads and highways to the extent consistent
25 with public safety. The commission may declare any ordinance
26 void if it finds that such ordinance is:

- 27 (1) Not primarily designed to expedite traffic flow; and
28 (2) Primarily designed to produce revenue for the city,

1 town or village which enacted such ordinance.

2
3 If an ordinance is declared void, the city, town or village shall
4 have any future proposed ordinance approved by the highways and
5 transportation commission before such ordinance may take effect.

6 5. The county commission of any county of the second, third
7 or fourth classification may set the speed limit or the weight
8 limit or both the speed limit and the weight limit on roads or
9 bridges on any county, township or road district road in the
10 county and, with the approval of the state highways and
11 transportation commission, on any state road or highway not
12 within the limits of any incorporated city, town or village,
13 lower than the uniform maximum speed limit as provided in
14 subsection 2 of this section where the condition of the road or
15 the nature of the area requires a lower speed. The commission
16 shall send copies of any order establishing a speed limit or
17 weight limit on roads and bridges on a county, township or road
18 district road in the county to the chief engineer of the state
19 department of transportation, the superintendent of the state
20 highway patrol and to any township or road district maintaining
21 roads in the county. After the roads have been properly marked
22 by signs indicating the speed limits and weight limits set by the
23 county commission, the speed limits and weight limits shall be of
24 the same effect as the speed limits provided for in subsection 1
25 of this section and shall be enforced by the state highway patrol
26 and the county sheriff as if such speed limits and weight limits
27 were established by state law.

28 6. The county commission of any county of the second,

1 third, or fourth classification may by ordinance set a countywide
2 speed limit on roads within unincorporated areas of any county,
3 township, or road district in the county and may establish
4 reasonable speed regulations for motor vehicles within the limit
5 of such county. No person who is not a resident of such county
6 and who has not been within the limits thereof for a continuous
7 period of more than forty-eight hours shall be convicted of a
8 violation of such ordinances, unless it is shown by competent
9 evidence that there was posted at the place where the boundary of
10 such county road enters the county a sign displaying in black
11 letters not less than four inches high and one inch wide on a
12 white background the speed fixed by such county so that such
13 signs may be clearly seen by operators and drivers from their
14 vehicles upon entering such county. The commission shall send
15 copies of any order establishing a countywide speed limit on a
16 county, township, or road district road in the county to the
17 chief engineer of the Missouri department of transportation, the
18 superintendent of the state highway patrol, and to any township
19 or road district maintaining roads in the county. After the
20 boundaries of the county roads entering the county have been
21 properly marked by signs indicating the speed limits set by the
22 county commission, the speed limits shall be of the same effect
23 as the speed limits provided for in subsection 1 of this section
24 and shall be enforced by the state highway patrol and the county
25 sheriff as if such speed limits were established by state law.

26 [6.] 7. All road signs indicating speed limits or weight
27 limits shall be uniform in size, shape, lettering and coloring
28 and shall conform to standards established by the department of

1 transportation.

2 [7.] 8. The provisions of this section shall not be
3 construed to alter any speed limit set below fifty-five miles per
4 hour by any ordinance of any county, city, town or village of the
5 state adopted before March 13, 1996.

6 [8.] 9. The speed limits established pursuant to this
7 section shall not apply to the operation of any emergency vehicle
8 as defined in section 304.022.

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

14 [10.] 11. Any person violating the provisions of this
15 section is guilty of a class C misdemeanor, unless such person
16 was exceeding the posted speed limit by twenty miles per hour or
17 more then it is a class B misdemeanor.

18 475.275. 1. The conservator, at the time of filing any
19 settlement with the court, shall exhibit all securities or
20 investments held by him to an officer of the bank or other
21 depository wherein the securities or investments are held for
22 safekeeping or to an authorized representative of the corporation
23 which is surety on his bond, or to the judge or clerk of a court
24 of record in this state, or upon request of the conservator or
25 other interested party, to any other reputable person designated
26 by the court, who shall certify in writing that he has examined
27 the securities or investments and identified them with those
28 described in the account and shall note any omission or

1 discrepancies. If the depositary is the conservator, the
2 certifying officer shall not be the officer verifying the
3 account. The conservator may exhibit the securities or
4 investments to the judge of the court, who shall endorse on the
5 account and copy thereof, a certificate that the securities or
6 investments shown therein as held by the conservator were each in
7 fact exhibited to him and that those exhibited to him were the
8 same as those in the account and noting any omission or
9 discrepancy. The certificate, and the certificate of an official
10 of the bank in which are deposited any funds for which the
11 conservator is accountable, showing the amount on deposit, shall
12 be prepared and signed in duplicate and one of each shall be
13 filed by the conservator with his account.

14 2. (1) As used in this section, "pooled account" means any
15 account maintained by a fiduciary for more than one principal and
16 established to manage and invest the funds of such principals.
17 No fiduciary shall place funds into a pooled account unless the
18 account meets the following criteria:

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

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

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

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

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

3 (2) The public administrator of any county with a charter
4 form of government and with more than six hundred thousand but
5 less than seven hundred thousand inhabitants serving as
6 conservator and using pooled accounts for the investing and
7 management of conservatorship funds shall have any such accounts
8 audited on at least an annual basis by an independent certified
9 public accountant. The audit shall review the records of the
10 receipts and disbursements of each estate account. Upon
11 completion of the investigation, the certified public accountant
12 shall render a report to the judge of record in this state
13 showing the receipts, disbursements, and account balances as to
14 each estate as well as the total assets on deposit in the pooled
15 account on the last calendar day of each year. The county shall
16 provide for the expense of the audit. If the public
17 administrator has provided the judge with the audit required by
18 this subsection, the public administrator shall not be required
19 to obtain the written certification of an officer of a bank or
20 other depository on any estate asset maintained within the pooled
21 account as required in subsection 1 of this section.

22 479.020. 1. Any city, town or village, including those
23 operating under a constitutional or special charter, may, and
24 cities with a population of four hundred thousand or more shall,
25 provide by ordinance or charter for the selection, tenure and
26 compensation of a municipal judge or judges consistent with the
27 provisions of this chapter who shall have original jurisdiction
28 to hear and determine all violations against the ordinances of

1 the municipality. The method of selection of municipal judges
2 shall be provided by charter or ordinance. Each municipal judge
3 shall be selected for a term of not less than two years as
4 provided by charter or ordinance.

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

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

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

20 5. Judges selected under the provisions of this section
21 shall be municipal judges of the circuit court and shall be
22 divisions of the circuit court of the circuit in which the
23 municipality, or major geographical portion thereof, is located.
24 The judges of these municipal divisions shall be subject to the
25 rules of the circuit court which are not inconsistent with the
26 rules of the supreme court. The presiding judge of the circuit
27 shall have general administrative authority over the judges and
28 court personnel of the municipal divisions within the circuit.

1 [Notwithstanding the foregoing provisions of this subsection, in
2 any city with a population of over four hundred thousand with
3 full-time municipal judges who are subject to a plan of merit
4 selection and retention, such municipal judges and court
5 personnel of the municipal divisions shall not be subject to
6 court management and case docketing in the municipal divisions by
7 the presiding judge or the rules of the circuit court of which
8 the municipal divisions are a part.]

9 6. No municipal judge shall hold any other office in the
10 municipality which the municipal judge serves as judge. The
11 compensation of any municipal judge and other court personnel
12 shall not be dependent in any way upon the number of cases tried,
13 the number of guilty verdicts reached or the amount of fines
14 imposed or collected.

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

18 8. Within six months after selection for the position, each
19 municipal judge who is not licensed to practice law in this state
20 shall satisfactorily complete the course of instruction for
21 municipal judges prescribed by the supreme court. The state
22 courts administrator shall certify to the supreme court the names
23 of those judges who satisfactorily complete the prescribed
24 course. If a municipal judge fails to complete satisfactorily
25 the prescribed course within six months after the municipal
26 judge's selection as municipal judge, the municipal judge's
27 office shall be deemed vacant and such person shall not
28 thereafter be permitted to serve as a municipal judge, nor shall

1 any compensation thereafter be paid to such person for serving as
2 municipal judge.

3 493.050. 1. All public advertisements and orders of
4 publication required by law to be made and all legal publications
5 affecting the title to real estate, shall be published in some
6 daily, triweekly, semiweekly or weekly newspaper of general
7 circulation in the county where located and which shall have been
8 admitted to the post office as periodicals class matter in the
9 city of publication; shall have been published regularly and
10 consecutively for a period of three years, except that a
11 newspaper of general circulation may be deemed to be the
12 successor to a defunct newspaper of general circulation, and
13 subject to all of the rights and privileges of said prior
14 newspaper under this statute, if the successor newspaper shall
15 begin publication no later than thirty consecutive days after the
16 termination of publication of the prior newspaper; shall have a
17 list of bona fide subscribers voluntarily engaged as such, who
18 have paid or agreed to pay a stated price for a subscription for
19 a definite period of time; provided, that when a public notice,
20 required by law, to be published once a week for a given number
21 of weeks, shall be published in a daily, triweekly, semiweekly or
22 weekly newspaper, the notice shall appear once a week, on the
23 same day of each week, and further provided, that every affidavit
24 to proof of publication shall state that the newspaper in which
25 such notice was published has complied with the provisions of
26 this section; provided further, that the duration of consecutive
27 publication provided for in this section shall not affect
28 newspapers which have become legal publications prior to

1 September 6, 1937; provided, however, that when any newspaper
2 shall be forced to suspend publication in any time of war, due to
3 the owner or publisher being inducted into the armed forces of
4 the United States, the newspaper may be reinstated within one
5 year after actual hostilities have ceased, with all the benefits
6 provided pursuant to the provisions of this section, upon the
7 filing with the secretary of state of notice of intention of such
8 owner or publisher, the owner's surviving spouse or legal heirs,
9 to republish such newspaper, setting forth the name of the
10 publication, its volume and number, its frequency of publication,
11 and its readmission to the post office where it was previously
12 entered as periodicals class mail matter, and when it shall have
13 a list of bona fide subscribers voluntarily engaged as such who
14 have paid or agreed to pay a stated price for subscription for a
15 definite period of time. All laws or parts of laws in conflict
16 with this section except sections 493.070 to 493.120, are hereby
17 repealed.

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

26 537.550. 1. No county, city or village with ten thousand
27 or fewer inhabitants that organizes, sponsors, or conducts any
28 fair, festival, or similar gathering shall be liable, except as

1 provided in sections 537.600 to 537.650, for an injury or death
2 of any person attending the event, and no person attending the
3 event shall make any claim against, or recover from, any such
4 county, city or village for injury, loss, damage, or death of the
5 person attending the event.

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

15
16 WARNING

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

23 644.032. 1. The governing body of any municipality or
24 county may impose, by ordinance or order, a sales tax in an
25 amount not to exceed one-half of one percent on all retail sales
26 made in such municipality or county which are subject to taxation
27 under the provisions of sections 144.010 to 144.525, RSMo. The
28 tax authorized by this section and section 644.033 shall be in

1 addition to any and all other sales taxes allowed by law, except
2 that no ordinance or order imposing a sales tax under the
3 provisions of this section and section 644.033 shall be effective
4 unless the governing body of the municipality or county submits
5 to the voters of the municipality or county, at a municipal,
6 county or state general, primary or special election, a proposal
7 to authorize the governing body of the municipality or county to
8 impose a tax, provided that the tax authorized by this section
9 shall not be imposed on the sales of food, as defined in section
10 144.014, RSMo, when imposed by any county with a charter form of
11 government and with more than one million inhabitants.

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

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

19 YES NO

20
21 If a majority of the votes cast on the proposal by the qualified
22 voters voting thereon are in favor of the proposal, then the
23 ordinance or order and any amendments thereto shall be in effect
24 on the first day of the second quarter after the director of
25 revenue receives notice of adoption of the tax. If a majority of
26 the votes cast by the qualified voters voting are opposed to the
27 proposal, then the governing body of the municipality or county
28 shall not impose the sales tax authorized in this section and

1 section 644.033 until the governing body of the municipality or
2 county resubmits another proposal to authorize the governing body
3 of the municipality or county to impose the sales tax authorized
4 by this section and section 644.033 and such proposal is approved
5 by a majority of the qualified voters voting thereon; however, in
6 no event shall a proposal pursuant to this section and section
7 644.033 be submitted to the voters sooner than twelve months from
8 the date of the last proposal pursuant to this section and
9 section 644.033.

10 3. All revenue received by a municipality or county from
11 the tax authorized under the provisions of this section and
12 section 644.033 shall be deposited in a special trust fund and
13 shall be used to provide funding for storm water control or for
14 local parks, or both, within such municipality or county,
15 provided that such revenue may be used for local parks outside
16 such municipality or county if the municipality or county is
17 engaged in a cooperative agreement pursuant to section 70.220,
18 RSMo.

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

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

28 [67.478. Sections 144.757 to 144.761, RSMo, and
29 sections 67.478 to 67.493 shall be known and may be

1 cited as the "Community Comeback Act".]

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

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

17 (2) "Community comeback program", "community
18 comeback trust" and "trust", a fund held in the
19 treasury of the county which shall be the repository
20 for all taxes and other moneys raised pursuant to
21 sections 144.757 to 144.761, RSMo, and sections 67.478
22 to 67.493, and authorized by the governing body of the
23 county for the purposes of promoting neighborhood
24 reinvestment;

25 (3) "Community comeback program board",
26 "community comeback trust board" and "board", the
27 entity established pursuant to sections 67.478 to
28 67.493 that is responsible for administering the
29 comeback community trust;

30 (4) "Community comeback trust citizen advisory
31 committee" and "advisory committee", an eleven-member
32 committee established pursuant to sections 67.478 to
33 67.493 that is responsible for advising the community
34 comeback fund board on the best methods of promoting
35 neighborhood reinvestment;

36 (5) "Eligible expenses", costs qualified for
37 funding through the community comeback trust which are:

38 (a) Incurred for the purchase, assembly,
39 clearance, demolition and environmental remediation of
40 land, structures and facilities, public or private,
41 either as part of a neighborhood reinvestment project
42 or to prepare sites for future use in areas with
43 underutilized, derelict, economically challenged or
44 environmentally troubled sites;

45 (b) Related to planning, redesign, clearance,
46 reconstruction, structure rehabilitation, site
47 remediation, construction, modification, expansion,
48 remodeling, structural alteration, replacement or
49 renovation of any structure in a priority comeback
50 community;

51 (c) Expended for capital improvements or

1 infrastructure improvements to facilitate economic
2 development;

3 (d) Expended for residential redevelopment
4 including, but not limited to, buyouts, land-assembly
5 costs, infrastructure improvements and costs associated
6 with preparing sites for housing construction;
7 professional service expenses such as architectural,
8 planning, engineering, design, marketing or other
9 related expenses;

10 (e) Related to community improvement district or
11 special business district expenses such as facade
12 improvements, landscaping, street lighting, sidewalk
13 construction, trash receptacles, park benches and other
14 public improvements;

15 (f) Expenses related to facilitating
16 transit-oriented developments, home improvement and
17 home buyer loan programs; and

18 (g) Expenses eligible for funding through the
19 select neighborhood action program;

20 (6) "Neighborhood reinvestment project" and
21 "project", the planning, development, redesign,
22 clearance, reconstruction or rehabilitation or any
23 combination thereof in order to improve those
24 residential, commercial, industrial, public or other
25 structures or spaces and the infrastructure serving
26 them as may be appropriate or necessary in the interest
27 of the general welfare;

28 (7) "Petition", a petitioner's request for
29 funding made to the community comeback trust;

30 (8) "Petitioner", the governing body of any
31 municipality, the governing body of the county, any
32 land clearance for redevelopment authority within the
33 county organized pursuant to chapter 99, RSMo, or any
34 not-for-profit economic development organization with a
35 governing board not less than two-thirds of the members
36 of which are appointed by the chief elected official of
37 the county or by one or more organizations with
38 governing boards appointed by the chief elected
39 official;

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

44 (10) "Priority comeback project", a funding
45 proposal submitted to a community comeback trust by a
46 petitioner whose area is substantially within a
47 priority comeback community;

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

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

4 (13) "Select neighborhood action program
5 applicant" and "SNAP applicant", a neighborhood
6 organization or not-for-profit organization whose
7 mission is consistent with the community comeback plan.
8 The organization shall have a municipal sponsor or a
9 county sponsor if the area is unincorporated. The
10 organization shall have been in existence for at least
11 six months and meet at least once a year in order to be
12 eligible for a SNAP grant;

13 (14) "SNAP grant", an endowment of money by the
14 board to a SNAP applicant pursuant to subsection 5 of
15 section 67.490.]
16

17 [67.484. 1. A community comeback trust may be
18 created, incorporated and managed pursuant to this
19 section by any county of the first classification with
20 a charter form of government and a population of at
21 least nine hundred thousand inhabitants according to
22 the last decennial census, and may exercise the powers
23 given to such trust pursuant to sections 67.478 to
24 67.493. A trust may sue and be sued, issue general
25 revenue bonds and receive county use tax revenue
26 pursuant to the limitations of this section. A trust
27 shall have as its primary duties the prevention of
28 neighborhood decline, the demolition of old
29 deteriorating and vacant buildings, rehabilitating
30 historic structures, the cleaning of polluted sites and
31 the promotion of neighborhood reinvestment where such
32 investment is essential to reverse or stabilize a
33 stagnant or declining pattern in household income,
34 assessed values, occupancies and related
35 characteristics.

36 2. The governing body of the county is hereby
37 authorized to impose by ordinance a local use tax
38 pursuant to sections 144.757 to 144.761, RSMo, for the
39 purpose of funding the creation, operation and
40 maintenance of a community comeback trust, as well as
41 to provide revenue to the county and municipalities
42 authorized to receive moneys generated by said tax
43 pursuant to section 144.759, RSMo. The governing body
44 of the county enacting such an ordinance shall submit
45 to the voters of such county a proposal to approve its
46 ordinance imposing the tax. Such ordinance shall
47 become effective only after the majority of the voters
48 voting on such ordinance approve such ordinance. The
49 question shall be submitted to the voters in the county
50 pursuant to section 144.757, RSMo.

51 3. (1) The community comeback trust board shall

1 be composed of seven members as provided in this
2 subsection. No member shall be an elected official,
3 employee or contractor of the county or any
4 municipality within the county or of any organization
5 representing the county or any municipality within the
6 county. Board members shall be citizens of the United
7 States and shall reside within the county. No two
8 members of the board shall be residents of the same
9 county council district of such county. No member
10 shall receive compensation for performance of board
11 duties. No member shall be financially interested
12 directly or indirectly in any contract entered into by
13 the trust or by any petitioner. In the event that any
14 property owned by a board member or the immediate
15 family member of such board member is located in a
16 priority comeback community, the member shall disclose
17 such information to the board and abstain from any
18 formal or informal actions regarding any project in
19 that neighborhood.

20 (2) The chief elected official of any
21 municipality wholly within the county and any member of
22 the governing body of the county shall nominate
23 individuals to serve on the board by providing a list
24 of nominees to the county executive who shall appoint
25 the members. Of the total members, at least four shall
26 be residents of municipalities within the county and at
27 least one shall have each of the following professions:
28 a professional architect or engineer; an urban planner
29 or design professional; a developer or builder; and an
30 accountant or an attorney.

31 (3) The seat of a member shall be automatically
32 vacated when the member changes his or her residence so
33 as to no longer conform to the terms of the
34 requirements of the member's appointment. The board
35 shall promptly notify the county executive of such a
36 change of residence, the pending expiration of any
37 member's term, any member's need to vacate his or her
38 seat or any vacancy on the board. A member whose term
39 has expired shall continue to serve until the successor
40 is appointed and qualified.

41 (4) Upon the passage of an ordinance by the
42 governing body of the county establishing the community
43 comeback trust, the governing body of the county shall,
44 within ten days, send by United States mail written
45 notice of the passage of the ordinance to the chief
46 elected officials of each municipality wholly in the
47 county.

48 (5) Each of the nominating authorities described
49 in subdivision (2) of this subsection shall, within
50 forty-five days of the passage of the ordinance
51 establishing the board or within fourteen days of being

1 notified of a board vacancy by the county executive,
2 submit its list of nominees to the county executive.
3 The county executive shall appoint members within sixty
4 days of the passage of the ordinance or within thirty
5 days of being notified by the board of a vacancy on the
6 board. If a list of nominees is not submitted by the
7 time specified, the county executive shall appoint the
8 members using the criteria set forth in this section.

9 (6) At the first meeting of the board appointed
10 after the effective date of the ordinance, the members
11 shall choose by lot the length of their terms. Three
12 shall serve for one year, two for two years, and two
13 for three years. All succeeding members shall serve
14 terms of three years. Terms shall end on December
15 thirty-first of the respective year. No member shall
16 serve more than two consecutive full terms. Full terms
17 shall include any term longer than two years.

18 4. The board, its employees and subcontractors
19 shall be subject to the regulation of conflicts of
20 interest as defined in sections 105.450 to 105.498,
21 RSMo, and to the requirements for open meetings and
22 records pursuant to chapter 610, RSMo. The board shall
23 enact and adopt all rules, regulations and procedures
24 that are reasonably necessary to achieve the objectives
25 of sections 67.478 to 67.493, and not inconsistent
26 therewith, no sooner than twenty-seven calendar days
27 after notifying all municipalities and the county of
28 the proposed rule, regulation or procedure enactment or
29 change. Notice may be given by ordinary mail, by
30 electronic mail or by publishing in at least one
31 newspaper of general circulation qualified to publish
32 legal notices. No new or amended rule, regulation or
33 procedure shall apply retroactively to any proposal
34 pending before the trust without the agreement of the
35 petitioner. The board shall have the exclusive control
36 of the expenditures of all money collected to the
37 credit of the trust, subject to annual appropriations
38 by the governing body of the county. The county
39 government shall provide the trust staff. No more than
40 five percent of the trust's annual budget shall be used
41 for the trust's annual administrative expenses.

42 5. The trust is authorized to issue bonds, notes
43 or other obligations for any proposal, and to refund
44 such bonds, notes or obligations, as provided in
45 subsection 3 of this section; and to receive and
46 liquidate property, both real and personal, or money
47 which has been granted, donated, devised or bequeathed
48 to the district. The trust shall not have any power of
49 eminent domain.

50 6. (1) Bonds issued pursuant to this section
51 shall be issued pursuant to a resolution adopted by

1 five-sevenths of the board which shall set out the
2 estimated cost to the trust of the proposed
3 improvements, and shall further set out the amount of
4 the bonds to be issued, their purpose or purposes,
5 their date or dates, denomination or denominations,
6 rate or rates of interest, time or times of payment,
7 both of principal and of interest, place or places of
8 payment and all other details in connection with such
9 bonds. Any such bonds may be subject to such provision
10 for redemption prior to maturity, with or without
11 premium, and at such times and upon such conditions as
12 may be provided by the resolution.

13 (2) Notwithstanding the provisions of section
14 108.170, RSMo, such bonds shall bear interest at rate
15 or rates determined by the trust, shall mature within a
16 period not exceeding twenty years and may be sold at
17 public or private sale for not less than ninety-five
18 percent of the principal amount of such bonds. Bonds
19 issued by the trust shall possess all of the qualities
20 of negotiable instruments pursuant to the laws of this
21 state.

22 (3) Such bonds may be payable to the bearer, may
23 be registered or coupon bonds, and, if payable to
24 bearer, may contain such registration provisions as to
25 either principal and interest, or principal only, as
26 may be provided in the resolution authorizing such
27 bonds, which resolution may also provide for the
28 exchange of registered and coupon bonds. Such bonds
29 and any coupons attached thereto shall be signed in
30 such manner and by such officers of the district as may
31 be provided by the resolution authorizing the bonds.
32 The trust may provide for the replacement of any bond
33 which has become mutilated, destroyed or lost.

34 (4) Bonds issued by the trust shall be payable as
35 to principal, interest and redemption premium, if any,
36 out of all or any part of the trust fund, including
37 revenues derived from use taxes. Neither the board
38 members nor any person executing the bonds shall be
39 personally liable on such bonds by reason of the
40 issuance of such bonds. Bonds issued pursuant to this
41 section shall not constitute a debt, liability or
42 obligation of this state, or any political subdivision
43 of this state, nor shall any such obligations be a
44 pledge of the faith and credit of this state, but shall
45 be payable solely from the revenues and assets held by
46 the trust. The issuance of bonds pursuant to this
47 section shall not directly, indirectly or contingently
48 obligate this state or any political subdivision of
49 this state to levy any form of taxation for such bonds
50 or to make any appropriation for their payment. Each
51 obligation or bond issued pursuant to this section

1 shall contain on its face a statement to the effect
2 that the trust shall not be obligated to pay such bond
3 nor interest on such bond except from the revenues
4 received by the trust or assets of the trust lawfully
5 pledged for such trust, and that neither the faith or
6 credit nor the taxing power of this state or of any
7 political subdivision of this state is pledged to the
8 payment of the principal of or the interest on such
9 obligation or bond. The proceeds of such bonds shall
10 be disbursed in such manner and pursuant to such
11 restrictions as the trust may provide in the resolution
12 authorizing the issuance of such bonds.

13 (5) The trust may issue negotiable refunding
14 bonds for the purpose of refunding, extending or
15 unifying the whole or any part of such bonds then
16 outstanding, or any bonds, notes or other obligations
17 issued by any other public agency, public body or
18 political subdivision in connection with any facilities
19 or land to be acquired, leased or subleased by the
20 trust, which refunding bonds shall not exceed the
21 amount necessary to refund the principal of the
22 outstanding bonds to be refunded and the accrued
23 interest on such bonds to the date of such refunding,
24 together with any redemption premium, amounts necessary
25 to establish reserve and escrow funds and all costs and
26 expenses incurred in connection with the refunding.
27 The board shall provide for the payment of interest and
28 principal of such refunding bonds in the same manner as
29 was provided for the payment of interest and principal
30 of the bonds refunded. (6) In the event that any of
31 the members or officers of the trust whose names appear
32 on any bonds or coupons shall cease to be on the board
33 or cease to be an officer before the delivery of such
34 bonds, such signatures shall remain valid and
35 sufficient for all purposes, the same as if such board
36 members or officers had remained in office until such
37 delivery.

38 (7) The trust is hereby declared to be performing
39 a public function and bonds of the trust are declared
40 to be issued for an essential public and governmental
41 purpose, and, accordingly, interest on such bonds and
42 income from such bonds shall be exempt from income
43 taxation by this state. All purchases in excess of ten
44 thousand dollars shall be made pursuant to the lowest
45 and best bid standard as provided in section 34.040,
46 RSMo, or pursuant to the lowest and best proposal
47 standard as provided in section 34.042, RSMo. The
48 board of the trust shall have the same discretion,
49 powers and duties as the commissioner of administration
50 has in sections 34.040 and 34.042, RSMo.]
51

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

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

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

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

- 28 (1) Assessed values below the county average;
- 29 (2) Median household incomes below the county
30 median;
- 31 (3) An unemployment rate above the county
32 average;
- 33 (4) A reduction in the number of jobs with an
34 emphasis upon those jobs paying average or
35 above-average salaries;
- 36 (5) Failure to keep pace with the average growth
37 rate in home values in the metropolitan area or county;
38 and
- 39 (6) A high vacancy rate among residential,
40 commercial and industrial properties.

41 5. Each plan shall include an analysis of the
42 condition of the housing stock in the various
43 subregions of the county, a market analysis of the
44 home-buying market with a focus on the impediments to
45 attracting home buyers to those subregions and an
46 analysis of the physical infrastructure needs that
47 prevent economic growth.

48 6. The board may consider the following factors
49 when determining the appropriate areas and strategies
50 for investment:

- 51 (1) Buildings that are unsafe or unhealthy for

1 occupancy due to code violations, dilapidation,
2 defective design, faulty utilities or any other
3 negative conditions;

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

8 (3) Incompatible uses that prevent economic
9 development;

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

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

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

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

21 (8) The lack of necessary commercial facilities
22 normally found in neighborhoods.

23 7. Each plan shall outline specific strategies to
24 address the problems facing the various subregions and
25 neighborhoods within the county. The plan shall also
26 discuss the partnerships that can be made with federal,
27 state and local governments, as well as businesses,
28 labor organizations, nonprofit groups, religious and
29 other groups and citizens to help implement the plan.
30 These strategies shall include estimated costs and time
31 lines for completion.

32 8. The board shall produce an annual report
33 focusing on the accomplishments of the trust relative
34 to the goals set forth in the plan, the goals for the
35 next year and the challenges facing the trust. The
36 annual report shall be given to the chief elected
37 officials of all the municipalities wholly within the
38 county, the chief elected official of the county, the
39 members of the governing board of the county and the
40 public libraries within the county, and shall be posted
41 on the county Internet web site.

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

46 10. Every five years, the board shall commission
47 an independent management audit. The management audit
48 shall include a comprehensive analysis of development
49 trends, factors and practices along with specific
50 recommendations to improve the trust's ability to
51 achieve its mission. The management audit shall be

1 reviewed by the advisory committee which may offer
2 constructive advice on enhancing practices in order to
3 achieve the goals of the program. The management audit
4 shall be distributed in the same manner as the annual
5 report pursuant to subsection 8 of this section. The
6 board is authorized to take any necessary and proper
7 steps to address the issues and recommendations
8 contained within the management audit.

9 11. (1) The board shall establish an
10 eleven-member advisory committee that shall meet four
11 times each year and shall advise petitioners, staff and
12 the board. The advisory committee members shall be
13 appointed by the county executive. At least six of the
14 advisory committee's members shall be nominated by the
15 municipal league within the county and at least three
16 shall be nominated by the members of the governing body
17 of the county. No advisory committee member shall
18 receive compensation for performance of duties as a
19 committee member.

20 (2) At least one of the advisory committee
21 members shall be a university professor well-versed in
22 regional development issues. At least two of the
23 advisory committee members shall be municipal officials
24 from communities that have undertaken redevelopment
25 programs as part of larger planning efforts. At least
26 one of the advisory committee members shall be an
27 attorney with experience in redevelopment activities.
28 At least two of the advisory committee members shall be
29 residents of priority comeback communities who have
30 been active in advocating effective redevelopment
31 policies. At least one of the advisory committee
32 members shall be a private professional familiar with
33 the factors influencing business location decisions.
34 At least one of the advisory committee members shall be
35 an individual familiar with education and training
36 practices and workforce needs, with an understanding of
37 how labor availability impacts business location
38 decisions. At least one of the advisory committee
39 members shall be a planner from the private sector
40 knowledgeable in the area of strategic planning and the
41 principles of multiyear rolling plans.

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

47 (4) The board shall establish the advisory
48 committee by resolution at the board's first meeting.
49 The board shall, within ten days of the passage of the
50 resolution establishing the advisory committee, send by
51 United States mail written notice of the passage of the

1 resolution to the county's municipal league and the
2 members of the governing body of the county. The
3 municipal league and the members of the governing board
4 of the county shall, within forty-five days of the
5 passage of the resolution establishing the advisory
6 committee or within fourteen days of being notified of
7 a vacancy by the county executive, submit its list of
8 nominees to the county executive. The county executive
9 shall appoint members within sixty days of the passage
10 of the resolution or within thirty days of being
11 notified by the committee of a vacancy on the advisory
12 committee. If a list of nominees is not submitted by
13 the time specified, the county executive shall appoint
14 the members using the criteria set forth in this
15 section before the sixtieth day from the passage of the
16 resolution or before the thirtieth day from being
17 notified of a vacancy on the existing advisory
18 committee.

19 (5) At the advisory committee's first meeting,
20 the members shall choose by lot the length of their
21 terms. Two shall serve for one year, three for two
22 years, three for three years and three for four years.
23 All succeeding committee members shall serve for four
24 years. Terms shall end on December thirty-first of the
25 respective year.

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

31
32 [67.490. 1. The board shall in a timely manner
33 adopt rules setting forth basic guidelines for
34 acceptance and evaluation of petitions, including a
35 common understandable format, as well as appropriate
36 supporting material, maps, plans and data. The board
37 shall begin to accept petitions one month after the
38 adoption of the plan by the governing body of the
39 county pursuant to section 67.487. The board shall
40 review all petitions submitted by any petitioner.
41 Review shall begin no later than thirty days after
42 submission of the petition to the commission. In order
43 to qualify as a proposal, a petition shall address the
44 criteria set forth in subsection 4 of this section.
45 For the purposes of this subsection, the term "pending"
46 means any proposal submitted to the board which has not
47 yet been approved by the board.

48 2. When practical, a petition shall be initially
49 submitted to the advisory committee for constructive
50 review and comment in a manner likely to result in a
51 proposal that addresses a strategy outlined in the

1 plan.

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

5 4. (1) In reviewing any petition for funding,
6 the board shall first determine if funds are sought for
7 eligible expenses for a neighborhood reinvestment
8 project. If the petition seeks such funds, the board
9 shall certify such petition as a proposal subject to
10 further review unless the board finds that the petition
11 seeks funds for expenses that do not qualify as
12 eligible expenses, or seeks funds for an endeavor other
13 than a neighborhood reinvestment project. If the board
14 finds that funds are sought for ineligible expenses or
15 for an ineligible endeavor, the board need not take any
16 further action and shall notify the petitioner in
17 writing of all deficiencies that prevent the petition
18 from being a proposal. If the board determines that
19 there is a minor error or discrepancy in a petition,
20 the board, with the petitioner's concurrence, may make
21 such changes to the petition as are necessary to
22 rectify the error that prevents the petition from being
23 certified as a proposal subject to further review.
24 Within six months of certification of a petition as a
25 proposal, the board shall issue a finding approving or
26 disapproving such proposal. In disapproving any
27 proposal, the board shall issue a document indicating
28 the reasons that the proposal was disapproved.

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

43 (a) Reducing or removing impediments to
44 attracting home buyers;

45 (b) Providing the necessary physical
46 infrastructure needed to promote significant job
47 growth;

48 (c) Reducing or removing any such factor or
49 factors that constitute an economic or social liability
50 or a menace to the public health, safety, morals, or
51 welfare in its present condition and use.

1 (3) If the board determines that a proposal,
2 which is not a priority comeback project, is consistent
3 with the strategies and priorities set forth in the
4 community comeback plan and is well-planned, realistic,
5 creative, resourceful, benefits the local community and
6 is cost-effective, the board may award funding if the
7 board adds such proposal to the plan. If the board
8 determines that a proposal, which is not a priority
9 comeback project, is inconsistent with the strategies
10 and priorities in the community comeback plan, the
11 board may award funding if it finds that the project is
12 well-planned, realistic, creative, resourceful,
13 benefits the local community, is cost-effective and
14 addresses the reinvestment needs of neighborhoods by
15 one or more of the following:

16 (a) Reducing or removing impediments to
17 attracting home buyers;

18 (b) Providing the necessary physical
19 infrastructure needed to promote significant job
20 growth;

21 (c) Reducing or removing any such factor or
22 factors that constitute an economic or social liability
23 or a menace to the public health, safety, morals or
24 welfare in its present condition and use.

25 (4) The board, the advisory committee and the
26 staff of both may advise petitioners on issues related
27 to petitions or proposals. The board may meet
28 informally, subject to the requirements of chapter 610,
29 RSMo, with representatives of potential petitioners
30 with regard to future petitions and plans.

31 5. The board shall establish a select
32 neighborhood action program. SNAP applicants shall
33 provide a ten-percent cash or in-kind match to be
34 eligible for a SNAP grant. Project categories eligible
35 for SNAP grant funding shall be:

36 (1) Neighborhood beautification projects which
37 enhance the appearance of the overall neighborhood.
38 Such projects include, but are not limited to, tree and
39 flower plantings, cleanups, entranceway landscaping,
40 community gardens, public art and neighborhood
41 identification signs/banners;

42 (2) Neighborhood organization or capacity
43 projects which create or increase membership in a
44 neighborhood organization promoting community
45 betterment. Such projects include, but are not limited
46 to, neighborhood newsletters, neighborhood marketing
47 brochures, neighborhood meetings and special events,
48 and technology such as web site development;

49 (3) Neighborhood-school partnership projects
50 which benefit a school and the adjacent neighborhood.
51 Involvement of both the school and the neighborhood in

1 planning, implementation and maintenance must be
2 substantiated. Partnership projects include, but are
3 not limited to, youth and community programs that
4 promote safety, culture or the environment and that are
5 beneficial to both the school and the neighborhood;

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

10 (5) Neighborhood improvement projects which
11 benefit the local infrastructure in a neighborhood, and
12 include construction of sidewalks or installation of
13 streetlights.

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

16 (1) Projects accomplished in more than twelve
17 months;

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

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

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

24 7. When making SNAP grant funding decisions, the
25 board shall consider the level of neighborhood
26 participation including the percentage of residents who
27 are involved in planning and implementing the idea, the
28 diversity of parties involved or that will benefit, and
29 the amount of neighborhood opposition; the community
30 benefit of the project, including the number of people
31 who will benefit from the project and the overall
32 quality of the project.]

33
34 [67.493. Of the funds available to the trust, a
35 minimum of five percent of the funds, not to exceed an
36 unallocated balance of five hundred thousand dollars
37 rolled over from the previous fiscal year, shall be set
38 aside annually for the SNAP grant program. Of the
39 remaining funds seventy- five percent calculated on a
40 rolling three-year average shall be set aside for
41 priority comeback projects. The balance of the funds
42 shall be used to indirectly or directly benefit
43 priority comeback communities or residents of those
44 areas by utilizing such funds to:

45 (1) Promote job preparation and job creation in
46 areas easily accessed by residents of priority comeback
47 communities;

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

51 (3) Abate through low-interest home improvement

1 loan programs or similar mechanisms the functional or
2 marketable obsolescence of any owner- occupied
3 residential structure over twenty-five years old which
4 is located within a census block group below one
5 hundred ten percent of the median income level for the
6 metropolitan statistical area for this state; provided
7 that, there is a significant threat of economic decline
8 within the area without intervention by the trust.]
9

10 Section B. Because immediate action is necessary to protect
11 the economic welfare of the citizens of this state, sections
12 137.100, 144.030, 144.615, and 493.050 of this act are deemed
13 necessary for the immediate preservation of the public health,
14 welfare, peace, and safety and are hereby declared to be an
15 emergency act within the meaning of the constitution and shall be
16 in full force and effect upon its passage and approval.