

HOUSE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 715
AN ACT

2 To repeal sections 48.020, 48.030, 49.272,
3 49.650, 50.343, 50.550, 50.740, 50.760,
4 50.770, 50.780, 50.800, 50.810, 50.815,
5 64.215, 64.825, 67.402, 67.793, 67.799,
6 67.1401, 67.1461, 67.1545, 67.1706, 67.1754,
7 89.410, 115.124, 137.720, 144.757, 190.044,
8 190.050, 190.051, 190.092, 190.094, 190.101,
9 190.105, 190.108, 190.109, 190.120, 190.131,
10 190.133, 190.142, 190.143, 190.146, 190.160,
11 190.165, 190.171, 190.172, 190.175, 190.185,
12 190.196, 190.246, 190.248, 190.250, 190.400,
13 190.410, 190.420, 190.440, 190.525, 190.528,
14 190.531, 190.534, 190.537, 191.630, 191.631,
15 229.340, 231.280, 231.290, 247.040, 247.085,
16 250.140, 260.830, 260.831, 304.010, 321.130,
17 321.180, 321.552, 321.554, 321.556, 393.015,
18 393.760, 479.020, 488.447, 488.2275,
19 488.5026, 493.050, 559.021, 589.400, and
20 644.032, RSMo, and to enact in lieu thereof
21 one hundred new sections relating to
22 counties, with penalty provisions, an
23 emergency clause for certain sections, and an
24 expiration date for a certain section.

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

1

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

Section A. Sections 48.020, 48.030, 49.272, 49.650, 50.343,
50.550, 50.740, 50.760, 50.770, 50.780, 50.800, 50.810, 50.815,
64.215, 64.825, 67.402, 67.793, 67.799, 67.1401, 67.1461,
67.1545, 67.1706, 67.1754, 89.410, 115.124, 137.720, 144.757,
190.044, 190.050, 190.051, 190.092, 190.094, 190.101, 190.105,
190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143,
190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185,
190.196, 190.246, 190.248, 190.250, 190.400, 190.410, 190.420,
190.440, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630,
191.631, 229.340, 231.280, 231.290, 247.040, 247.085, 250.140,
260.830, 260.831, 304.010, 321.130, 321.180, 321.552, 321.554,
321.556, 393.015, 393.760, 479.020, 488.447, 488.2275, 488.5026,
493.050, 559.021, 589.400, and 644.032, RSMo, are repealed and
one hundred new sections enacted in lieu thereof, to be known as
sections 48.020, 48.030, 49.272, 49.650, 50.343, 50.550, 50.565,
50.740, 50.760, 50.770, 50.780, 50.783, 50.784, 50.815, 59.331,
64.215, 64.825, 67.402, 67.793, 67.799, 67.1401, 67.1461,
67.1545, 67.1706, 67.1754, 67.2000, 67.2500, 67.2505, 67.2510,
67.2515, 67.2520, 67.2525, 67.2530, 89.410, 115.124, 137.720,
144.757, 190.050, 190.051, 190.092, 190.094, 190.101, 190.105,
190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143,
190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185,
190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531,
190.534, 190.537, 191.630, 191.631, 229.340, 231.280, 231.290,
247.040, 247.085, 250.055, 250.140, 260.830, 260.831, 304.010,

1 319.108, 321.130, 321.180, 321.552, 321.554, 321.556, 393.015,
2 393.016, 393.017, 393.760, 479.020, 488.447, 488.2275, 488.5026,
3 493.050, 559.021, 589.400, 644.032, 644.581, 644.582, 644.583,
4 and 1, to read as follows:

5 48.020. All counties of this state are hereby classified,
6 for the purpose of establishing organization and powers in
7 accordance with the provisions of section 8, article VI,
8 Constitution of Missouri, into four classifications determined as
9 follows:

10 Classification 1. All counties having an assessed valuation
11 of ~~four hundred fifty~~ six hundred million dollars and over
12 shall automatically be in the first classification after that
13 county has maintained such valuation for the time period required
14 by section 48.030; however, any county of the second
15 classification which, on August 13, 1988, has had an assessed
16 valuation of at least four hundred million dollars for at least
17 one year may, by resolution of the governing body of the county,
18 elect to be classified as a county of the first classification
19 after it has maintained such valuation for the period of time
20 required by the provisions of section 48.030.

21 Classification 2. All counties having an assessed valuation
22 of ~~three~~ four hundred fifty million dollars and less than the
23 assessed valuation necessary for that county to be in the first
24 classification shall automatically be in the second
25 classification after that county has maintained such valuation

1 for the time period required by section 48.030.

2 Classification 3. All counties having an assessed valuation
3 of less than the assessed valuation necessary for that county to
4 be in the second classification shall automatically be in the
5 third classification.

6 Classification 4. All counties which have attained the
7 second classification prior to August 13, 1988, and which would
8 otherwise return to the third classification after August 13,
9 1988, because of changes in assessed valuation shall remain a
10 county in the second classification and shall operate under the
11 laws of this state applying to the second classification.

12 48.030. 1. Other than as otherwise provided for in this
13 section, after September 28, 1979, no county shall move from a
14 lower class to a higher class or from a higher class to a lower
15 class until the assessed valuation of the county is such as to
16 place it in the other class for five successive years[; but,].

17 2. No second class county shall become a third class county
18 until the assessed valuation of the county is such as to place it
19 in the third class for at least five successive years and until
20 the assessed valuations for calendar year 1985 have been entered
21 on the tax rolls of each county in accordance with subsections 6
22 and 7 of section 137.115, RSMo.

23 3. Notwithstanding the provisions of subsection 1 of this
24 section, a county may become a first class county at any time
25 after the assessed valuation of the county is such as to be a

1 first class county and the governing body of the county elects to
2 change classifications. The effective date of such change of
3 classification shall be in accordance with the provisions of this
4 section.

5 4. The change from one classification to another shall
6 become effective at the beginning of the county fiscal year
7 following the next general election after the certification by
8 the state equalizing agency for the required number of successive
9 years that the county possesses an assessed valuation placing it
10 in another class. If a general election is held between the date
11 of the certification and the end of the current fiscal year, the
12 change of classification shall not become effective until the
13 beginning of the county fiscal year following the next succeeding
14 general election.

15 49.272. The county commission of any county of the first
16 classification without a charter form of government and with more
17 than one hundred thirty-five thousand four hundred but less than
18 one hundred thirty-five thousand five hundred inhabitants, in any
19 county of the first classification with more than one hundred
20 four thousand six hundred but less than one hundred four thousand
21 seven hundred inhabitants, and in any county of the first
22 classification with more than eighty-two thousand but less than
23 eighty-two thousand one hundred inhabitants or in any county of
24 the first classification with more than two hundred forty
25 thousand three hundred but less than two hundred forty thousand

1 four hundred inhabitants which has an appointed county counselor
2 and which adopts or has adopted rules, regulations or ordinances
3 under authority of a statute which prescribes or authorizes a
4 violation of such rules, regulations or ordinances to be a
5 misdemeanor punishable as provided by law, may by rule,
6 regulation or ordinance impose a civil fine not to exceed one
7 thousand dollars for each violation. Any fines imposed and
8 collected under such rules, regulations or ordinances shall be
9 payable to the county general fund to be used to pay for the cost
10 of enforcement of such rules, regulations or ordinances.

11 49.650. 1. The governing authority of each county [of the
12 first, second, or fourth classification] without a charter form
13 of government shall have the power to adopt ordinances or
14 resolutions relating to its property, affairs, and local
15 government for which no provision has been made in the
16 constitution of this state or state statute regarding the
17 following:

18 (1) County roads controlled by the county;

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

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

25 (4) Storm water control, excluding agricultural and

horticultural property as defined in section 137.016, RSMo;

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

(6) Parks and recreation; and

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

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

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

1 voters pursuant to this section shall become effective if a
2 majority of the qualified voters voting on the ordinance,
3 resolution, or regulation are in favor of its adoption, but no
4 ordinance, resolution, or regulation shall become effective if a
5 majority of the qualified voters voting on the ordinance,
6 resolution, or regulation are opposed to its adoption.

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

11 4. No county of the first, second, third, or fourth
12 classification shall have the power to adopt any ordinance,
13 resolution, or regulation pursuant to this section governing any
14 railroad company, telecommunications or wireless companies,
15 public utilities, rural electric cooperatives, or municipal
16 utilities.

17 50.343. 1. Other provisions of law to the contrary
18 notwithstanding, in any first classification nonchartered county,
19 including any county containing any part of a city with a
20 population of three hundred thousand or more, the annual salary
21 of a county recorder of deeds, clerk, auditor, county
22 commissioner, collector, treasurer, assessor or salaried public
23 administrator may be computed on an assessed valuation basis,
24 without regard to modifications due to the existence of
25 enterprise zones or financing pursuant to chapter 100, RSMo, as

1 set forth in the following schedule except as provided in
2 subsection 2 of this section. The assessed valuation factor
3 shall be the amount thereof as shown for the year next preceding
4 the computation. The provisions of this section shall not permit
5 a reduction in the amount of compensation being paid on January
6 1, 1997, for any of the offices subject to this section on
7 January 1, 1997.

8 (1) For a recorder of deeds, clerk, auditor, presiding
9 commissioner, collector, treasurer, assessor, or salaried public
10 administrator:

11	Assessed Valuation	Salary
12	\$ 450,000,001 to 600,000,000	\$ 47,000
13	600,000,001 to 750,000,000	49,000
14	750,000,001 to 900,000,000	51,000
15	900,000,001 to 1,050,000,000	53,000
16	1,050,000,001 to 1,200,000,000	55,000
17	1,200,000,001 to 1,350,000,000	57,000
18	1,350,000,000 and over	59,000

19 (2) Presiding commissioners shall receive a salary of two
20 thousand dollars more than the salary received by the associate
21 commissioners.

22 2. After December 31, 1990, in any county of the second
23 classification which becomes a first classification county
24 without a charter form of government, the annual compensation of
25 county recorder of deeds, clerk, auditor, county commissioner,

1 collector, treasurer, assessor and the public administrator in
2 counties where the public administrator is paid a salary under
3 the provisions of section 473.740, RSMo, may be set at the option
4 of the salary commission. On or before October first of the year
5 immediately prior to the beginning of the county fiscal year
6 following the general election after the certification by the
7 state equalizing agency that the county possesses an assessed
8 valuation placing it in first classification status, the salary
9 commission shall meet for the purpose of setting compensation for
10 such county officials and such compensation shall be payable
11 immediately except that no compensation of any county official
12 shall be reduced and the compensation of presiding county
13 commissioners in any of such counties shall be two thousand
14 dollars more than the compensation paid to the associate
15 commissioners in that county. Thereafter in all such counties
16 the salary commission shall meet for the purpose of setting the
17 compensation of the officers in this subsection who will be
18 elected at the next general election, and such compensation shall
19 be payable upon the beginning of the next term of office of such
20 officers; except that, no compensation of any officer shall be
21 reduced and the compensation of presiding county commissioners
22 in any of such counties shall be two thousand dollars more than
23 the compensation paid to the associate commissioners in that
24 county. Two thousand dollars of the compensation established
25 under the procedures authorized pursuant to this subsection shall

1 be payable to a county officer only if the officer has completed
2 at least twenty hours of classroom instruction in the operation
3 of the office in the same manner as provided by law for officers
4 subject to the provisions of section 50.333. At the salary
5 commission meeting which establishes the percentage rate to be
6 applied to county officers during the next term of office, the
7 salary commission may authorize the further adjustment of such
8 officers' compensation as a cost-of-living component and
9 effective January first of each year, the compensation for county
10 officers may be adjusted by the county commission, not to exceed
11 the percentage increase given to the other county employees.

12 3. Other provisions of this section to the contrary
13 notwithstanding, at the option of a majority of the county salary
14 commission members, the salary of associate commissioners of a
15 county of the first classification without a charter form of
16 government with a population of at least eighty-two thousand but
17 not more than eighty-five thousand inhabitants may be set at no
18 more than sixty-five percent of the amount on the salary schedule
19 for the county affected.

20 50.550. 1. The annual budget shall present a complete
21 financial plan for the ensuing budget year. It shall set forth
22 all proposed expenditures for the administration, operation and
23 maintenance of all offices, departments, commissions, courts and
24 institutions; the actual or estimated operating deficits or
25 surpluses from prior years; all interest and debt redemption

1 charges during the year and expenditures for capital projects.

2 2. The budget shall contain adequate provisions for the
3 expenditures necessary for the care of insane pauper patients in
4 state hospitals, for the cost of holding elections and for the
5 costs of holding circuit court in the county that are chargeable
6 against the county, for the repair and upkeep of bridges other
7 than on state highways and not in any special road district, and
8 for the salaries, office expenses and deputy and clerical hire of
9 all county officers and agencies.

10 3. In addition, the budget shall set forth in detail the
11 anticipated income and other means of financing the proposed
12 expenditures.

13 4. All receipts of the county for operation and maintenance
14 shall be credited to the general fund, and all expenditures for
15 these purposes shall be charged to this fund; except, that
16 receipts from the special tax levy for roads and bridges shall be
17 kept in a special fund and expenditures for roads and bridges may
18 be charged to the special fund.

19 5. All receipts from the sale of bonds for any purpose
20 shall be credited to the bond fund created for the purpose, and
21 all expenditures for this purpose shall be charged to the fund.
22 All receipts for the retirement of any bond issue shall be
23 credited to a retirement fund for the issue, and all payments to
24 retire the issue shall be charged to the fund. All receipts for
25 interest on outstanding bonds and all premiums and accrued

1 interest on bonds sold shall be credited to the interest fund,
2 and all payments of interest on the bonds shall be charged to the
3 interest fund.

4 6. Subject to the provisions of section 50.565 the county
5 commission may create a fund to be known as "The County Law
6 Enforcement Restitution Fund".

7 7. The county commission may create other funds as are
8 necessary from time to time.

9 50.565. 1. A county commission may establish by ordinance
10 or order a fund whose proceeds may be expended only for the
11 purposes provided for in subsection 3 of this section. The fund
12 shall be designated as a county law enforcement restitution fund
13 and shall be under the supervision of a board of trustees
14 consisting of two citizens of the county appointed by the
15 presiding commissioner of the county, two citizens of the county
16 appointed by the sheriff of the county, and one citizen of the
17 county appointed by the county coroner or medical examiner. The
18 citizens so appointed shall not be current or former employees of
19 either the sheriff's department or the office of the prosecuting
20 attorney for the county.

21 2. Money from the county law enforcement restitution fund
22 shall only be expended upon the approval of a majority of the
23 members of the county law enforcement restitution fund's board of
24 trustees and only for the purposes provided for by subsection 3
25 of this section.

1 3. Money from the county law enforcement restitution fund
2 shall only be expended for the following purposes:

3 (1) Narcotics investigation, prevention, and intervention;

4 (2) Purchase of law enforcement related equipment and
5 supplies for the sheriff's office;

6 (3) Matching funds for federal or state law enforcement
7 grants;

8 (4) Funding for the reporting of all state and federal
9 crime statistics or information; and

10 (5) Any law enforcement related expense, including those of
11 the prosecuting attorney, approved by the board of trustees for
12 the county law enforcement restitution fund that is reasonably
13 related to investigation, charging, preparation, trial, and
14 disposition of criminal cases before the courts of the state of
15 Missouri.

16 4. The county commission may not reduce any law enforcement
17 agency's budget as a result of funds the law enforcement agency
18 receives from the county law enforcement restitution fund. The
19 restitution fund is to be used only as a supplement to the law
20 enforcement agency's funding received from other county, state,
21 or federal funds.

22 5. County law enforcement restitution funds shall be
23 audited as are all other county funds.

24 50.740. 1. It is hereby made the first duty of the county
25 commission in counties of classes three and four at its regular

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

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

25 3. Any order of the county commission of any county

1 authorizing [and/or] or directing the issuance of any warrant
2 contrary to any provision of this law shall be void and of no
3 binding force or effect; and any county clerk, county treasurer,
4 or other officer participating in the issuance or payment of any
5 such warrant shall be liable therefor upon [his] the official
6 bond.

7 50.760. 1. It shall be the duty of the commissioners of
8 the county commission in all counties [of the second class, and
9 in all counties of the first class not having a charter form of
10 government], if there is no purchasing agent appointed pursuant
11 to section 50.753, on or before the first day of February of each
12 year, to [determine] estimate the kind and quantity of supplies,
13 including any advertising or printing which the county may be
14 required to do, required by law to be paid for out of the county
15 funds, which will be necessary for the use of the several
16 officers of such county [during the current] for the following
17 year, and to advertise for sealed bids and contract with the
18 lowest and best bidder for such supplies. Before letting any
19 such contract or contracts the commission shall cause notice that
20 it will receive sealed bids for such supplies to be given by
21 advertisement in some daily newspaper of general circulation
22 published in the county, such notice to be published [on Thursday
23 of] each week for three consecutive weeks, the last insertion of
24 which shall not be less than ten days before the date in said
25 advertisement fixed for the letting of such contract or

1 contracts, which shall be let on the first Monday in March, or on
2 such other day and date as the commission may fix between the
3 first Monday of March and the first Saturday after the second
4 Monday in March next following the publication of such notice;
5 except that if by the nature or quantity of any article or thing
6 needed for any county officer in any county of this state to
7 which sections 50.760 to 50.790 apply, the same may not be
8 included in such contract at a saving to such county, then such
9 article or thing may be purchased for such officer upon an order
10 of the county commission first being made and entered as provided
11 in sections 50.760 to 50.790; and except further, that if any
12 supplies not included in such contract are required by any such
13 officer or if the supplies included in such contract are
14 exhausted then such article or thing may be purchased for such
15 officer upon order of the county commission first being made and
16 entered of record as provided in sections 50.760 to 50.790.

17 2. The county commission may authorize the purchase of
18 supplies at any public auction held within the county.

19 3. No contract for a purchase under this section shall
20 arise until the commission has approved a purchase order for the
21 supplies for which the bids were advertised and submitted under
22 this section.

23 50.770. The word "supplies", as used in sections 50.760 to
24 50.790, means materials, equipment, contractual services, and
25 shall be held and construed to include every article or thing,

1 excluding utility services regulated under chapter 393, RSMo, for
2 which payment may by law be required to be made by the county,
3 and including advertising and printing required to be done by the
4 county. The term "purchase" includes the rental or leasing of
5 any equipment, articles, or things.

6 50.780. 1. It shall hereafter be unlawful for any county
7 or township officer in any county to which sections 50.760 to
8 50.790 apply to purchase any supplies not contracted for as
9 provided in sections 50.760 to 50.790 for [his] the officer's
10 official use and for which payment is by law required to be made
11 by the county unless [he] the officer shall first apply to and
12 obtain from the county commission an order in writing and under
13 the official seal of the commission for the purchase of such
14 supplies, and in all cases where the supplies requested by such
15 officer have been contracted for by the county commission as
16 provided in sections 50.760 to 50.790, the order shall be in the
17 form of a requisition by said officer addressed to the person,
18 firm, company or corporation with whom or which the county
19 commission has made a contract for such supplies, and presented
20 to the county commission for approval or disapproval; and unless
21 approval be given such requisition shall not be filled and any
22 such requisition filled without such approval shall not be paid
23 for out of county funds. The county shall not be liable for any
24 debts for supplies except debts contracted as provided in
25 sections 50.760 to 50.790. The best price and the quality of

1 supplies shall be considered and supplies of a higher price or
2 quality than is reasonably required for the purposes to which
3 they are to be applied shall not be purchased or contracted for.
4 Preference to merchants and dealers within their counties may be
5 given by such commissioners, provided the price offered is not
6 above that offered elsewhere.

7 2. The county commission may waive the requirement of
8 competitive bids or proposals for supplies when the county
9 commission has determined that there exists a threat to life,
10 property, public health, or public safety or when immediate
11 expenditure is necessary for repairs to county property in order
12 to protect against further loss of, or damage to, county
13 property, to prevent or minimize serious disruption in county
14 services or to ensure the integrity of county records. Emergency
15 procurements shall be made with as much competition as is
16 practicable under the circumstances.

17 50.783. 1. The county commission may waive the requirement
18 of competitive bids or proposals for supplies when the commission
19 has determined in writing that there is only a single feasible
20 source for the supplies. Immediately upon discovering that other
21 feasible sources exist, the commission shall rescind the waiver
22 and proceed to procure the supplies through the competitive
23 processes as described in this chapter. A single feasible source
24 exists when:

25 (1) Supplies are proprietary and only available from the

1 manufacturer or a single distributor; or

2 (2) Based on past procurement experience, it is determined
3 that only one distributor services the region in which the
4 supplies are needed; or

5 (3) Supplies are available at a discount from a single
6 distributor for a limited period of time.

7 2. On any single feasible source purchase where the
8 estimated expenditure shall be five thousand dollars or over, the
9 commission shall post notice of the proposed purchase. Where the
10 estimated expenditure is twenty-five thousand dollars or over,
11 the commission shall also advertise the commission's intent to
12 make such purchase in at least two daily newspapers of general
13 circulation in such places as are most likely to reach
14 prospective bidders or offerors and may provide such information
15 through an electronic medium available to the general public at
16 least five days before the contract is to be let. Other methods
17 of advertisement, however, may be adopted by the commission when
18 such other methods are deemed more advantageous for the supplies
19 to be purchased. The requirement for advertising may be waived,
20 if not feasible, due to the supplies being available at a
21 discount for only a limited period of time.

22 50.784. The county commission may, when in the commission's
23 best judgment it is in the best interests of the county, delegate
24 the commission's procurement authority under this chapter to an
25 individual county department; provided, however, that each

1 instance of single feasible source purchasing authority in excess
2 of five thousand dollars under section 50.783 shall be
3 specifically delegated by the commission. The delegation may
4 allow county departments to negotiate in accordance with section
5 50.782 the purchase of services for patients, residents, or
6 clients with funds appropriated for this purpose. In accepting
7 this delegated authority the department acknowledges its ability
8 to, and agrees to, fulfill all of the requirements of this
9 chapter in making purchases and entering into contracts and
10 keeping records. No claim for payment based upon any purchase
11 under this section shall be certified by the commission unless
12 accompanied by such documentation of compliance with the
13 provisions of this chapter as the commission may require. Any
14 department that fails to fulfill all such requirements may have
15 its delegated authority rescinded by the commission.

16 50.815. 1. On or before the first Monday in March of each
17 year, the county commission of each county [of the first class]
18 not having a charter form of government shall, with the
19 assistance of the county clerk, prepare and publish in some
20 newspaper of general circulation published in the county a
21 financial statement of the county for the year ending the
22 preceding December thirty-first.

23 2. The financial statement shall show at least the
24 following:

25 (1) A summary of the receipts of each fund of the county

1 for the year;

2 (2) A summary of the disbursements and transfers of each
3 fund of the county for the year;

4 (3) A statement of the cash balance at the beginning and at
5 the end of the year for each fund of the county;

6 (4) A summary of delinquent taxes and other due bills for
7 each fund of the county;

8 (5) A summary of warrants of each fund of the county
9 outstanding at the end of the year;

10 (6) A statement of bonded indebtedness, if any, at the
11 beginning and at the end of the year for each fund of the county;
12 and

13 (7) A statement of the tax levies of each fund of the
14 county for the year.

15 3. The financial statement need not show specific
16 disbursements, warrants issued, or the names of specific payees,
17 but every individual warrant, voucher, receipt, court order and
18 all other items, records, documents and other information which
19 are not specifically required to be retained by the officer
20 having initial charge thereof [and which would be required to be
21 included in or to construct a financial statement in the form
22 prescribed for other counties by section 50.800] shall be filed
23 on or before the date of publication of the financial statement
24 prescribed by subsection 1 in the office of the county clerk, and
25 the county clerk shall preserve the same, and shall cause the

1 same to be available for inspection during normal business hours
2 on the request of any person, for a period of five years
3 following the date of filing in his office, after which five-year
4 period these records may be disposed of according to law unless
5 they are the subject of a legal suit pending at the expiration of
6 that period.

7 4. At the end of the financial statement, each commissioner
8 of the county commission and the county clerk shall sign and
9 append the following certificate:

10 We,,, and, duly elected commissioners of
11 the county commission of County, Missouri, and I,
12, county clerk of that county, certify that the above and
13 foregoing is a complete and correct statement of every item of
14 information required in section 50.815, RSMo, for the year ending
15 December 31, [19] 20.., and we have checked every receipt from
16 every source and every disbursement of every kind and to whom and
17 for what each disbursement was made, and each receipt and
18 disbursement is accurately included in the above and foregoing
19 totals. (If for any reason complete and accurate information is
20 not given the following shall be added to the certificate.)

21 Exceptions: the above report is incomplete because proper
22 information was not available in the following records
23 which are in the keeping of the following officer or officers
24

25 Date

1
2
3
4 Commissioners, County Commission
5
6 County Clerk

7 5. Any person falsely certifying to any fact covered by the
8 certificate is liable on his bond and is guilty of a misdemeanor
9 and, on conviction thereof, shall be punished by a fine of not
10 less than two hundred dollars or more than one thousand dollars,
11 or by confinement in the county jail for a period of not less
12 than thirty days nor more than six months, or by both such fine
13 and confinement. Any person charged with preparing the financial
14 report who willfully or knowingly makes a false report of any
15 record is, in addition to the penalties otherwise provided for in
16 this section, guilty of a felony, and upon conviction thereof
17 shall be sentenced to imprisonment by the division of corrections
18 for a term of not less than two years nor more than five years.

19 [6. The provisions of sections 50.800 and 50.810 do not
20 apply to counties of the first class not having a charter form of
21 government, except as provided in subsection 3 of this section.]

22 59.331. The preparer of a document shall not include an
23 individual's federal Social Security number in a document that is
24 prepared and presented for recording in the office of the
25 recorder of deeds. This section shall not apply to any state or

1 federal tax liens, military separation or discharge papers, or
2 other documents required by law to contain such information that
3 are filed and recorded in the office of the recorder of deeds.

4 64.215. 1. Except as otherwise provided in subsection 2 of
5 this section, the county planning board shall consist of one of
6 the commissioners of the county commission selected by the county
7 commission, the county highway engineer, both of whom shall serve
8 during their tenure of office, and six residents of the
9 unincorporated territory of the county who shall be appointed by
10 the county commission. The term of the six appointed members
11 shall be four years or until their successor takes office, except
12 that the original term of three of the six appointed members
13 shall be two years. Members may be removed for cause by the
14 county commission upon written charges after public hearings.
15 Any vacancy may be filled by the county commission for the
16 unexpired term of any member whose term becomes vacant, or until
17 the member's successor takes office. All members of the board
18 shall serve without compensation; except, that an attendance fee
19 as reimbursement for expenses may be paid to the appointed
20 members of the board in an amount, set by the county commission,
21 not to exceed twenty-five dollars per meeting. The planning
22 board shall elect its chairman from among the appointed members.

23 2. In any county of the first classification with a
24 population of at least two hundred thousand inhabitants which
25 does not adjoin any other county of the first classification, the

1 county planning board may, at the option of the county
2 commission, consist of one of the commissioners of the county
3 commission selected by the county commission, and shall include
4 the county highway engineer and six residents of the
5 unincorporated territory of the county, who shall be appointed by
6 the county commission. The county highway engineer and the
7 county commissioner, if a member of the board, shall serve during
8 such person's tenure of office. The term of the six appointed
9 members shall be three years or until their successor takes
10 office.

11 3. Notwithstanding the provisions of this section to the
12 contrary, in any county of the first classification with more
13 than eighty-two thousand but less than eighty-two thousand one
14 hundred inhabitants the designated commissioner of the county
15 commission and the county highway engineer shall serve on the
16 county planning board in a non-voting, advisory role.

17 64.825. The county planning commission may also prepare,
18 with the approval of the county commission, as parts of the
19 official master plan or otherwise, sets of regulations governing
20 subdivisions of land in unincorporated areas, and amend or change
21 same from time to time as herein provided, which regulations may
22 provide for the proper location and width of streets, building
23 lines, open spaces, safety, recreation, and for the avoidance of
24 congestion of population, including minimum width and area of
25 lots. Such regulations may also include the extent to which and

1 the manner in which streets shall be graded and improved, and the
2 extent to which water, sewer and other utility services shall be
3 provided, to protect public health and general welfare. Such
4 regulations may provide that in lieu of the immediate completion
5 or installation of the work, the county planning commission may
6 accept bond for the county commission in the amount and with
7 surety or other form of security and conditions satisfactory to
8 the county commission, providing for and securing to the county
9 commission the actual construction of the improvements and
10 utilities within a period specified by the county planning
11 commission, and the county commission shall have power to enforce
12 the bond or other form of security by all proper remedies. The
13 subdivision regulations shall be adopted, changed or amended,
14 certified and filed as provided in section 64.815. The
15 subdivision regulations shall be adopted, changed or amended only
16 after a public hearing has been held thereon, public notice of
17 which shall be given in the manner as provided for the hearing in
18 section 64.815.

19 67.402. 1. The governing body of any county of the first
20 classification with more than one hundred thirty-five thousand
21 four hundred but less than one hundred thirty-five thousand five
22 hundred inhabitants, any county of the first classification with
23 more than seventy-one thousand three hundred but less than
24 seventy-one thousand four hundred inhabitants, and any county of
25 the first classification without a charter form of government and

1 with more than one hundred ninety-eight thousand but less than
2 one hundred ninety-nine thousand two hundred inhabitants may
3 enact ordinances to provide for the abatement of a condition of
4 any lot or land that has the presence of rubbish and trash,
5 lumber, bricks, tin, steel, parts of derelict motorcycles,
6 derelict cars, derelict trucks, derelict construction equipment,
7 derelict appliances [and], broken furniture, or overgrown or
8 noxious weeds in residential subdivisions or districts which may
9 endanger public safety or which is unhealthy or unsafe and
10 declared to be a public nuisance.

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

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

15 (2) Provide for duties of inspectors with regard to those
16 conditions which may be declared a nuisance, and shall provide
17 for duties of the building commissioner or designated officer or
18 officers to supervise all inspectors and to hold hearings
19 regarding such property;

20 (3) Provide for service of adequate notice of the
21 declaration of nuisance, which notice shall specify that the
22 nuisance is to be abated, listing a reasonable time for
23 commencement, and may provide that such notice be served either
24 by personal service or by certified mail, return receipt
25 requested, but if service cannot be had by either of these modes

1 of service, then service may be had by publication. The
2 ordinances shall further provide that the owner, occupant,
3 lessee, mortgagee, agent, and all other persons having an
4 interest in the property as shown by the land records of the
5 recorder of deeds of the county wherein the property is located
6 shall be made parties;

7 (4) Provide that upon failure to commence work of abating
8 the nuisance within the time specified or upon failure to proceed
9 continuously with the work without unnecessary delay, the
10 building commissioner or designated officer or officers shall
11 call and have a full and adequate hearing upon the matter before
12 the county commission, giving the affected parties at least ten
13 days' written notice of the hearing. Any party may be
14 represented by counsel, and all parties shall have an opportunity
15 to be heard. After the hearings, if evidence supports a finding
16 that the property is a nuisance or detrimental to the health,
17 safety, or welfare of the residents of the county, the county
18 commission shall issue an order making specific findings of fact,
19 based upon competent and substantial evidence, which shows the
20 property to be a nuisance and detrimental to the health, safety,
21 or welfare of the residents of the county and ordering the
22 nuisance abated. If the evidence does not support a finding that
23 the property is a nuisance or detrimental to the health, safety,
24 or welfare of the residents of the county, no order shall be
25 issued.

1 3. Any ordinance authorized by this section may provide
2 that if the owner fails to begin abating the nuisance within a
3 specific time which shall not be longer than seven days of
4 receiving notice that the nuisance has been ordered removed, the
5 building commissioner or designated officer shall cause the
6 condition which constitutes the nuisance to be removed. If the
7 building commissioner or designated officer causes such condition
8 to be removed or abated, the cost of such removal shall be
9 certified to the county clerk or officer in charge of finance who
10 shall cause the certified cost to be included in a special tax
11 bill or added to the annual real estate tax bill, at the county
12 collector's option, for the property and the certified cost shall
13 be collected by the county collector in the same manner and
14 procedure for collecting real estate taxes. If the certified
15 cost is not paid, the tax bill shall be considered delinquent,
16 and the collection of the delinquent bill shall be governed by
17 the laws governing delinquent and back taxes. The tax bill from
18 the date of its issuance shall be deemed a personal debt against
19 the owner and shall also be a lien on the property until paid.

20 4. The provisions of this section shall not apply to lands
21 owned by a public utility, rights-of-way, and easements
22 appurtenant or incidental to lands controlled by any railroad,
23 the department of transportation, the department of natural
24 resources, or the department of conservation.

25 67.793. 1. Whenever the creation of a regional

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

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

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

15 (3) The name of the proposed district;

16 (4) The population of the proposed district;

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

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

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

1 boundaries of the district.

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

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

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

25 3. The petition shall, after having been filed pursuant to

1 this section, receive a hearing by the governing body of the
2 county of filing pursuant to section 67.794.

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

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

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

14 Shall a cent tax per one hundred dollars assessed
15 valuation be levied 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 the board of directors of the district submits another
23 proposal to authorize the tax and such proposal is approved by a
24 majority of the qualified voters voting thereon.

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

4 4. (1) A regional recreational district may, by a majority
5 vote of its board of directors, impose a tax not to exceed
6 one-half of one cent on all retail sales subject to taxation
7 pursuant to sections 144.010 to 144.525, RSMo, for the purpose of
8 funding the creation, operation and maintenance of public parks,
9 recreational facilities and grounds within the boundaries of a
10 regional recreational district. The tax authorized by this
11 subsection shall be in addition to all other sales taxes allowed
12 by law. No tax pursuant to this subsection shall become
13 effective unless the board of directors submits to the voters of
14 the district, at a county or state general, primary or special
15 election, a proposal to authorize the tax, and such tax shall
16 become effective only after the majority of the voters voting on
17 such tax approve such tax. [Only whole counties participating in
18 a regional recreational district shall be able to impose a sales
19 tax pursuant to this subsection.]

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

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

25 ☐ YES

☐ NO

1 If a majority of the votes cast on the proposal by the qualified
2 voters voting thereon are in favor of the proposal, then the tax
3 shall become effective. If a majority of the votes cast by the
4 qualified voters voting are opposed to the proposal, then the
5 board of directors shall have no power to impose the tax unless
6 and until another proposal to authorize the tax is submitted to
7 the voters of the district and such proposal is approved by a
8 majority of the qualified voters voting thereon. The provisions
9 of sections 32.085 and 32.087, RSMo, shall apply to any tax
10 approved pursuant to this subsection.

11 5. As used in this section, "qualified voters" or "voters"
12 means any individuals residing within the proposed district who
13 are eligible to be registered voters and who have registered to
14 vote under chapter 115, RSMo, or, if no individuals eligible and
15 registered to vote reside within the proposed district, all of
16 the owners of real property located within the proposed district
17 who have unanimously petitioned for or consented to the adoption
18 of an ordinance by the governing body imposing a tax authorized
19 in this section. If the owner of the property within the
20 proposed district is a political subdivision or corporation of
21 the state, the governing body of such political subdivision or
22 corporation shall be considered the owner for purposes of this
23 section.

24 67.1401. 1. Sections 67.1401 to 67.1571 shall be known and
25 may be cited as the "Community Improvement District Act".

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

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

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

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

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

21 (b) Has been declared blighted or found to be a blighted
22 area pursuant to Missouri law including, but not limited to,
23 chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
24 99.300 to 99.715, RSMo;

25 (4) "Board", if the district is a political subdivision,

1 the board of directors of the district, or if the district is a
2 not-for-profit corporation, the board of directors of such
3 corporation;

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

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

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

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

12 (9) "Municipality", any city [located in a county of the
13 first classification or second classification, any city not
14 within a county and any], village, incorporated town, or county
15 of this state;

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

20 (11) "Owner", for real property, the individual or
21 individuals or entity or entities who own the fee of real
22 property or their legally authorized representative; for business
23 organizations and other entities, the owner shall be deemed to be
24 the individual which is legally authorized to represent the
25 entity in regard to the district;

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

7 (13) "Petition", a petition to establish a district as it
8 may be amended in accordance with the requirements of section
9 67.1421;

10 (14) "Qualified voters",

11 (a) For purposes of elections for approval of real property
12 taxes:

13 a. Registered voters; or

14 b. If no registered voters reside in the district, the
15 owners of one or more parcels of real property which is to be
16 subject to such real property taxes and is located within the
17 district per the tax records for real property of the county
18 clerk, or the collector of revenue if the district is located in
19 a city not within a county, as of the thirtieth day prior to the
20 date of the applicable election;

21 (b) For purposes of elections for approval of business
22 license taxes or sales taxes:

23 a. Registered voters; or

24 b. If no registered voters reside in the district, the
25 owners of one or more parcels of real property located within the

1 district per the tax records for real property of the county
2 clerk as of the thirtieth day before the date of the applicable
3 election; and

4 (c) For purposes of the election of directors of the board,
5 registered voters and owners of real property which is not exempt
6 from assessment or levy of taxes by the district and which is
7 located within the district per the tax records for real property
8 of the county clerk, or the collector of revenue if the district
9 is located in a city not within a county, of the thirtieth day
10 prior to the date of the applicable election; and

11 (15) "Registered voters", persons who reside within the
12 district and who are qualified and registered to vote pursuant to
13 chapter 115, RSMo, pursuant to the records of the election
14 authority as of the thirtieth day prior to the date of the
15 applicable election.

16 67.1461. 1. Each district shall have all the powers,
17 except to the extent any such power has been limited by the
18 petition approved by the governing body of the municipality to
19 establish the district, necessary to carry out and effectuate the
20 purposes and provisions of sections 67.1401 to 67.1571 including,
21 but not limited to, the following:

22 (1) To adopt, amend, and repeal bylaws, not inconsistent
23 with sections 67.1401 to 67.1571, necessary or convenient to
24 carry out the provisions of sections 67.1401 to 67.1571;

25 (2) To sue and be sued;

1 (3) To make and enter into contracts and other instruments,
2 with public and private entities, necessary or convenient to
3 exercise its powers and carry out its duties pursuant to sections
4 67.1401 to 67.1571;

5 (4) To accept grants, guarantees and donations of property,
6 labor, services, or other things of value from any public or
7 private source;

8 (5) To employ or contract for such managerial, engineering,
9 legal, technical, clerical, accounting, or other assistance as it
10 deems advisable;

11 (6) To acquire by purchase, lease, gift, grant, bequest,
12 devise, or otherwise, any real property within its boundaries,
13 personal property, or any interest in such property;

14 (7) To sell, lease, exchange, transfer, assign, mortgage,
15 pledge, hypothecate, or otherwise encumber or dispose of any real
16 or personal property or any interest in such property;

17 (8) To levy and collect special assessments and taxes as
18 provided in sections 67.1401 to 67.1571. However, no such
19 assessments or taxes shall be levied on any property exempt from
20 taxation pursuant to subdivision (5) of section 137.100, RSMo.
21 Those exempt pursuant to subdivision (5) of section 137.100,
22 RSMo, may voluntarily participate in the provisions of sections
23 67.1401 to 67.1571;

24 (9) If the district is a political subdivision, to levy
25 real property taxes and business license taxes in the county seat

1 of a county of the first classification containing a population
2 of at least two hundred thousand, as provided in sections 67.1401
3 to 67.1571. However, no such assessments or taxes shall be
4 levied on any property exempt from taxation pursuant to
5 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt
6 pursuant to subdivisions (2) and (5) of section 137.100, RSMo,
7 may voluntarily participate in the provisions of sections 67.1401
8 to 67.1571;

9 (10) If the district is a political subdivision [in a city
10 with a population of at least four hundred thousand located in
11 more than one county], to levy sales taxes pursuant to sections
12 67.1401 to 67.1571;

13 (11) To fix, charge, and collect fees, rents, and other
14 charges for use of any of the following:

15 (a) The district's real property, except for public
16 rights-of-way for utilities;

17 (b) The district's personal property, except in a city not
18 within a county; or

19 (c) Any of the district's interests in such real or
20 personal property, except for public rights-of-way for utilities;

21 (12) To borrow money from any public or private source and
22 issue obligations and provide security for the repayment of the
23 same as provided in sections 67.1401 to 67.1571;

24 (13) To loan money as provided in sections 67.1401 to
25 67.1571;

1 (14) To make expenditures, create reserve funds, and use
2 its revenues as necessary to carry out its powers or duties and
3 the provisions and purposes of sections 67.1401 to 67.1571;

4 (15) To enter into one or more agreements with the
5 municipality for the purpose of abating any public nuisance
6 within the boundaries of the district including, but not limited
7 to, the stabilization, repair or maintenance or demolition and
8 removal of buildings or structures, provided that the
9 municipality has declared the existence of a public nuisance;

10 (16) Within its boundaries, to provide assistance to or to
11 construct, reconstruct, install, repair, maintain, and equip any
12 of the following public improvements:

13 (a) Pedestrian or shopping malls and plazas;

14 (b) Parks, lawns, trees, and any other landscape;

15 (c) Convention centers, arenas, aquariums, aviaries, and
16 meeting facilities;

17 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels,
18 overpasses and underpasses, traffic signs and signals, utilities,
19 drainage, water, storm and sewer systems, and other site
20 improvements;

21 (e) Parking lots, garages, or other facilities;

22 (f) Lakes, dams, and waterways;

23 (g) Streetscape, lighting, benches or other seating
24 furniture, trash receptacles, marquees, awnings, canopies, walls,
25 and barriers;

1 (h) Telephone and information booths, bus stop and other
2 shelters, rest rooms, and kiosks;

3 (i) Paintings, murals, display cases, sculptures, and
4 fountains;

5 (j) Music, news, and child-care facilities; and

6 (k) Any other useful, necessary, or desired improvement;

7 (17) To dedicate to the municipality, with the
8 municipality's consent, streets, sidewalks, parks, and other real
9 property and improvements located within its boundaries for
10 public use;

11 (18) Within its boundaries and with the municipality's
12 consent, to prohibit or restrict vehicular and pedestrian traffic
13 and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
14 and tunnels and to provide the means for access by emergency
15 vehicles to or in such areas;

16 (19) Within its boundaries, to operate or to contract for
17 the provision of music, news, child-care, or parking facilities,
18 and buses, minibuses, or other modes of transportation;

19 (20) Within its boundaries, to lease space for sidewalk
20 café, tables and chairs;

21 (21) Within its boundaries, to provide or contract for the
22 provision of security personnel, equipment, or facilities for the
23 protection of property and persons;

24 (22) Within its boundaries, to provide or contract for
25 cleaning, maintenance, and other services to public and private

1 property;

2 (23) To produce and promote any tourism, recreational or
3 cultural activity or special event in the district by, but not
4 limited to, advertising, decoration of any public place in the
5 district, promotion of such activity and special events, and
6 furnishing music in any public place;

7 (24) To support business activity and economic development
8 in the district including, but not limited to, the promotion of
9 business activity, development and retention, and the recruitment
10 of developers and businesses;

11 (25) To provide or support training programs for employees
12 of businesses within the district;

13 (26) To provide refuse collection and disposal services
14 within the district;

15 (27) To contract for or conduct economic, planning,
16 marketing or other studies;

17 (28) To repair, restore, or maintain any abandoned cemetery
18 on public or private land within the district; and

19 (29) To carry out any other powers set forth in sections
20 67.1401 to 67.1571.

21 2. Each district which is located in a blighted area or
22 which includes a blighted area shall have the following
23 additional powers:

24 (1) Within its blighted area, to contract with any private
25 property owner to demolish and remove, renovate, reconstruct, or

1 rehabilitate any building or structure owned by such private
2 property owner; and

3 (2) To expend its revenues or loan its revenues pursuant to
4 a contract entered into pursuant to this subsection, provided
5 that the governing body of the municipality has determined that
6 the action to be taken pursuant to such contract is reasonably
7 anticipated to remediate the blighting conditions and will serve
8 a public purpose.

9 3. Each district shall annually reimburse the municipality
10 for the reasonable and actual expenses incurred by the
11 municipality to establish such district and review annual budgets
12 and reports of such district required to be submitted to the
13 municipality; provided that, such annual reimbursement shall not
14 exceed one and one-half percent of the revenues collected by the
15 district in such year.

16 4. Nothing in sections 67.1401 to 67.1571 shall be
17 construed to delegate to any district any sovereign right of
18 municipalities to promote order, safety, health, morals, and
19 general welfare of the public, except those such police powers,
20 if any, expressly delegated pursuant to sections 67.1401 to
21 67.1571.

22 5. The governing body of the municipality establishing the
23 district shall not decrease the level of publicly funded services
24 in the district existing prior to the creation of the district or
25 transfer the financial burden of providing the services to the

1 district unless the services at the same time are decreased
2 throughout the municipality, nor shall the governing body
3 discriminate in the provision of the publicly funded services
4 between areas included in such district and areas not so
5 included.

6 67.1545. 1. Any district [in a city with a population of
7 at least four hundred thousand located in more than one county]
8 formed as a political subdivision may impose by resolution a
9 district sales and use tax on all retail sales made in such
10 district which are subject to taxation pursuant to sections
11 144.010 to 144.525, RSMo, except sales of motor vehicles,
12 trailers, boats or outboard motors and sales to public utilities.
13 Any sales and use tax imposed pursuant to this section may be
14 imposed at a rate of one-eighth of one percent, one-fourth of one
15 percent, three-eighths of one percent, one-half of one percent or
16 one percent. Such district sales and use tax may be imposed for
17 any district purpose designated by the district in its ballot of
18 submission to its qualified voters; except that, no resolution
19 adopted pursuant to this section shall become effective unless
20 the board of directors of the district submits to the qualified
21 voters of the district, by mail-in ballot, a proposal to
22 authorize a sales and use tax pursuant to this section. If a
23 majority of the votes cast by the qualified voters on the
24 proposed sales tax are in favor of the sales tax, then the
25 resolution is adopted. If a majority of the votes cast by the

1 qualified voters are opposed to the sales tax, then the
2 resolution is void.

3 2. The ballot shall be substantially in the following form:

4 Shall the (insert name
5 of district) Community Improvement District impose a community
6 improvement districtwide sales and use tax at the maximum rate of
7 (insert amount) for a period of
8 (insert number) years from the date on which such tax is first
9 imposed for the purpose of providing revenue for
10
11 (insert general description of the purpose)?

12 ☐ YES ☐ NO

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

16 3. Within ten days after the qualified voters have approved
17 the imposition of the sales and use tax, the district shall, in
18 accordance with section 32.097, RSMo, notify the director of the
19 department of revenue. The sales and use tax authorized by this
20 section shall become effective on the first day of the second
21 calendar quarter after the director of the department of revenue
22 receives notice of the adoption of such tax.

23 4. The director of the department of revenue shall collect
24 any tax adopted pursuant to this section pursuant to section
25 32.087, RSMo.

1 5. In each district in which a sales and use tax is imposed
2 pursuant to this section, every retailer shall add such
3 additional tax imposed by the district to such retailer's sale
4 price, and when so added such tax shall constitute a part of the
5 purchase price, shall be a debt of the purchaser to the retailer
6 until paid and shall be recoverable at law in the same manner as
7 the purchase price.

8 6. In order to allow retailers to collect and report the
9 sales and use tax authorized by this section as well as all other
10 sales and use taxes required by law in the simplest and most
11 efficient manner possible, a district may establish appropriate
12 brackets to be used in the district imposing a tax pursuant to
13 this section in lieu of the brackets provided in section 144.285,
14 RSMo.

15 7. The penalties provided in sections 144.010 to 144.525,
16 RSMo, shall apply to violations of this section.

17 8. All revenue received by the district from a sales and
18 use tax imposed pursuant to this section which is designated for
19 a specific purpose shall be deposited into a special trust fund
20 and expended solely for such purpose. Upon the expiration of any
21 sales and use tax adopted pursuant to this section, all funds
22 remaining in the special trust fund shall continue to be used
23 solely for the specific purpose designated in the resolution
24 adopted by the qualified voters. Any funds in such special trust
25 fund which are not needed for current expenditures may be

1 invested by the board of directors pursuant to applicable laws
2 relating to the investment of other district funds.

3 9. A district may repeal by resolution any sales and use
4 tax imposed pursuant to this section before the expiration date
5 of such sales and use tax unless the repeal of such sales and use
6 tax will impair the district's ability to repay any liabilities
7 the district has incurred, moneys the district has borrowed or
8 obligation the district has issued to finance any improvements or
9 services rendered for the district.

10 67.1706. The metropolitan district shall have as its
11 [primary] duty the development, operation and maintenance of a
12 public system of interconnecting trails and parks throughout the
13 counties comprising the district. Nothing in this section shall
14 restrict the district's entering into and initiating projects
15 dealing with parks not necessarily connected to trails. The
16 metropolitan district shall supplement but shall not substitute
17 for the powers and responsibilities of the other parks and
18 recreation systems within the metropolitan district or other
19 conservation and environmental regulatory agencies and shall have
20 the power to contract with other parks and recreation systems as
21 well as with other public and private entities. Nothing in this
22 section shall give the metropolitan district authority to
23 regulate water quality, watershed, or land use issues in the
24 counties comprising the district.

25 67.1754. The sales tax authorized in sections 67.1712 to

67.1721 shall be collected and allocated as follows:

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

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

67.2000. 1. This section shall be known as the "Exhibition

1 Center and Recreational Facility District Act".

2 2. Whenever not less than fifty owners of real property
3 located within any county of the first classification with more
4 than eighty-five thousand nine hundred but less than eighty-six
5 thousand inhabitants, or any county of the second classification
6 with more than fifty-two thousand six hundred but less than
7 fifty-two thousand seven hundred inhabitants, or any county of
8 the first classification with more than one hundred four thousand
9 six hundred but less than one hundred four thousand seven hundred
10 inhabitants, or any county of the third classification without a
11 township form of government and with more than seventeen thousand
12 nine hundred but less than eighteen thousand inhabitants, or any
13 county of the first classification with more than thirty-seven
14 thousand but less than thirty-seven thousand one hundred
15 inhabitants, or any county of the third classification without a
16 township form of government and with more than twenty-three
17 thousand five hundred but less than twenty-three thousand six
18 hundred inhabitants, or any county of the first classification
19 with more than one hundred ninety-eight thousand but less than
20 one hundred ninety-eight two hundred inhabitants, or any county
21 of the third classification without a township form of government
22 and with more than nineteen thousand three hundred but less than
23 nineteen thousand four hundred inhabitants, or in any county of
24 the first classification with more than two hundred forty
25 thousand three hundred but less than two hundred forty thousand

1 four hundred inhabitants desire to create an exhibition center
2 and recreational facility district, the property owners shall
3 file a petition with the governing body of each county located
4 within the boundaries of the proposed district requesting the
5 creation of the district. The district boundaries may include
6 all or part of the counties described in this section. The
7 petition shall contain the following information:

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

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

12 (3) The name of the proposed district.

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

19 (1) A description of the boundaries of the proposed
20 district;

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

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

25 (4) The proposed uses for the revenue generated by the new

1 sales tax.

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

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

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

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

15 5. Following the hearing, if the governing body of each
16 county located within the proposed district decides to establish
17 the proposed district, it shall adopt an order to that effect; if
18 the governing body of any county located within the proposed
19 district decides to not establish the proposed district, the
20 boundaries of the proposed district shall not include that
21 county. The order shall contain the following:

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

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

25 (3) The name of the district;

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

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

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

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

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".

1 If a majority of the votes cast in the portion of any county that
2 is part of the proposed district favor the proposal, then the
3 sales tax shall become effective in that portion of the county
4 that is part of the proposed district on the first day of the
5 first calendar quarter immediately following the election. If a
6 majority of the votes cast in the portion of a county that is a
7 part of the proposed district oppose the proposal, then that
8 portion of such county shall not impose the sales tax authorized
9 in this section until after the county governing body has
10 submitted another such sales tax proposal and the proposal is
11 approved by a majority of the qualified voters voting thereon.
12 However, if a sales tax proposal is not approved, the governing
13 body of the county shall not resubmit a proposal to the voters
14 pursuant to this section sooner than twelve months from the date
15 of the last proposal submitted pursuant to this section. If the
16 qualified voters in two or more counties that have contiguous
17 districts approve the sales tax proposal, the districts shall
18 combine to become one district.

19 7. There is hereby created a board of trustees to
20 administer any district created and the expenditure of revenue
21 generated pursuant to this section consisting of four individuals
22 to represent each county approving the district, as provided in
23 this subsection. The governing body of each county located
24 within the district, upon approval of that county's sales tax
25 proposal, shall appoint four members to the board of trustees; at

1 least one shall be an owner of a nonlodging business located
2 within the taxing district, or their designee, at least one shall
3 be an owner of a lodging facility located within the district, or
4 their designee, and all members shall reside in the district
5 except that one nonlodging business owner, or their designee, and
6 one lodging facility owner, or their designee, may reside outside
7 the district. Each trustee shall be at least twenty-five years
8 of age and a resident of this state. Of the initial trustees
9 appointed from each county, two shall hold office for two years,
10 and two shall hold office for four years. Trustees appointed
11 after expiration of the initial terms shall be appointed to a
12 four-year term by the governing body of the county the trustee
13 represents, with the initially appointed trustee to remain in
14 office until a successor is appointed, and shall take office upon
15 being appointed. Each trustee may be reappointed. Vacancies
16 shall be filled in the same manner in which the trustee vacating
17 the office was originally appointed. The trustees shall not
18 receive compensation for their services, but may be reimbursed
19 for their actual and necessary expenses. The board shall elect a
20 chair and other officers necessary for its membership. Trustees
21 may be removed if:

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

25 (2) The governing body of the county from which the trustee

1 was appointed, by a majority vote, adopts the motion for removal.

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

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

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

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

19 (4) To borrow money and incur indebtedness and evidence the
20 same by certificates, notes, or debentures, to issue bonds and
21 use any one or more lawful funding methods the district may
22 obtain for its purposes at such rates of interest as the district
23 may determine. Any bonds, notes, and other obligations issued or
24 delivered by the district may be secured by mortgage, pledge, or
25 deed of trust of any or all of the property and income of the

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

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

25 (6) To refund any bonds, notes, or other obligations of the

1 district without an election. The terms and conditions of
2 refunding obligations shall be substantially the same as those of
3 the original issue, and the board shall provide for the payment
4 of interest at not to exceed the legal rate, and the principal of
5 such refunding obligations in the same manner as is provided for
6 the payment of interest and principal of obligations refunded;

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

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

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

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

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

24 9. There is hereby created the "Exhibition Center and
25 Recreational Facility District Sales Tax Trust Fund", which shall

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

1 district.

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

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

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

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 If a majority of the votes cast favor the extension, then the
23 sales tax shall remain in effect at the rate and for the time

1 period approved by the voters. If a sales tax extension is not
2 approved, the district may submit another sales tax proposal as
3 authorized in this section, but the district shall not submit
4 such a proposal to the voters sooner than twelve months from the
5 date of the last extension submitted.

6 12. Once the sales tax authorized by this section is
7 abolished or terminated by any means, all funds remaining in the
8 trust fund shall be used solely for the purposes approved in the
9 ballot question authorizing the sales tax. The sales tax shall
10 not be abolished or terminated while the district has any
11 financing or other obligations outstanding; provided that any new
12 financing, debt, or other obligation or any restructuring or
13 refinancing of an existing debt or obligation incurred more than
14 ten years after voter approval of the sales tax provided in this
15 section or more than ten years after any voter approved extension
16 thereof shall not cause the extension of the sales tax provided
17 in this section or cause the final maturity of any financing or
18 other obligations outstanding to be extended. Any funds in the
19 trust fund which are not needed for current expenditures may be
20 invested by the district in the securities described in
21 subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo,
22 or repurchase agreements secured by such securities. If the
23 district abolishes the sales tax, the district shall notify the
24 director of revenue of the action at least ninety days before the
25 effective date of the repeal, and the director of revenue may

1 order retention in the trust fund, for a period of one year, of
2 two percent of the amount collected after receipt of such notice
3 to cover possible refunds or overpayment of the sales tax and to
4 redeem dishonored checks and drafts deposited to the credit of
5 such accounts. After one year has elapsed after the effective
6 date of abolition of the sales tax in the district, the director
7 of revenue shall remit the balance in the account to the district
8 and close the account of the district. The director of revenue
9 shall notify the district of each instance of any amount refunded
10 or any check redeemed from receipts due the district.

11 13. In the event that the district is dissolved or
12 terminated by any means, the governing bodies of the counties in
13 the district shall appoint a person to act as trustee for the
14 district so dissolved or terminated. Before beginning the
15 discharge of duties, the trustee shall take and subscribe an oath
16 to faithfully discharge the duties of the office, and shall give
17 bond with sufficient security, approved by the governing bodies
18 of the counties, to the use of the dissolved or terminated
19 district, for the faithful discharge of duties. The trustee
20 shall have and exercise all powers necessary to liquidate the
21 district, and upon satisfaction of all remaining obligations of
22 the district, shall pay over to the county treasurer of each
23 county in the district and take receipt for all remaining moneys
24 in amounts based on the ratio the levy of each county bears to
25 the total levy for the district in the previous three years or

1 since the establishment of the district, whichever time period is
2 shorter. Upon payment to the county treasurers, the trustee
3 shall deliver to the clerk of the governing body of any county in
4 the district all books, papers, records, and deeds belonging to
5 the dissolved district.

6 67.2500. 1. The governing body of any city, town, or
7 village that is within a first class county with a charter form
8 of government with a population over two hundred fifty thousand
9 that adjoins a first class county with a charter form of
10 government with a population over nine hundred thousand, may
11 establish a theater, cultural arts, and entertainment district in
12 the manner provided in section 67.2505.

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

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

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

19 (2) "Qualified electors", "qualified voters", or "voters",
20 registered voters residing within the district or subdistrict, or
21 proposed district or subdistrict, who have registered to vote
22 pursuant to chapter 115, RSMo, or, if there are no persons
23 eligible to be registered voters residing in the district or
24 subdistrict, proposed district or subdistrict, property owners,
25 including corporations and other entities, that are owners of

1 real property;

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

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

7 67.2505. 1. A district may be created to fund, promote,
8 and provide educational, civic, musical, theatrical, cultural,
9 concerts, lecture series, and related or similar entertainment
10 events or activities, and to fund, promote, plan, design,
11 construct, improve, maintain, and operate public improvements,
12 transportation projects, and related facilities in the district.

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

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

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

19 5. Subdistricts shall be formed for the purpose of voting
20 upon proposals for the creation of the district or subsequent
21 proposed subdistrict, voting upon the question of imposing a
22 proposed sales tax, and for representation on the board of
23 directors, and for no other purpose.

24 6. Whenever the creation of a district is desired, one or
25 more registered voters from each subdistrict of the proposed

1 district, or one or more property owners who collectively own one
2 or more parcels of real estate comprising at least a majority of
3 the land situated in the proposed subdistricts within the
4 proposed district, may file a petition requesting the creation of
5 a district with the governing body of the city, town, or village
6 within which the proposed district is to be established. The
7 petition shall contain the following information:

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

10 (2) The name of the proposed district;

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

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

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

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

23 (7) A proposal for a sales tax to fund the district
24 initially, pursuant to the authority granted in sections 67.2500
25 to 67.2530, together with a request that the imposition of the

1 sales tax be submitted to the qualified voters within the
2 district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 9. Following the hearing, the governing body of any city,
22 town, or village within which the proposed district will be
23 located may order an election on the questions of the district
24 creation and sales tax funding for voter approval and certify the

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

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

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

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

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

25 (4) The name of the district;

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

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

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

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

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

1 67.2510. As a complete alternative to the procedure
2 establishing a district set forth in section 67.2505, a circuit
3 court with jurisdiction over any city, town, or village that is
4 within a first class county with a charter form of government
5 with a population over two hundred fifty thousand that adjoins a
6 first class county with a charter form of government with a
7 population over nine hundred thousand, may establish a theater,
8 cultural arts, and entertainment district in the manner provided
9 in section 67.2515.

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

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

22 (2) The name of the proposed district;

23 (3) A legal description of the proposed district, including
24 a map illustrating the district boundaries, which shall be
25 contiguous, and the division of the district into at least five,

1 but not more than fifteen, subdistricts that shall contain, or
2 are projected to contain upon full development of the
3 subdistricts, approximately equal populations;

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

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

8 (6) A general description of the activities that are
9 planned for the district;

10 (7) A proposal for a sales tax to fund the district
11 initially, pursuant to the authority granted in sections 67.2500
12 to 67.2530, together with a request that the imposing of the
13 sales tax be submitted to the qualified voters within the
14 district;

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

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

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

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

23 2. The circuit clerk of the county in which the petition is
24 filed pursuant to this section shall present the petition to the
25 judge, who shall thereupon set the petition for hearing not less

1 than thirty days nor more than forty days after the filing. The
2 judge shall cause publication of the notice of the hearing on two
3 separate occasions in at least one newspaper of general
4 circulation in the county where the proposed district is located,
5 with the first publication to occur not more than thirty days
6 before the hearing, and the second publication to occur not more
7 than fifteen days or less than ten days before the hearing. The
8 notice shall recite the following information:

9 (1) A description of the boundaries of the proposed
10 district and each subdistrict;

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

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

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

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

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

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

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

7 4. The court shall hear the case without a jury. If the
8 court determines the petition is defective or the proposed
9 district or its plan of operation is unconstitutional, it shall
10 enter its judgment to that effect and shall refuse to incorporate
11 the district as requested in the pleadings. If the court
12 determines the petition is not legally defective and the proposed
13 district and plan of operation are not unconstitutional, the
14 court shall order an election on the questions of the district
15 creation and sales tax funding for voter approval and certify the
16 questions to the circuit clerk. The election order shall include
17 the date on which the ballots will be mailed to qualified
18 electors, which shall be not sooner than the eighth Tuesday from
19 the issuance of the order. The election regarding the
20 incorporation of the district and the imposing the sales tax
21 shall follow the procedure set forth in section 67.2520, and
22 shall be held pursuant to the order and certification by the
23 circuit judge. Only those subdistricts approving the question of
24 creating the district and imposing the sales tax shall become
25 part of the district.

1 5. If the results of the election conducted in accordance
2 with section 67.2520 show that a majority of the votes cast were
3 in favor of organizing the district and imposing the sales tax,
4 the circuit judge shall establish the proposed district in those
5 subdistricts approving the question of creating the district and
6 imposing the sales tax by issuing an order to that effect. The
7 court shall determine and declare the district organized and
8 incorporated and issue an order that includes the following:

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

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

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

15 (4) The name of the district;

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

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

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

23 (8) Such other matters as the circuit court deems
24 appropriate.

25 6. Any subdistrict that does not approve the creation of

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

16 7. Any party having filed a petition or answer to a
17 petition may appeal the circuit court's order or judgment in the
18 same manner as provided for other appeals. Any order either
19 refusing to incorporate the district or incorporating the
20 district shall be a final judgment for purposes of appeal.

21 67.2520. 1. If a governing body or circuit court judge has
22 certified the question regarding the district creation and sales
23 tax funding for voter approval, the municipal clerk in which the
24 district is located, or the circuit clerk if the order and
25 certification has been by a circuit judge, shall conduct the

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

22 2. For elections held in subdistricts pursuant to this
23 section, if all the owners of property in a subdistrict joined in
24 the petition for formation of the district, such owners may cast
25 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

1 property within the subdistrict. Each voter which is not an
2 individual shall determine how to cast its vote as provided for
3 in its articles of incorporation, articles of organization,
4 articles of partnership, bylaws, or other document which sets
5 forth an appropriate mechanism for the determination of the
6 entity's vote. If a voter has no such mechanism, then its vote
7 shall be cast as determined by a majority of the persons who run
8 the day-to-day affairs of the voter. Each property owner shall
9 receive one vote;

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

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

17 (b) An authorized signature; and

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

20 a. For resident individuals, proof of registration from the
21 election authority;

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

25 (3) Applications for ballot applications shall be made not

1 later than the fourth Tuesday before the ballots are mailed to
2 qualified electors. The ballot of submission shall be in
3 substantially the following form:

4 "Shall there be organized in (here specifically
5 describe the proposed district boundaries), within the state of
6 Missouri, a district, to be known as the "..... Theater,
7 Cultural Arts, and Entertainment District" for the purpose of
8 funding, promoting, and providing educational, civic, musical,
9 theatrical, cultural, concerts, lecture series, and related or
10 similar entertainment events or activities, and funding,
11 promoting, planning, designing, constructing, improving,
12 maintaining, and operating public improvements, transportation
13 projects, and related facilities in the district?

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

[] YES

[] NO

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

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

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

Authorized Signature

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

..... Mailing Address of Voter (if different)

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

(5) Each qualified voter shall have one vote, except as provided for in section 67.2520. Each voted ballot shall be

1 signed with the authorized signature as provided for in this
2 subsection;

3 (6) Voted ballots shall be returned to the municipal clerk,
4 or the clerk of the circuit court if the district is being formed
5 by the circuit court, by mail or hand delivery no later than 5:00
6 p.m. on the fourth Tuesday after the date for mailing the
7 ballots. The municipal clerk, or circuit clerk if the district
8 is being formed by the circuit court, shall transmit all voted
9 ballots to a team of judges of not less than four, with an equal
10 number from each of the two major political parties. The judges
11 shall be selected by the city, town, or village, or the circuit
12 clerk, from lists compiled by the county election authority.
13 Upon receipt of the voted ballots the judges shall verify the
14 authenticity of the ballots, canvass the votes, and certify the
15 results. Certification by the election judges shall be final and
16 shall be immediately transmitted to the governing body of the
17 city, town, or village for further action, or the circuit judge
18 for further action if the district is being formed by the circuit
19 court. Any voter who applied for such election may contest the
20 result in the same manner as provided in chapter 115, RSMo.

21 67.2525. 1. Each member of the board of directors shall
22 have the following qualifications:

23 (1) As to those subdistricts in which there are registered
24 voters, a resident registered voter in the subdistrict that he or
25 she represents, or be a property owner or, as to those

1 subdistricts in which there are not registered voters who are
2 residents, a property owner or representative of a property owner
3 in the subdistrict he or she represents;

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

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

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

20 4. For those subdistricts which contain no registered
21 voters, the property owners who collectively own one or more
22 parcels of real estate comprising more than half of the land
23 situated in each subdistrict shall meet and shall elect a
24 representative to serve upon the board of directors. The clerk
25 of the city, town, or village in which the petition was filed

1 shall, unless waived in writing by all property owners in the
2 subdistrict, give notice by causing publication to be made once a
3 week for two consecutive weeks in a newspaper of general
4 circulation in the county, the last publication of which shall be
5 at least ten days before the day of the meeting required by this
6 section, to call a meeting of the owners of real property within
7 the subdistrict at a day and hour specified in a public place in
8 the city, town, or village in which the petition was filed for
9 the purpose of electing members of the board of directors.

10 5. The property owners, when assembled, shall organize by
11 the election of a temporary chairman and secretary of the meeting
12 who shall conduct the election. An election shall be conducted
13 for each subdistrict, with the eligible property owners voting in
14 that subdistrict. At the election, each acre of real property
15 within the subdistrict shall represent one share, and each owner,
16 including corporations and other entities, may have one vote in
17 person or for every acre of real property owned by such person
18 within the subdistrict. Each voter which is not an individual
19 shall determine how to cast its vote as provided for in its
20 articles of incorporation, articles of organization, articles of
21 partnership, bylaws, or other document which sets forth an
22 appropriate mechanism for the determination of the entity's vote.
23 If a voter has no such mechanism, then its vote shall be cast as
24 determined by a majority of the persons who run the day-to-day
25 affairs of the voter. The results of the meeting shall be

1 certified by the temporary chairman and secretary to the
2 municipal clerk if the district is established by a municipality
3 described in this section, or to the circuit clerk if the
4 district is established by a circuit court.

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

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

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

23 (1) The power to fund, promote and provide educational,
24 civic, musical, theatrical, cultural, concerts, lecture series,
25 and related or similar entertainment events or activities, and

1 fund, promote, plan, design, construct, improve, maintain, and
2 operate public improvements, transportation projects, and related
3 facilities within the district;

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

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

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

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

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

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

21 13. At the first meeting, the board, by resolution, shall
22 receive the certification of the election regarding the sales
23 tax, and may impose the sales tax in all subdistricts approving
24 the imposing sales tax. In those subdistricts that approve the
25 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,

1 donate, lease, exchange, mortgage, and encumber real and personal
2 property in furtherance of district purposes;

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

4 (6) To collect taxes and other revenues;

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

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

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

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

19 (11) To enter into entertainment contracts binding the
20 district and artists, agencies, or performers, management
21 contracts, contracts relating to the booking of entertainment and
22 the sale of tickets, and all other contracts which relate to the
23 purposes of the district;

24 (12) To contract with a local government, a corporation,
25 partnership, or individual regarding funding, promotion,

1 planning, designing, constructing, improving, maintaining, or
2 operating a project or to assist in such activity;

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

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

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

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

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

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

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

23 (5) Shall be in such denomination, bear interest at such
24 rates, be in such form, be issued as current interest bonds,
25 compound interest bonds, variable rate bonds, convertible bonds,

1 or zero coupon bonds, be issued in such manner, be payable in
2 such place or places and subject to redemption as such resolution
3 may provide; and

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

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

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

24 2. Notes, bonds, or other indebtedness of the district
25 shall be exclusively the responsibility of the district payable

1 solely out of the district funds and property and shall not
2 constitute a debt or liability of the state of Missouri or any
3 agency or political subdivision of the state. Any notes, bonds,
4 or other indebtedness of the district shall state on their face
5 that they are not obligations of the state of Missouri or any
6 agency or political subdivision thereof other than the district.

7 3. Any district may by resolution impose a district sales
8 tax of up to one half of one percent on all retail sales made in
9 such district that are subject to taxation pursuant to the
10 provisions of sections 144.010 to 144.525, RSMo. Upon voter
11 approval, and receiving the necessary certifications from the
12 governing body of the municipality in which the district is
13 located, or from the circuit court if the district was formed by
14 the circuit court, the board of directors shall have the power to
15 impose a sales tax at its first meeting, or any meeting
16 thereafter. Voter approval of the question of the imposing sales
17 tax shall be in accordance with section 67.2520 of this section.
18 The sales tax shall become effective in those subdistricts that
19 approve the sales tax on the first day of the first calendar
20 quarter immediately following the passage of a resolution by the
21 board of directors imposing the sales tax.

22 4. In each district in which a sales tax has been imposed
23 in the manner provided by this section, every retailer shall add
24 the tax imposed by the district pursuant to this section to the
25 retailer's sale price, and when so added, such tax shall

1 constitute a part of the price, shall be a debt of the purchaser
2 to the retailer until paid, and shall be recoverable at law in
3 the same manner as the purchase price.

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

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

19 7. The sales tax may be imposed at a rate of up to one half
20 of one percent on the receipts from the sale at retail of all
21 tangible personal property or taxable services at retail within
22 the district adopting such tax, if such property and services are
23 subject to taxation by the state of Missouri pursuant to the
24 provisions of sections 144.010 to 144.525, RSMo. Any district
25 sales tax imposed pursuant to this section shall be imposed at a

1 rate that shall be uniform throughout the subdistricts approving
2 the sales tax.

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

12 9. (1) On and after the effective date of any sales tax
13 imposed pursuant to this section, the district shall perform all
14 functions incident to the administration, collection,
15 enforcement, and operation of the tax. The sales tax imposed
16 pursuant to this section shall be collected and reported upon
17 such forms and under such administrative rules and regulations as
18 may be prescribed by the district.

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

25 (3) The district may contract with the municipality that

1 the district is within for the municipality to collect any
2 revenue received by the district and, after deducting the cost of
3 such collection, but not to exceed one percent of the total
4 amount collected, deposit such revenue in a special trust
5 account. Such revenue and interest may be applied by the
6 municipality to expenses, costs, or debt service of the district
7 at the direction of the district as set forth in a contract
8 between the municipality and the district.

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

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

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

1 exemption certificate for an exemption from the tax imposed by
2 this section.

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

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

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

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

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

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".

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

6 11. (1) There shall not be any election as provided for in
7 this section while the district has any financing or other
8 obligations outstanding.

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

17 "Shall (name of district) dissolve and
18 repeal the (insert amount) percent district
19 sales tax now in effect in the (name of
20 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".

1 Such subsequent elections for the repeal of the sales tax shall
2 be conducted in accordance with section 67.2520; provided,
3 however, that the district board of directors may place the
4 question of the repeal of the sales tax before the voters of the
5 district, and the municipal clerk of the city, town, or village
6 which originally conducted the incorporation of the district, or
7 the circuit clerk of the court which originally conducted the
8 incorporation of the district, shall conduct the subsequent
9 election. In subsequent elections the election judges shall
10 certify the election results to the district board of directors.

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

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

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

1 ☐ YES ☐ NO

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

5 (2) The district board shall not propose the question to
6 abolish the district while there are outstanding claims or causes
7 of action pending against the district, while the district
8 liabilities exceed its assets, while indebtedness of the district
9 is outstanding, or while the district is insolvent, in
10 receivership or under the jurisdiction of the bankruptcy court.
11 Prior to submitting the question to abolish the district to a
12 vote of the entire district, the state auditor shall audit the
13 district to determine the financial status of the district, and
14 whether the district may be abolished pursuant to law. The vote
15 on the abolition of the district shall be conducted by the
16 municipal clerk of the city, town, or village in which the
17 district is located. The procedure shall be the same as in
18 section 67.2520, except that the question shall be determined by
19 the qualified voters of the entire district. No individual
20 subdistrict may be abolished, except at such time as the district
21 is abolished.

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

24 (4) Upon receipt by the board of directors of the district

1 of the certification by the city, town, or village in which the
2 district is located that the majority of those voting within the
3 entire district have voted to abolish the district, and if the
4 state auditor has determined that the district's financial
5 condition is such that it may be abolished pursuant to law, then
6 the board of directors of the district shall:

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

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

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

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

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

24 89.410. 1. The planning commission shall recommend and the
25 council may by ordinance adopt regulations governing the

1 subdivision of land within its jurisdiction. The regulations, in
2 addition to the requirements provided by law for the approval of
3 plats, may provide requirements for the coordinated development
4 of the city, town or village; for the coordination of streets
5 within subdivisions with other existing or planned streets or
6 with other features of the city plan or official map of the city,
7 town or village; for adequate open spaces for traffic,
8 recreation, light and air; and for a distribution of population
9 and traffic; provided that, the city, town or village may only
10 impose requirements [and] for the posting of bonds [regarding],
11 letters of credit or escrows for subdivision-related
12 [regulations] improvements as provided for in subsections 2 to
13 [4] 5 of this section.

14 2. The regulation may include requirements as to the extent
15 and the manner in which the streets of the subdivision or any
16 designated portions thereto shall be graded and improved as well
17 as including requirements as to the extent and manner of the
18 installation of all utility facilities. Compliance with all of
19 these requirements is a condition precedent to the approval of
20 the plat. The regulations or practice of the council may provide
21 for the tentative approval of the plat previous to the
22 improvements and utility installations; but any tentative
23 approval shall not be entered on the plat. The regulations may
24 provide that, in lieu of the completion of the work and
25 installations previous to the final approval of a plat, the

1 council [may] shall accept [a],at the option of the developer, an
2 escrow secured with cash or an irrevocable letter of credit
3 deposited with the city, town, or village. The city, town, or
4 village may accept a surety bond [or escrow],and such bond shall
5 be in an amount and with surety and other reasonable conditions,
6 providing for and securing the actual construction and
7 installation of the improvements and utilities within a period
8 specified by the council and expressed in the bond[; provided
9 that,]. The release of any such escrow, letter of credit, or
10 bond by the city, town or village shall be as specified in this
11 section. The council may enforce the escrow or bond by all
12 appropriate legal and equitable remedies. The regulations may
13 provide, in lieu of the completion of the work and installations
14 previous to the final approval of a plat, for an assessment or
15 other method whereby the council is put in an assured position to
16 do the work and make the installations at the cost of the owners
17 of the property within the subdivision. The regulations may
18 provide for the dedication, reservation or acquisition of lands
19 and open spaces necessary for public uses indicated on the city
20 plan and for appropriate means of providing for the compensation,
21 including reasonable charges against the subdivision, if any, and
22 over a period of time and in a manner as is in the public
23 interest.

24 3. The regulations shall provide that in the event a
25 developer who has posted an escrow, or letter of credit, or bond

1 with a city, town, or village in accordance with subsection 2 of
2 this section transfers title of the subdivision property prior to
3 full release of the escrow, letter of credit, or bond, the
4 municipality shall accept a replacement escrow or letter of
5 credit from the successor developer in the form allowed in
6 subsection 2 of this section and in the amount of the escrow or
7 letter of credit held by the city, town, or village at the time
8 of the property transfer, and upon receipt of the replacement
9 escrow or letter of credit, the city, town, or village shall
10 release the original escrow or letter of credit in full and
11 release the prior developer from all further obligations with
12 respect to the subdivision improvements if the successor
13 developer assumes all of the outstanding obligations of the
14 previous developer. The city, town, or village may accept a
15 surety bond from the successor developer in the form allowed in
16 subsection 2 of this section and in the amount of the bond held
17 by the city, town, or village at the time of the property
18 transfer, and upon receipt of the replacement bond, the city,
19 town, or village shall release the original bond in full, and
20 release the prior developer from all further obligations with
21 respect to the subdivision improvements.

22 4. The regulations shall provide that any escrow or bond
23 amount held by the city, town or village to secure actual
24 construction and installation on each component of the
25 improvements or utilities shall be released within thirty days of

1 completion of each category of improvement or utility work to be
2 installed, minus a maximum retention of five percent which shall
3 be released upon completion of all improvements and utility work.
4 The city, town, or village shall inspect each category of
5 improvement or utility work within twenty business days after a
6 request for such inspection. Any such category of improvement or
7 utility work shall be deemed to be completed upon certification
8 by the city, town or village that the project is complete in
9 accordance with the ordinance of the city, town or village
10 including the filing of all documentation and certifications
11 required by the city, town or village, in complete and acceptable
12 form. The release shall be deemed effective when the escrow
13 funds or bond amount are duly posted with the United States
14 Postal Service or other agreed-upon delivery service or when the
15 escrow funds or bond amount are hand delivered to an authorized
16 person or place as specified by the owner or developer.

17 [4.] 5. If the city, town or village has not released the
18 escrow funds or bond amount within thirty days as provided in
19 this section or provided a timely inspection of the improvements
20 or utility work after request for such inspection, the city, town
21 or village shall pay the owner or developer in addition to the
22 escrow funds due the owner or developer, interest at the rate of
23 one and one-half percent per month calculated from the expiration
24 of the thirty-day period until the escrow funds or bond amount
25 have been released. Any owner or developer aggrieved by the

1 city's, town's or village's failure to observe the requirements
2 of this section may bring a civil action to enforce the
3 provisions of this section. In any civil action or part of a
4 civil action brought pursuant to this section, the court may
5 award the prevailing party or the city, town or village the
6 amount of all costs attributable to the action, including
7 reasonable attorneys' fees.

8 [5.] 6. Nothing in this section shall apply to performance,
9 maintenance and payment bonds required by cities, towns or
10 villages.

11 [6.] 7. Before adoption of its subdivision regulations or
12 any amendment thereof, a duly advertised public hearing thereon
13 shall be held by the council.

14 8. The provisions of subsection 2 of this section requiring
15 the acceptance of an escrow secured by cash or an irrevocable
16 letter of credit, rather than a surety bond, at the option of the
17 developer, all of the provisions of subsection 3 of this section,
18 and the provisions of subsections 4 and 5 of this section
19 regarding an inspection of improvements or utility work within
20 twenty business days shall not apply to any home rule city with
21 more than four hundred thousand inhabitants and located in more
22 than one county.

23 9. Notwithstanding the provisions of section 290.210, RSMo,
24 to the contrary, improvements secured by escrow, letter of
25 credit, or bond as provided in this section shall not be subject

1 to the terms of sections 290.210 to 290.340, RSMo, unless they
2 are paid for wholly or in part out of public funds.

3 115.124. 1. Notwithstanding any other law to the contrary,
4 in a nonpartisan election in any political subdivision or special
5 district except for municipal [and board of trustees of community
6 college districts] elections, if the notice provided for in
7 subsection 5 of section 115.127 has been published in at least
8 one newspaper of general circulation in the district, and if the
9 number of candidates who have filed for a particular office is
10 equal to the number of positions in that office to be filled by
11 the election, no election shall be held for such office, and the
12 candidates shall assume the responsibilities of their offices at
13 the same time and in the same manner as if they had been elected.
14 Notwithstanding any other provision of law to the contrary, if at
15 any election the number of candidates filing for a particular
16 office exceeds the number of positions to be filled at such
17 election, the election authority shall hold the election as
18 scheduled, even if a sufficient number of candidates withdraw
19 from such contest for that office so that the number of
20 candidates remaining after the filing deadline is equal to the
21 number of positions to be filled.

22 2. The election authority or political subdivision
23 responsible for the oversight of the filing of candidates in any
24 nonpartisan election in any political subdivision or special
25 district shall clearly designate where candidates shall form a

1 line to effectuate such filings and determine the order of such
2 filings; except that, in the case of candidates who file a
3 declaration of candidacy with the election authority or political
4 subdivision prior to 5:00 p.m. on the first day for filing, the
5 election authority or political subdivision may determine by
6 random drawing the order in which such candidates' names shall
7 appear on the ballot. If a drawing is conducted pursuant to this
8 subsection, it shall be conducted so that each candidate may draw
9 a number at random at the time of filing. If such drawing is
10 conducted, the election authority or political subdivision shall
11 record the number drawn with the candidate's declaration of
12 candidacy. If such drawing is conducted, the names of candidates
13 filing on the first day of filing for each office on each ballot
14 shall be listed in ascending order of the numbers so drawn.

15 137.720. 1. A percentage of all ad valorem property tax
16 collections allocable to each taxing authority within the county
17 and the county shall be deducted from the collections of taxes
18 each year and shall be deposited into the assessment fund of the
19 county as required pursuant to section 137.750. The percentage
20 shall be one-half of one percent for all counties of the first
21 and second classification and cities not within a county and one
22 percent for counties of the third and fourth classification.

23 2. For counties of the first classification and counties
24 with a charter form of government and any city not within a
25 county, an additional one-eighth of one percent of all ad valorem

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

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

1 is properly deposited in such fund.

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

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

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

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

1 31, 1996,] a proposal to authorize the governing body of the
2 county or municipality to impose a local use tax pursuant to
3 sections 144.757 to 144.761. Municipalities within a county [of
4 the first classification] having a charter form of government
5 with a population in excess of nine hundred thousand may, upon
6 voter approval received pursuant to paragraph (b) of subdivision
7 (2) of subsection 2 of this section, impose a local use tax at
8 the same rate as the local municipal sales tax with the revenues
9 from all such municipal use taxes to be distributed pursuant to
10 subsection 4 of section 94.890, RSMo. The municipality shall
11 within thirty days of the approval of the use tax imposed
12 pursuant to paragraph (b) of subdivision (2) of subsection 2 of
13 this section select one of the distribution options permitted in
14 subsection 4 of section 94.890, RSMo, for distribution of all
15 municipal use taxes.

16 2. (1) The ballot of submission, except for counties and
17 municipalities described in subdivisions (2) and (3) of this
18 subsection, shall contain substantially the following language:

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

1 total exceed two thousand dollars in any calendar year.

2 [] YES [] NO

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

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

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

1 available to the public [a] an audited comprehensive financial
2 report detailing the management and use of economic development
3 funds each year.

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

9 [] YES [] NO

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

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

17 Shall the municipality be authorized to impose a local use
18 tax at the same rate as the local sales tax by a vote of the
19 governing body, provided that if any local sales tax is repealed,
20 reduced or raised by voter approval, the respective local use tax
21 shall also be repealed, reduced or raised by the same action? A
22 use tax return shall not be required to be filed by persons whose
23 purchases from out-of-state vendors do not in total exceed two
24 thousand dollars in any calendar year.

25 [] YES [] NO

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

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

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

16 [] YES [] NO

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

20 (4) If any of such ballots are submitted on August 6, 1996,
21 and if a majority of the votes cast on the proposal by the
22 qualified voters voting thereon are in favor of the proposal,
23 then the ordinance or order and any amendments thereto shall be
24 in effect October 1, 1996, provided the director of revenue
25 receives notice of adoption of the local use tax on or before

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

17 3. The local use tax may be imposed at the same rate as the
18 local sales tax then currently in effect in the county or
19 municipality upon all transactions which are subject to the taxes
20 imposed pursuant to sections 144.600 to 144.745 within the county
21 or municipality adopting such tax; provided, however, that if any
22 local sales tax is repealed or the rate thereof is reduced or
23 raised by voter approval, the local use tax rate shall also be
24 deemed to be repealed, reduced or raised by the same action
25 repealing, reducing or raising the local sales tax.

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

8 190.050. 1. After the ambulance district has been declared
9 organized, the declaring county commission, except in counties of
10 the second class having more than one hundred five thousand
11 inhabitants located adjacent to a county of the first class
12 having a charter form of government which has a population of
13 over nine hundred thousand inhabitants, shall divide the district
14 into six election districts as equal in population as possible,
15 and shall by lot number the districts from one to six inclusive.
16 The county commission shall cause an election to be held in the
17 ambulance district within ninety days after the order
18 establishing the ambulance district to elect ambulance district
19 directors. Each voter shall vote for one director from the
20 ambulance election district in which the voter resides. The
21 directors elected from districts one and four shall serve for a
22 term of one year, the directors elected from districts two and
23 five shall serve for a term of two years, and the directors from
24 districts three and six shall serve for a term of three years;
25 thereafter, the terms of all directors shall be three years. All

1 directors shall serve the term to which they were elected or
2 appointed, and until their successors are elected and qualified,
3 except in cases of resignation or disqualification. The county
4 commission shall reapportion the ambulance districts within sixty
5 days after the population of the county is reported to the
6 governor for each decennial census of the United States.

7 Notwithstanding any other provision of law, if the number of
8 candidates for the office of director is no greater than the
9 number of directors to be elected, no election shall be held, and
10 the candidates shall assume the responsibilities of their offices
11 at the same time and in the same manner as if they have been
12 elected.

13 2. In all counties of the second class having more than one
14 hundred five thousand inhabitants located adjacent to a county of
15 the first class having a charter form of government which has a
16 population of over nine hundred thousand inhabitants, the voters
17 shall vote for six directors elected at large from within the
18 district for a term of three years. Those directors holding
19 office in any district in such a county on August 13, 1976, shall
20 continue to hold office until the expiration of their terms, and
21 their successors shall be elected from the district at large for
22 a term of three years. In any district formed in such counties
23 after August 13, 1976, the governing body of the county shall
24 cause an election to be held in that district within ninety days
25 after the order establishing the ambulance district to elect

1 ambulance district directors. Each voter shall vote for six
2 directors. The two candidates receiving the highest number of
3 votes at such election shall be elected for a term of three
4 years, the two candidates receiving the third and fourth highest
5 number of votes shall be elected for a term of two years, the two
6 candidates receiving the fifth and sixth highest number of votes
7 shall be elected for a term of one year; thereafter, the term of
8 all directors shall be three years.

9 3. A candidate for director of the ambulance district
10 shall, at the time of filing, be a citizen of the United States,
11 a qualified voter of the election district as provided in
12 subsection 1 of this section, a resident of the district for two
13 years next preceding the election, and shall be at least
14 twenty-four years of age. In an established district which is
15 located within the jurisdiction of more than one election
16 authority, the candidate shall file his or her declaration of
17 candidacy with the secretary of the board. In all other
18 districts, a candidate shall file a declaration of candidacy with
19 the county clerk of the county in which he or she resides. A
20 candidate shall file a statement under oath that he or she
21 possesses the required qualifications. No candidate's name shall
22 be printed on any official ballot unless the candidate has filed
23 a written declaration of candidacy pursuant to subsection 5 of
24 section 115.127, RSMo. If the time between the county
25 commission's call for a special election and the date of the

1 election is not sufficient to allow compliance with subsection 5
2 of section 115.127, RSMo, the county commission shall, at the
3 time it calls the special election, set the closing date for
4 filing declarations of candidacy.

5 190.051. 1. Notwithstanding the provisions of sections
6 190.050 and 190.052 to the contrary, upon a motion by the board
7 of directors in districts where there are six-member boards, and
8 upon approval by the voters in the district, the number of
9 directors may be increased to seven with one board member running
10 district wide, or decreased to five or three board members. The
11 ballot to be used for the approval of the voters to increase or
12 decrease the number of members on the board of directors of the
13 ambulance district shall be substantially in the following form:

14 Shall the number of members of the board of directors of the
15 (Insert name of district) Ambulance District be
16 (increased to seven members/decreased to five members/decreased
17 to three members)?

18 ☐ YES

☐ NO

19 2. If a majority of the voters voting on a proposition to
20 increase the number of board members to seven vote in favor of
21 the proposition, then at the next election of board members after
22 the voters vote to increase the number of directors, the voters
23 shall select one person to serve in addition to the existing six
24 directors as the member who shall run district wide.

25 3. If a majority of the voters voting on a proposition to

1 decrease the number of board members vote in favor of the
2 proposition, then the county clerk shall redraw the district into
3 the resulting number of subdistricts with equal population bases
4 and hold elections by subdistricts pursuant to section 190.050.
5 Thereafter, members of the board shall be elected to serve terms
6 of three years and until their successors are duly elected and
7 qualified.

8 4. Members of the board of directors in office on the date
9 of an election pursuant to this section to increase or decrease
10 the number of members of the board of directors shall serve the
11 term to which they were elected or appointed and until their
12 successors are elected and qualified.

13 5. The provisions of this section shall apply in all
14 counties within the state and to any city not within a county.

15 190.092. 1. A person or entity who acquires an automated
16 external defibrillator shall ensure that:

17 (1) Expected defibrillator users receive training by the
18 American Red Cross or American Heart Association in
19 cardiopulmonary resuscitation and the use of automated external
20 defibrillators, or an equivalent nationally recognized course in
21 defibrillator use and cardiopulmonary resuscitation;

22 (2) The defibrillator is maintained and tested according to
23 the manufacturer's operational guidelines;

24 (3) Any person who renders emergency care or treatment on a
25 person in cardiac arrest by using an automated external

1 defibrillator activates the emergency medical services system as
2 soon as possible; and

3 (4) Any person or entity that owns an automated external
4 defibrillator that is for use outside of a health care facility
5 shall have a physician review and approve the clinical protocol
6 for the use of the defibrillator, review and advise regarding the
7 training and skill maintenance of the intended users of the
8 defibrillator and assure proper review of all situations when the
9 defibrillator is used to render emergency care.

10 2. Any person or entity who acquires an automated external
11 defibrillator shall notify the emergency communications district
12 or the ambulance dispatch center of the primary provider of
13 emergency medical services where the automated external
14 defibrillator is to be located.

15 3. Any person who has had appropriate training, including a
16 course in cardiopulmonary resuscitation, has demonstrated a
17 proficiency in the use of an automated external defibrillator,
18 and who gratuitously and in good faith renders emergency care
19 when medically appropriate by use of or provision of an automated
20 external defibrillator, without objection of the injured victim
21 or victims thereof, shall not be held liable for any civil
22 damages as a result of such care or treatment, where the person
23 acts as an ordinarily reasonable, prudent person would have acted
24 under the same or similar circumstances. The person or entity
25 who provides appropriate training to the person using an

1 automated external defibrillator, the person or entity
2 responsible for the site where the automated external
3 defibrillator is located, and the licensed physician who reviews
4 and approves the clinical protocol, shall not be held liable for
5 civil damages resulting from the use of and automated external
6 defibrillator, provided that all other applicable requirements of
7 this section have been met. Nothing in this section shall affect
8 any claims brought pursuant to chapter 537 or 538, RSMo.

9 4. The provisions of this section shall apply in all
10 counties within the state and any city not within a county.

11 190.094. In any county of the second classification
12 containing part of a city which is located in four counties and
13 any county bordering said county on the east and south and in any
14 county of the third classification with a population of at least
15 eight thousand four hundred but less than eight thousand five
16 hundred inhabitants containing part of a lake of nine hundred
17 fifty-eight miles of shoreline but less than one thousand miles
18 of shoreline each ambulance, when in use as an ambulance, shall
19 be staffed with a minimum of one emergency medical technician and
20 one other crew member as set forth in rules adopted by the
21 department. When transporting a patient, at least one licensed
22 emergency medical technician, registered nurse or physician shall
23 be in attendance with the patient in the patient compartment at
24 all times.

25 190.101. 1. There is hereby established a "State Advisory

1 Council on Emergency Medical Services" which shall consist of
2 sixteen members, one of which shall be a resident of a city not
3 within a county. The members of the council shall be appointed
4 by the governor with the advice and consent of the senate and
5 shall serve terms of four years. The governor shall designate
6 one of the members as chairperson. The chairperson may appoint
7 subcommittees that include noncouncil members.

8 2. The state EMS medical directors advisory committee and
9 the regional EMS advisory committees will be recognized as
10 subcommittees of the state advisory council on emergency medical
11 services.

12 3. The council shall have geographical representation and
13 representation from appropriate areas of expertise in emergency
14 medical services including volunteers, professional organizations
15 involved in emergency medical services, EMT's, paramedics,
16 nurses, firefighters, physicians, ambulance service
17 administrators, hospital administrators, and other health care
18 providers concerned with emergency medical services. The
19 regional EMS advisory committees shall serve as a resource for
20 the identification of potential members of the state advisory
21 council on emergency medical services.

22 4. The members of the council and subcommittees shall serve
23 without compensation except that members of the council shall,
24 subject to appropriations, be reimbursed for reasonable travel
25 expenses and meeting expenses related to the functions of the

1 council.

2 5. The purpose of the council is to make recommendations to
3 the governor, the general assembly, and the department on
4 policies, plans, procedures and proposed regulations on how to
5 improve the statewide emergency medical services system. The
6 council shall advise the governor, the general assembly, and the
7 department on all aspects of the emergency medical services
8 system.

9 190.105. 1. No person, either as owner, agent or
10 otherwise, shall furnish, operate, conduct, maintain, advertise,
11 or otherwise be engaged in or profess to be engaged in the
12 business or service of the transportation of patients by
13 ambulance in the air, upon the streets, alleys, or any public way
14 or place of the state of Missouri unless such person holds a
15 currently valid license from the department for an ambulance
16 service issued pursuant to the provisions of sections 190.001 to
17 190.245.

18 2. No ground ambulance shall be operated for ambulance
19 purposes, and no individual shall drive, attend or permit it to
20 be operated for such purposes in the state of Missouri unless the
21 ground ambulance is under the immediate supervision and direction
22 of a person who is holding a currently valid Missouri license as
23 an emergency medical technician. Nothing in this section shall
24 be construed to mean that a duly registered nurse or a duly
25 licensed physician be required to hold an emergency medical

1 technician's license. Each ambulance service is responsible for
2 assuring that any person driving its ambulance is competent in
3 emergency vehicle operations and has a safe driving record. Each
4 ground ambulance shall be staffed with at least two licensed
5 individuals when transporting a patient, except as provided in
6 section 190.094.

7 3. No license shall be required for an ambulance service,
8 or for the attendant of an ambulance, which:

9 (1) Is rendering assistance in the case of an emergency,
10 major catastrophe or any other unforeseen event or series of
11 events which jeopardizes the ability of the local ambulance
12 service to promptly respond to emergencies; or

13 (2) Is operated from a location or headquarters outside of
14 Missouri in order to transport patients who are picked up beyond
15 the limits of Missouri to locations within or outside of
16 Missouri, but no such outside ambulance shall be used to pick up
17 patients within Missouri for transportation to locations within
18 Missouri, except as provided in subdivision (1) of this
19 subsection.

20 4. The issuance of a license pursuant to the provisions of
21 sections 190.001 to 190.245 shall not be construed so as to
22 authorize any person to provide ambulance services or to operate
23 any ambulances without a franchise in any city not within a
24 county or in a political subdivision in any county with a
25 population of over nine hundred thousand inhabitants, or a

1 franchise, contract or mutual-aid agreement in any other
2 political subdivision which has enacted an ordinance making it
3 unlawful to do so.

4 5. Sections 190.001 to 190.245 shall not preclude the
5 adoption of any law, ordinance or regulation not in conflict with
6 such sections by any city not within a county, or at least as
7 strict as such sections by any county, municipality or political
8 subdivision except that no such regulations or ordinances shall
9 be adopted by a political subdivision in a county with a
10 population of over nine hundred thousand inhabitants except by
11 the county's governing body.

12 6. In a county with a population of over nine hundred
13 thousand inhabitants, the governing body of the county shall set
14 the standards for all ambulance services which shall comply with
15 subsection 5 of this section. All such ambulance services must
16 be licensed by the department. The governing body of such county
17 shall not prohibit a licensed ambulance service from operating in
18 the county, as long as the ambulance service meets county
19 standards.

20 7. An ambulance service or vehicle when operated for the
21 purpose of transporting persons who are sick, injured, or
22 otherwise incapacitated shall not be treated as a common or
23 contract carrier under the jurisdiction of the Missouri division
24 of motor carrier and railroad safety.

25 8. Sections 190.001 to 190.245 shall not apply to, nor be

1 construed to include, any motor vehicle used by an employer for
2 the transportation of such employer's employees whose illness or
3 injury occurs on private property, and not on a public highway or
4 property, nor to any person operating such a motor vehicle.

5 9. A political subdivision that is authorized to operate a
6 licensed ambulance service may establish, operate, maintain and
7 manage its ambulance service, and select and contract with a
8 licensed ambulance service. Any political subdivision may
9 contract with a licensed ambulance service.

10 10. Except as provided in subsections 5 and 6, nothing in
11 section 67.300, RSMo, or subsection 2 of section 190.109, shall
12 be construed to authorize any municipality or county which is
13 located within an ambulance district or a fire protection
14 district that is authorized to provide ambulance service to
15 promulgate laws, ordinances or regulations related to the
16 provision of ambulance services. This provision shall not apply
17 to any municipality or county which operates an ambulance service
18 established prior to August 28, 1998.

19 11. Nothing in section 67.300, RSMo, or subsection 2 of
20 section 190.109 shall be construed to authorize any municipality
21 or county which is located within an ambulance district or a fire
22 protection district that is authorized to provide ambulance
23 service to operate an ambulance service without a franchise in an
24 ambulance district or a fire protection district that is
25 authorized to provide ambulance service which has enacted an

1 ordinance making it unlawful to do so. This provision shall not
2 apply to any municipality or county which operates an ambulance
3 service established prior to August 28, 1998.

4 12. No provider of ambulance service within the state of
5 Missouri which is licensed by the department to provide such
6 service shall discriminate regarding treatment or transportation
7 of emergency patients on the basis of race, sex, age, color,
8 religion, sexual preference, national origin, ancestry, handicap,
9 medical condition or ability to pay.

10 13. No provision of this section, other than subsections 5,
11 6, 10 and 11 of this section, is intended to limit or supersede
12 the powers given to ambulance districts pursuant to this chapter
13 or to fire protection districts pursuant to chapter 321, RSMo, or
14 to counties, cities, towns and villages pursuant to chapter 67,
15 RSMo.

16 14. Upon the sale or transfer of any ground ambulance
17 service ownership, the owner of such service shall notify the
18 department of the change in ownership within thirty days of such
19 sale or transfer. After receipt of such notice, the department
20 shall conduct an inspection of the ambulance service to verify
21 compliance with the licensure standards of sections 190.001 to
22 190.245.

23 190.108. 1. The department shall, within a reasonable time
24 after receipt of an application, cause such investigation as the
25 department deems necessary to be made of the applicant for an air

1 ambulance license.

2 2. The department shall have the authority and
3 responsibility to license an air ambulance service in accordance
4 with sections 190.001 to 190.245, and in accordance with rules
5 adopted by the department pursuant to sections 190.001 to
6 190.245. The department may promulgate rules relating to the
7 requirements for an air ambulance license including, but not
8 limited to:

9 (1) Medical control plans;
10 (2) Medical director qualifications;
11 (3) Air medical staff qualifications;
12 (4) Response and operations standards to assure that the
13 health and safety needs of the public are met;
14 (5) Standards for air medical communications;
15 (6) Criteria for compliance with licensure requirements;
16 (7) Records and forms;
17 (8) Equipment requirements;
18 (9) Five-year license renewal;
19 (10) Quality improvement committees; and
20 (11) Response time, patient care and transportation
21 standards.

22 3. Application for an air ambulance service license shall
23 be made upon such forms as prescribed by the department in rules
24 adopted pursuant to sections 190.001 to 190.245. The application
25 form shall contain such information as the department deems

1 necessary to make a determination as to whether the air ambulance
2 service meets all the requirements of sections 190.001 to 190.245
3 and rules promulgated pursuant to sections 190.001 to 190.245.

4 4. Upon the sale or transfer of any air ambulance service
5 ownership, the owner of such service shall notify the department
6 of the change in ownership within thirty days of such sale or
7 transfer. After receipt of such notice, the department shall
8 conduct an inspection of the ambulance service to verify
9 compliance with the licensure standards of sections 190.001 to
10 190.245.

11 190.109. 1. The department shall, within a reasonable time
12 after receipt of an application, cause such investigation as the
13 department deems necessary to be made of the applicant for a
14 ground ambulance license.

15 2. Any person that owned and operated a licensed ambulance
16 on December 31, 1997, shall receive an ambulance service license
17 from the department, unless suspended, revoked or terminated, for
18 that ambulance service area which was, on December 31, 1997,
19 described and filed with the department as the primary service
20 area for its licensed ambulances on August 28, 1998, provided
21 that the person makes application and adheres to the rules and
22 regulations promulgated by the department pursuant to sections
23 190.001 to 190.245.

24 3. The department shall issue a new ground ambulance
25 service license to an ambulance service that is not currently

1 licensed by the department, or is currently licensed by the
2 department and is seeking to expand its ambulance service area,
3 except as provided in subsection 4 of this section, to be valid
4 for a period of five years, unless suspended, revoked or
5 terminated, when the director finds that the applicant meets the
6 requirements of ambulance service licensure established pursuant
7 to sections 190.100 to 190.245 and the rules adopted by the
8 department pursuant to sections 190.001 to 190.245. In order to
9 be considered for a new ambulance service license, an ambulance
10 service shall submit to the department a letter of endorsement
11 from each ambulance district or fire protection district that is
12 authorized to provide ambulance service, or from each
13 municipality not within an ambulance district or fire protection
14 district that is authorized to provide ambulance service, in
15 which the ambulance service proposes to operate. If an ambulance
16 service proposes to operate in unincorporated portions of a
17 county not within an ambulance district or fire protection
18 district that is authorized to provide ambulance service, in
19 order to be considered for a new ambulance service license, the
20 ambulance service shall submit to the department a letter of
21 endorsement from the county. Any letter of endorsement required
22 pursuant to this section shall verify that the political
23 subdivision has conducted a public hearing regarding the
24 endorsement and that the governing body of the political
25 subdivision has adopted a resolution approving the endorsement.

1 The letter of endorsement shall affirmatively state that the
2 proposed ambulance service:

3 (1) Will provide a benefit to public health that outweighs
4 the associated costs;

5 (2) Will maintain or enhance the public's access to
6 ambulance services;

7 (3) Will maintain or improve the public health and promote
8 the continued development of the regional emergency medical
9 service system;

10 (4) Has demonstrated the appropriate expertise in the
11 operation of ambulance services; and

12 (5) Has demonstrated the financial resources necessary for
13 the operation of the proposed ambulance service.

14 4. A contract between a political subdivision and a
15 licensed ambulance service for the provision of ambulance
16 services for that political subdivision shall expand, without
17 further action by the department, the ambulance service area of
18 the licensed ambulance service to include the jurisdictional
19 boundaries of the political subdivision. The termination of the
20 aforementioned contract shall result in a reduction of the
21 licensed ambulance service's ambulance service area by removing
22 the geographic area of the political subdivision from its
23 ambulance service area, except that licensed ambulance service
24 providers may provide ambulance services as are needed at and
25 around the state fair grounds for protection of attendees at the

1 state fair.

2 5. The department shall renew a ground ambulance service
3 license if the applicant meets the requirements established
4 pursuant to sections 190.001 to 190.245, and the rules adopted by
5 the department pursuant to sections 190.001 to 190.245.

6 6. The department shall promulgate rules relating to the
7 requirements for a ground ambulance service license including,
8 but not limited to:

9 (1) Vehicle design, specification, operation and
10 maintenance standards;

11 (2) Equipment requirements;

12 (3) Staffing requirements;

13 (4) Five-year license renewal;

14 (5) Records and forms;

15 (6) Medical control plans;

16 (7) Medical director qualifications;

17 (8) Standards for medical communications;

18 (9) Memorandums of understanding with emergency medical
19 response agencies that provide advanced life support;

20 (10) Quality improvement committees; and

21 (11) Response time, patient care and transportation
22 standards.

23 7. Application for a ground ambulance service license shall
24 be made upon such forms as prescribed by the department in rules
25 adopted pursuant to sections 190.001 to 190.245. The application

1 form shall contain such information as the department deems
2 necessary to make a determination as to whether the ground
3 ambulance service meets all the requirements of sections 190.001
4 to 190.245 and rules promulgated pursuant to sections 190.001 to
5 190.245.

6 190.120. 1. No ambulance service license shall be issued
7 pursuant to sections 190.001 to 190.245, nor shall such license
8 be valid after issuance, nor shall any ambulance be operated in
9 Missouri unless there is at all times in force and effect
10 insurance coverage or proof of financial responsibility with
11 adequate reserves maintained for each and every ambulance owned
12 or operated by or for the applicant or licensee to provide for
13 the payment of damages in an amount as prescribed in regulation:

14 (1) For injury to or death of individuals in accidents
15 resulting from any cause for which the owner of such vehicle
16 would be liable on account of liability imposed on him or her by
17 law, regardless of whether the ambulance was being driven by the
18 owner or the owner's agent; and

19 (2) For the loss of or damage to the property of another,
20 including personal property, under like circumstances.

21 2. The insurance policy or proof of financial
22 responsibility shall be submitted by all licensees required to
23 provide such insurance pursuant to sections 190.001 to 190.245.
24 The insurance policy, or proof of the existence of financial
25 responsibility, shall be submitted to the director, in such form

1 as the director may specify, for the director's approval prior to
2 the issuance of each ambulance service license.

3 3. Every insurance policy or proof of financial
4 responsibility document required by the provisions of this
5 section shall contain proof of a provision for a continuing
6 liability thereunder to the full amount thereof, notwithstanding
7 any recovery thereon; that the liability of the insurer shall not
8 be affected by the insolvency or the bankruptcy of the assured;
9 and that until the policy is revoked the insurance company or
10 self-insured licensee or entity will not be relieved from
11 liability on account of nonpayment of premium, failure to renew
12 license at the end of the year, or any act or omission of the
13 named assured. Such policy of insurance or self-insurance shall
14 be further conditioned for the payment of any judgments up to the
15 limits of such policy, recovered against any person other than
16 the owner, the owner's agent or employee, who may operate the
17 same with the consent of the owner.

18 4. Every insurance policy or self-insured licensee or
19 entity as required by the provisions of this section shall extend
20 for the period to be covered by the license applied for and the
21 insurer shall be obligated to give not less than thirty days'
22 written notice to the director and to the insured before any
23 cancellation or termination thereof earlier than its expiration
24 date, and the cancellation or other termination of any such
25 policy shall automatically revoke and terminate the licenses

1 issued for the ambulance service covered by such policy unless
2 covered by another insurance policy in compliance with sections
3 190.001 to 190.245.

4 190.131. 1. The department shall accredit or certify
5 training entities for first responders, emergency medical
6 dispatchers, emergency medical technicians-basic, emergency
7 medical technicians-intermediate, and emergency medical
8 technicians-paramedic, for a period of five years, if the
9 applicant meets the requirements established pursuant to sections
10 190.001 to 190.245.

11 2. Such rules promulgated by the department shall set forth
12 the minimum requirements for entrance criteria, training program
13 curricula, instructors, facilities, equipment, medical oversight,
14 record keeping, and reporting.

15 3. Application for training entity accreditation or
16 certification shall be made upon such forms as prescribed by the
17 department in rules adopted pursuant to sections 190.001 to
18 190.245. The application form shall contain such information as
19 the department deems reasonably necessary to make a determination
20 as to whether the training entity meets all requirements of
21 sections 190.001 to 190.245 and rules promulgated pursuant to
22 sections 190.001 to 190.245.

23 4. Upon receipt of such application for training entity
24 accreditation or certification, the department shall determine
25 whether the training entity, its instructors, facilities,

1 equipment, curricula and medical oversight meet the requirements
2 of sections 190.001 to 190.245 and rules promulgated pursuant to
3 sections 190.001 to 190.245.

4 5. Upon finding these requirements satisfied, the
5 department shall issue a training entity accreditation or
6 certification in accordance with rules promulgated by the
7 department pursuant to sections 190.001 to 190.245.

8 6. Subsequent to the issuance of a training entity
9 accreditation or certification, the department shall cause a
10 periodic review of the training entity to assure continued
11 compliance with the requirements of sections 190.001 to 190.245
12 and all rules promulgated pursuant to sections 190.001 to
13 190.245.

14 7. No person or entity shall hold itself out or provide
15 training required by this section without accreditation or
16 certification by the department.

17 190.133. 1. The department shall, within a reasonable time
18 after receipt of an application, cause such investigation as the
19 department deems necessary to be made of the applicant for an
20 emergency medical response agency license.

21 2. The department shall issue a license to any emergency
22 medical response agency which provides advanced life support if
23 the applicant meets the requirements established pursuant to
24 sections 190.001 to 190.245, and the rules adopted by the
25 department pursuant to sections 190.001 to 190.245. The

1 department may promulgate rules relating to the requirements for
2 an emergency medical response agency including, but not limited
3 to:

4 (1) A licensure period of five years;

5 (2) Medical direction;

6 (3) Records and forms; and

7 (4) Memorandum of understanding with local ambulance
8 services.

9 3. Application for an emergency medical response agency
10 license shall be made upon such forms as prescribed by the
11 department in rules adopted pursuant to sections 190.001 to
12 190.245. The application form shall contain such information as
13 the department deems necessary to make a determination as to
14 whether the emergency medical response agency meets all the
15 requirements of sections 190.001 to 190.245 and rules promulgated
16 pursuant to sections 190.001 to 190.245.

17 4. No person or entity shall hold itself out as an
18 emergency medical response agency that provides advanced life
19 support or provide the services of an emergency medical response
20 agency that provides advanced life support unless such person or
21 entity is licensed by the department.

22 5. Only emergency medical response agencies, fire
23 departments, and fire protection districts may provide certain
24 ALS services with the services of EMT-Is.

25 190.142. 1. The department shall, within a reasonable time

1 after receipt of an application, cause such investigation as it
2 deems necessary to be made of the applicant for an emergency
3 medical technician's license. The director may authorize
4 investigations into criminal records in other states for any
5 applicant.

6 2. The department shall issue a license to all levels of
7 emergency medical technicians, for a period of five years, if the
8 applicant meets the requirements established pursuant to sections
9 190.001 to 190.245 and the rules adopted by the department
10 pursuant to sections 190.001 to 190.245. The department may
11 promulgate rules relating to the requirements for an emergency
12 medical technician including but not limited to:

13 (1) Age requirements;

14 (2) Education and training requirements based on respective
15 national curricula of the United States Department of
16 Transportation and any modification to such curricula specified
17 by the department through rules adopted pursuant to sections
18 190.001 to 190.245;

19 (3) Initial licensure testing requirements;

20 (4) Continuing education and relicensure requirements; and

21 (5) Ability to speak, read and write the English language.

22 3. Application for all levels of emergency medical
23 technician license shall be made upon such forms as prescribed by
24 the department in rules adopted pursuant to sections 190.001 to
25 190.245. The application form shall contain such information as

1 the department deems necessary to make a determination as to
2 whether the emergency medical technician meets all the
3 requirements of sections 190.001 to 190.245 and rules promulgated
4 pursuant to sections 190.001 to 190.245.

5 4. All levels of emergency medical technicians may perform
6 only that patient care which is:

7 (1) Consistent with the training, education and experience
8 of the particular emergency medical technician; and

9 (2) Ordered by a physician or set forth in protocols
10 approved by the medical director.

11 5. No person shall hold themselves out as an emergency
12 medical technician or provide the services of an emergency
13 medical technician unless such person is licensed by the
14 department.

15 6. Any rule or portion of a rule, as that term is defined
16 in section 536.010, RSMo, that is created under the authority
17 delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter
19 536, RSMo, and, if applicable, section 536.028, RSMo. This
20 section and chapter 536, RSMo, are nonseverable and if any of the
21 powers vested with the general assembly pursuant to chapter 536,
22 RSMo, to review, to delay the effective date, or to disapprove
23 and annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2004, shall be invalid and void.

1 190.143. 1. Notwithstanding any other provisions of law,
2 the department may grant a ninety-day temporary emergency medical
3 technician license to all levels of emergency medical technicians
4 who meet the following:

5 (1) Can demonstrate that they have, or will have,
6 employment requiring an emergency medical technician license;

7 (2) Are not currently licensed as an emergency medical
8 technician in Missouri or have been licensed as an emergency
9 medical technician in Missouri and fingerprints need to be
10 submitted to the Federal Bureau of Investigation to verify the
11 existence or absence of a criminal history, or they are currently
12 licensed and the license will expire before a verification can be
13 completed of the existence or absence of a criminal history;

14 (3) Have submitted a complete application upon such forms
15 as prescribed by the department in rules adopted pursuant to
16 sections 190.001 to 190.245;

17 (4) Have not been disciplined pursuant to sections 190.001
18 to 190.245 and rules promulgated pursuant to sections 190.001 to
19 190.245;

20 (5) Meet all the requirements of rules promulgated pursuant
21 to sections 190.001 to 190.245.

22 2. A temporary emergency medical technician license shall
23 only authorize the licensee to practice while under the immediate
24 supervision of a licensed emergency medical technician-basic,
25 licensed emergency medical technician-intermediate, emergency

1 medical technician-paramedic, registered nurse or physician who
2 is currently licensed, without restrictions, to practice in
3 Missouri.

4 3. A temporary emergency medical technician license shall
5 automatically expire either ninety days from the date of issuance
6 or upon the issuance of a five-year emergency medical technician
7 license.

8 190.146. Any licensee allowing a license to lapse may
9 within two years of the lapse request that their license be
10 returned to active status by notifying the department in advance
11 of such intention, and submit a complete application upon such
12 forms as prescribed by the department in rules adopted pursuant
13 to sections 190.001 to 190.245. If the licensee meets all the
14 requirements for relicensure, the department shall issue a new
15 emergency medical technician license to the licensee.

16 190.160. The renewal of any license shall require
17 conformance with sections 190.001 to 190.245 and sections 190.525
18 to 190.537, and rules adopted by the department pursuant to
19 sections 190.001 to 190.245 and sections 190.525 to 190.537.

20 190.165. 1. The department may refuse to issue or deny
21 renewal of any certificate, permit or license required pursuant
22 to sections 190.100 to 190.245 for failure to comply with the
23 provisions of sections 190.100 to 190.245 or any lawful
24 regulations promulgated by the department to implement its
25 provisions as described in subsection 2 of this section. The

1 department shall notify the applicant in writing of the reasons
2 for the refusal and shall advise the applicant of his or her
3 right to file a complaint with the administrative hearing
4 commission as provided by chapter 621, RSMo.

5 2. The department may cause a complaint to be filed with
6 the administrative hearing commission as provided by chapter 621,
7 RSMo, against any holder of any certificate, permit or license
8 required by sections 190.100 to 190.245 or any person who has
9 failed to renew or has surrendered his or her certificate, permit
10 or license for failure to comply with the provisions of sections
11 190.100 to 190.245 or any lawful regulations promulgated by the
12 department to implement such sections. Those regulations shall
13 be limited to the following:

14 (1) Use or unlawful possession of any controlled substance,
15 as defined in chapter 195, RSMo, or alcoholic beverage to an
16 extent that such use impairs a person's ability to perform the
17 work of any activity licensed or regulated by sections 190.100 to
18 190.245;

19 (2) Being finally adjudicated and found guilty, or having
20 entered a plea of guilty or nolo contendere, in a criminal
21 prosecution under the laws of any state or of the United States,
22 for any offense reasonably related to the qualifications,
23 functions or duties of any activity licensed or regulated
24 pursuant to sections 190.100 to 190.245, for any offense an
25 essential element of which is fraud, dishonesty or an act of

1 violence, or for any offense involving moral turpitude, whether
2 or not sentence is imposed;

3 (3) Use of fraud, deception, misrepresentation or bribery
4 in securing any certificate, permit or license issued pursuant to
5 sections 190.100 to 190.245 or in obtaining permission to take
6 any examination given or required pursuant to sections 190.100 to
7 190.245;

8 (4) Obtaining or attempting to obtain any fee, charge,
9 tuition or other compensation by fraud, deception or
10 misrepresentation;

11 (5) Incompetency, misconduct, gross negligence, fraud,
12 misrepresentation or dishonesty in the performance of the
13 functions or duties of any activity licensed or regulated by
14 sections 190.100 to 190.245;

15 (6) Violation of, or assisting or enabling any person to
16 violate, any provision of sections 190.100 to 190.245, or of any
17 lawful rule or regulation adopted by the department pursuant to
18 sections 190.100 to 190.245;

19 (7) Impersonation of any person holding a certificate,
20 permit or license or allowing any person to use his or her
21 certificate, permit, license or diploma from any school;

22 (8) Disciplinary action against the holder of a license or
23 other right to practice any activity regulated by sections
24 190.100 to 190.245 granted by another state, territory, federal
25 agency or country upon grounds for which revocation or suspension

1 is authorized in this state;

2 (9) For an individual being finally adjudged insane or
3 incompetent by a court of competent jurisdiction;

4 (10) Assisting or enabling any person to practice or offer
5 to practice any activity licensed or regulated by sections
6 190.100 to 190.245 who is not licensed and currently eligible to
7 practice pursuant to sections 190.100 to 190.245;

8 (11) Issuance of a certificate, permit or license based
9 upon a material mistake of fact;

10 (12) Violation of any professional trust or confidence;

11 (13) Use of any advertisement or solicitation which is
12 false, misleading or deceptive to the general public or persons
13 to whom the advertisement or solicitation is primarily directed;

14 (14) Violation of the drug laws or rules and regulations of
15 this state, any other state or the federal government;

16 (15) Refusal of any applicant or licensee to cooperate with
17 the department of health and senior services during any
18 investigation;

19 (16) Any conduct or practice which is or might be harmful
20 or dangerous to the mental or physical health of a patient or the
21 public;

22 (17) Repeated negligence in the performance of the
23 functions or duties of any activity licensed or regulated by
24 sections 190.100 to 190.245.

25 3. After the filing of such complaint, the proceedings

1 shall be conducted in accordance with the provisions of chapter
2 621, RSMo. Upon a finding by the administrative hearing
3 commission that the grounds, provided in subsection 2 of this
4 section, for disciplinary action are met, the department may,
5 singly or in combination, censure or place the person named in
6 the complaint on probation on such terms and conditions as the
7 department deems appropriate for a period not to exceed five
8 years, or may suspend, for a period not to exceed three years, or
9 revoke the license, certificate or permit.

10 4. An individual whose license has been revoked shall wait
11 one year from the date of revocation to apply for relicensure.
12 Relicensure shall be at the discretion of the department after
13 compliance with all the requirements of sections 190.100 to
14 190.245 relative to the licensing of an applicant for the first
15 time. Any individual whose license has been revoked twice within
16 a ten-year period shall not be eligible for relicensure.

17 5. The department may notify the proper licensing authority
18 of any other state in which the person whose license was
19 suspended or revoked was also licensed of the suspension or
20 revocation.

21 6. Any person, organization, association, or corporation
22 who reports or provides information to the department pursuant to
23 the provisions of sections 190.100 to 190.245 and who does so in
24 good faith shall not be subject to an action for civil damages as
25 a result thereof.

1 7. The department of health and senior services may suspend
2 any certificate, permit, or license required pursuant to sections
3 190.100 to 190.245 simultaneously with the filing of the
4 complaint with the administrative hearing commission as set forth
5 in subsection 2 of this section, if the department finds that
6 there is an imminent threat to the public health. The notice of
7 suspension shall include the basis of the suspension and notice
8 of the right to appeal such suspension. The licensee may appeal
9 the decision to suspend the license, certificate, or permit to
10 the department. The appeal shall be filed within ten days from
11 the date of the filing of the complaint. A hearing shall be
12 conducted by the department within ten days from the date the
13 appeal is filed. The suspension shall continue in effect until
14 the conclusion of the proceedings, including review thereof,
15 unless sooner withdrawn by the department, dissolved by a court
16 of competent jurisdiction or stayed by the administrative hearing
17 commission.

18 190.171. Any person aggrieved by an official action of the
19 department of health and senior services affecting the licensed
20 status of a person pursuant to the provisions of sections 190.001
21 to 190.245 and sections 190.525 to 190.537, including the refusal
22 to grant, the grant, the revocation, the suspension, or the
23 failure to renew a license, may seek a determination thereon by
24 the administrative hearing commission pursuant to the provisions
25 of section 621.045, RSMo, and it shall not be a condition to such

1 determination that the person aggrieved seek a reconsideration, a
2 rehearing, or exhaust any other procedure within the department
3 of health and senior services or the department of social
4 services.

5 190.172. Notwithstanding the provisions of subdivision (3)
6 of subsection 3 of section 621.045, RSMo, to the contrary, if no
7 contested case has been filed against the licensee, the agency
8 shall submit a copy of the settlement agreement signed by all of
9 the parties within fifteen days after signature to the
10 administrative hearing commission for determination that the
11 facts agreed to by the parties to the settlement constitute
12 grounds for denying or disciplining the license of the licensee.
13 Any person who is directly harmed by the specific conduct for
14 which the discipline is sought may submit a written impact
15 statement to the administrative hearing commission for
16 consideration in connection with the commission's review of the
17 settlement agreement.

18 190.175. 1. Each ambulance service licensee or emergency
19 medical response agency licensee shall maintain accurate records,
20 which contain information concerning the care and, if applicable,
21 the transportation of each patient.

22 2. Records will be retained by the ambulance service
23 licensees and emergency medical response agency licensees for
24 five years, readily available for inspection by the department,
25 notwithstanding transfer, sale, or discontinuance of the

1 ambulance services or business.

2 3. A patient care report, approved by the department, shall
3 be completed for each ambulance run on which are entered
4 pertinent remarks by the emergency medical technician, registered
5 nurse, or physician and such other items as specified by rules
6 promulgated by the department.

7 4. A written or electronic patient care document shall be
8 completed and given to the ambulance service personnel by the
9 health care facility when a patient is transferred between health
10 care facilities. Such patient care record shall contain such
11 information pertinent to the continued care of the patient as
12 well as the health and safety of the ambulance service personnel
13 during the transport. Nothing in this section shall be construed
14 as to limit the reporting requirements established in federal law
15 relating to the transfer of patients between health care
16 facilities.

17 5. Such records shall be available for inspection by the
18 department at any reasonable time during business hours.

19 190.185. The department shall adopt, amend, promulgate, and
20 enforce such rules, regulations, and standards with respect to
21 the provisions of this chapter as may be designed to further the
22 accomplishment of the purpose of this law in promoting
23 state-of-the-art emergency medical services in the interest of
24 public health, safety, and welfare. When promulgating such rules
25 and regulations, the department shall consider the

1 recommendations of the state advisory council on emergency
2 medical services. Any rule or portion of a rule, as that term is
3 defined in section 536.010, RSMo, that is created under the
4 authority delegated in this section shall become effective only
5 if it complies with and is subject to all of the provisions of
6 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
7 This section and chapter 536, RSMo, are nonseverable and if any
8 of the powers vested with the general assembly pursuant to
9 chapter 536, RSMo, to review, to delay the effective date, or to
10 disapprove and annul a rule are subsequently held
11 unconstitutional, then the grant of rulemaking authority and any
12 rule proposed or adopted after August 28, 2004, shall be invalid
13 and void.

14 190.196. 1. No employer shall knowingly employ or permit
15 any employee to perform any services for which a license,
16 certificate or other authorization is required by sections
17 190.001 to 190.245, or by rules adopted pursuant to sections
18 190.001 to 190.245, unless and until the person so employed
19 possesses all licenses, certificates or authorizations that are
20 required.

21 2. Any person or entity that employs or supervises a
22 person's activities as a first responder, emergency medical
23 dispatcher, emergency medical technician-basic, emergency medical
24 technician-paramedic, registered nurse or physician shall
25 cooperate with the department's efforts to monitor and enforce

1 compliance by those individuals subject to the requirements of
2 sections 190.001 to 190.245.

3 3. Any person or entity who employs individuals licensed by
4 the department pursuant to sections 190.001 to 190.245 shall
5 report to the department within seventy-two hours of their having
6 knowledge of any charges filed against a licensee in their employ
7 for possible criminal action involving the following felony
8 offenses:

9 (1) Child abuse or sexual abuse of a child;

10 (2) Crimes of violence; or

11 (3) Rape or sexual abuse.

12 4. Any licensee who has charges filed against him or her
13 for the felony offenses in subsection 3 of this section shall
14 report such an occurrence to the department within seventy-two
15 hours of the charges being filed.

16 5. The department will monitor these reports for possible
17 licensure action authorized pursuant to section 190.165.

18 190.246. 1. As used in this section, the following terms
19 shall mean:

20 (1) "Eligible person, firm, organization or other entity",
21 an ambulance service or emergency medical response agency, a
22 certified first responder, emergency medical technical-basic or
23 emergency medical technician-paramedic who is employed by, or an
24 enrolled member, person, firm, organization or entity designated
25 by, rule of the department of health and senior services in

consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience in the delivery of emergency care;
or

(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice;
or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in

1 accordance with the rules of the department;

2 (3) Every use of an epinephrine auto-injector device
3 pursuant to this section shall immediately be reported to the
4 emergency health care provider.

5 3. (1) Use of an epinephrine auto-injector device pursuant
6 to this section shall be considered first aid or emergency
7 treatment for the purpose of any law relating to liability.

8 (2) Purchase, acquisition, possession or use of an
9 epinephrine auto-injector device pursuant to this section shall
10 not constitute the unlawful practice of medicine or the unlawful
11 practice of a profession.

12 (3) Any person otherwise authorized to sell or provide an
13 epinephrine auto-injector device may sell or provide it to a
14 person authorized to possess it pursuant to this section.

15 4. Any person, firm, organization or entity that violates
16 the provisions of this section is guilty of a class B
17 misdemeanor.

18 190.248. 1. All investigations conducted in response to
19 allegations of violations of sections 190.001 to 190.245 shall be
20 completed within six months of receipt of the allegation.

21 2. In the course of an investigation the department shall
22 have access to all records directly related to the alleged
23 violations from persons or entities licensed pursuant to this
24 chapter or chapter 197 or 198, RSMo.

25 3. Any department investigations that involve other

1 administrative or law enforcement agencies shall be completed
2 within six months of notification and final determination by such
3 administrative or law enforcement agencies.

4 190.250. 1. As used in this section, the following terms
5 mean:

6 (1) "Claim", a claim of a patient for:

7 (a) Damages from a tort-feasor; or

8 (b) Benefits from an insurance carrier;

9 (2) "Insurance carrier", any person, firm, corporation,
10 association or aggregation of persons conducting an insurance
11 business pursuant to chapter 375, 376, 377, 378, 379, 380, 381,
12 or 383, RSMo;

13 (3) "Patient", any person to whom an ambulance service
14 delivers treatment, care, or transportation for sickness or
15 injury caused by a tort-feasor from whom such person seeks
16 damages or any insurance carrier which has insured such
17 tort-feasor.

18 2. Ambulance services shall have the same rights granted to
19 hospitals in sections 430.230 to 430.250, RSMo.

20 3. If the liens of such ambulance services or hospitals
21 exceed fifty percent of the amount due the patient, every
22 ambulance service or hospital giving notice of its lien, as
23 aforesaid, shall share in up to fifty percent of the net proceeds
24 due the patient, in the proportion that each claim bears to the
25 total amount of all other liens of ambulance services or

1 hospitals. "Net proceeds", as used in this section, means the
2 amount remaining after the payment of contractual attorney fees,
3 if any, and other expenses of recovery.

4 4. In administering the lien of the ambulance service, the
5 insurance carrier may pay the amount due secured by the lien of
6 the ambulance service directly, if the claimant authorizes it and
7 does not challenge the amount of the customary charges or that
8 the treatment provided was for injuries caused by the
9 tort-feasor.

10 5. Any ambulance service electing to receive benefits
11 hereunder releases the claimant from further liability on the
12 cost of the services and treatment provided to that point in
13 time.

14 190.525. As used in sections 190.525 to 190.537, the
15 following terms mean:

16 (1) "Department", the department of health and senior
17 services;

18 (2) "Director", the director of the department of health
19 and senior services or the director's duly authorized
20 representative;

21 (3) "Passenger", an individual needing transportation in a
22 supine position who does not require medical monitoring,
23 observation, aid, care or treatment during transportation, with
24 the exception of self-administered oxygen as ordered by a
25 physician during transportation;

1 (4) "Patient", an individual who is sick, injured, wounded,
2 diseased, or otherwise incapacitated or helpless, and who may
3 require medical monitoring, medical observation, aid, care or
4 treatment during transportation, with the exception of
5 self-administered oxygen as ordered by a physician;

6 (5) "Person", any individual, firm, partnership,
7 copartnership, joint venture, association, cooperative
8 organization, corporation, municipal or private, and whether
9 organized for profit or not, state, county, political
10 subdivision, state department, commission, board, bureau or
11 fraternal organization, estate, public trust, business or common
12 law trust, receiver, assignee for the benefit of creditors,
13 trustee or trustee in bankruptcy, or any other service user or
14 provider;

15 (6) "Stretcher van", any vehicle other than an ambulance
16 designed and equipped to transport passengers in a supine
17 position. No such vehicle shall be used to provide medical
18 services;

19 (7) "Stretcher van service", any person or agency that
20 provides stretcher van transportation to passengers who are
21 confined to stretchers and whose conditions are such that they do
22 not need and are not likely to need medical attention during
23 transportation.

24 190.528. 1. No person, either as owner, agent or
25 otherwise, shall furnish, operate, conduct, maintain, advertise,

1 or otherwise be engaged in or profess to be engaged in the
2 business or service of the transportation of passengers by
3 stretcher van upon the streets, alleys, or any public way or
4 place of the state of Missouri unless such person holds a
5 currently valid license from the department for a stretcher van
6 service issued pursuant to the provisions of sections 190.525 to
7 190.537 notwithstanding any provisions of chapter 390 or 622,
8 RSMo, to the contrary.

9 2. Subsection 1 of this section shall not preclude any
10 political subdivision that is authorized to operate a licensed
11 ambulance service from adopting any law, ordinance or regulation
12 governing the operation of stretcher vans that is at least as
13 strict as the minimum state standards, and no such regulations or
14 ordinances shall prohibit stretcher van services that were
15 legally picking up passengers within a political subdivision
16 prior to January 1, 2004, from continuing to operate within that
17 political subdivision and no political subdivision which did not
18 regulate or prohibit stretcher van services as of January 1,
19 2004, shall implement unreasonable regulations or ordinances to
20 prevent the establishment and operation of such services.

21 3. In any county with a charter form of government and with
22 more than one million inhabitants, the governing body of the
23 county shall set reasonable standards for all stretcher van
24 services which shall comply with subsection 2 of this section.
25 All such stretcher van services must be licensed by the

1 department. The governing body of such county shall not prohibit
2 a licensed stretcher van service from operating in the county, as
3 long as the stretcher van service meets county standards.

4 4. Nothing shall preclude the enforcement of any laws,
5 ordinances or regulations of any political subdivision authorized
6 to operate a licensed ambulance service that were in effect prior
7 to August 28, 2003.

8 5. Stretcher van services may transport passengers.

9 6. A stretcher van shall be staffed by at least two
10 individuals when transporting passengers.

11 7. The crew of the stretcher van is required to immediately
12 contact the appropriate ground ambulance service if a passenger's
13 condition deteriorates.

14 8. Stretcher van services shall not transport patients,
15 persons currently admitted to a hospital or persons being
16 transported to a hospital for admission or emergency treatment.

17 9. The department of health and senior services shall
18 promulgate regulations, including but not limited to adequate
19 insurance, on-board equipment, vehicle staffing, vehicle
20 maintenance, vehicle specifications, vehicle communications,
21 passenger safety and records and reports.

22 10. The department of health and senior services shall
23 issue service licenses for a period of no more than five years
24 for each service meeting the established rules.

25 11. Application for a stretcher van license shall be made

1 upon such forms as prescribed by the department in rules adopted
2 pursuant to sections 190.525 to 190.537. The application form
3 shall contain such information as the department deems necessary
4 to make a determination as to whether the stretcher van agency
5 meets all the requirements of sections 190.525 to 190.537 and
6 rules promulgated pursuant to sections 190.525 to 190.537. The
7 department shall conduct an inspection of the stretcher van
8 service to verify compliance with the licensure standards of
9 sections 190.525 to 190.537.

10 12. Upon the sale or transfer of any stretcher van service
11 ownership, the owner of the stretcher van service shall notify
12 the department of the change in ownership within thirty days
13 prior to the sale or transfer. The department shall conduct an
14 inspection of the stretcher van service to verify compliance with
15 the licensure standards of sections 190.525 to 190.537.

16 13. Ambulance services licensed pursuant to this chapter or
17 any rules promulgated by the department of health and senior
18 services pursuant to this chapter may provide stretcher van and
19 wheelchair transportation services pursuant to sections 190.525
20 to 190.537.

21 14. Any rule or portion of a rule, as that term is defined
22 in section 536.010, RSMo, that is created under the authority
23 delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter
25 536, RSMo, and, if applicable, section 536.028, RSMo. This

1 section and chapter 536, RSMo, are nonseverable and if any of the
2 powers vested with the general assembly pursuant to chapter 536,
3 RSMo, to review, to delay the effective date, or to disapprove
4 and annul a rule are subsequently held unconstitutional, then the
5 grant of rulemaking authority and any rule proposed or adopted
6 after August 28, 2004, shall be invalid and void.

7 190.531. 1. The department may refuse to issue or deny
8 renewal of any license required pursuant to sections 190.525 to
9 190.537 for failure to comply with the provisions of sections
10 190.525 to 190.537 or any lawful regulations promulgated by the
11 department to implement the provisions of sections 190.525 to
12 190.537. The department shall notify the applicant in writing of
13 the reasons for the refusal and shall advise the applicant of his
14 or her right to file a complaint with the administrative hearing
15 commission as provided by chapter 621, RSMo.

16 2. The department may cause a complaint to be filed with
17 the administrative hearing commission as provided by chapter 621,
18 RSMo, against any holder of any license required by sections
19 190.525 to 190.537 or any person who has failed to renew or has
20 surrendered his or her license for failure to comply with the
21 provisions of sections 190.525 to 190.537 or any lawful
22 regulations promulgated by the department to implement such
23 sections. Those regulations shall be limited to the following:

24 (1) Use or unlawful possession of any controlled substance,
25 as defined in chapter 195, RSMo, or alcoholic beverage to an

1 extent that such use impairs a person's ability to perform the
2 work of any activity licensed or regulated by sections 190.525 to
3 190.537;

4 (2) Being finally adjudicated and found guilty, or having
5 entered a plea of guilty or nolo contendere, in a criminal
6 prosecution pursuant to the laws of any state or of the United
7 States, for any offense reasonably related to the qualifications,
8 functions or duties of any activity licensed or regulated
9 pursuant to sections 190.525 to 190.537, for any offense an
10 essential element of which is fraud, dishonesty or an act of
11 violence, or for any offense involving moral turpitude, whether
12 or not sentence is imposed;

13 (3) Use of fraud, deception, misrepresentation or bribery
14 in securing any certificate, permit or license issued pursuant to
15 sections 190.525 to 190.537 or in obtaining permission to take
16 any examination given or required pursuant to sections 190.537 to
17 190.540;

18 (4) Obtaining or attempting to obtain any fee, charge,
19 tuition or other compensation by fraud, deception or
20 misrepresentation;

21 (5) Incompetency, misconduct, gross negligence, fraud,
22 misrepresentation or dishonesty in the performance of the
23 functions or duties of any activity licensed or regulated by
24 sections 190.525 to 190.537;

25 (6) Violation of, or assisting or enabling any person to

1 violate, any provision of sections 190.525 to 190.537, or of any
2 lawful rule or regulation adopted by the department pursuant to
3 sections 190.525 to 190.537;

4 (7) Impersonation of any person holding a license or
5 allowing any person to use his or her license;

6 (8) Disciplinary action against the holder of a license or
7 other right to practice any activity regulated by sections
8 190.525 to 190.537 granted by another state, territory, federal
9 agency or country upon grounds for which revocation or suspension
10 is authorized in this state;

11 (9) For an individual, being finally adjudged insane or
12 incompetent by a court of competent jurisdiction;

13 (10) Issuance of a license based upon a material mistake of
14 fact;

15 (11) Violation of any professional trust or confidence;

16 (12) Use of any advertisement or solicitation which is
17 false, misleading, or deceptive to the general public or persons
18 to whom the advertisement or solicitation is primarily directed;

19 (13) Violation of the drug laws or rules and regulations of
20 this state, any other state or the federal government;

21 (14) Refusal of any applicant or licensee to cooperate with
22 the department of health and senior services during any
23 investigation;

24 (15) Any conduct or practice which is or might be harmful
25 or dangerous to the mental or physical health of a patient or the

1 public;

2 (16) Repeated negligence in the performance of the
3 functions or duties of any activity licensed by this chapter.

4 3. After the filing of such complaint, the proceedings
5 shall be conducted in accordance with the provisions of chapter
6 621, RSMo. Upon a finding by the administrative hearing
7 commission that the grounds, as provided in subsection 2 of this
8 section, for disciplinary action are met, the department may,
9 singly or in combination, censure or place the person named in
10 the complaint on probation on such terms and conditions as the
11 department deems appropriate for a period not to exceed five
12 years, or may suspend, for a period not to exceed three years, or
13 revoke the license.

14 4. An individual whose license has been revoked shall wait
15 one year from the date of revocation to apply for relicensure.
16 Relicensure shall be at the discretion of the department after
17 compliance with all the requirements of sections 190.525 to
18 190.537 relative to the licensing of an applicant for the first
19 time.

20 5. The department may notify the proper licensing authority
21 of any other state in which the person whose license was
22 suspended or revoked was also licensed of the suspension or
23 revocation.

24 6. Any person, organization, association, or corporation
25 who reports or provides information to the department pursuant to

1 the provisions of sections 190.525 to 190.537 and who does so in
2 good faith and without negligence shall not be subject to an
3 action for civil damages as a result thereof.

4 7. The department of health and senior services may suspend
5 any license required pursuant to sections 190.525 to 190.537
6 simultaneously with the filing of the complaint with the
7 administrative hearing commission as set forth in subsection 2 of
8 this section, if the department finds that there is an imminent
9 threat to the public health. The notice of suspension shall
10 include the basis of the suspension and notice of the right to
11 appeal such suspension. The licensee may appeal the decision to
12 suspend the license to the department. The appeal shall be filed
13 within ten days from the date of the filing of the complaint. A
14 hearing shall be conducted by the department within ten days from
15 the date the appeal is filed. The suspension shall continue in
16 effect until the conclusion of the proceedings, including review
17 thereof, unless sooner withdrawn by the department, dissolved by
18 a court of competent jurisdiction, or stayed by the
19 administrative hearing commission.

20 190.534. 1. Any person violating, or failing to comply
21 with, the provisions of sections 190.525 to 190.537 is guilty of
22 a class B misdemeanor.

23 2. Each day that any violation of, or failure to comply
24 with, sections 190.525 to 190.537 is committed or permitted to
25 continue shall constitute a separate and distinct offense, and

1 shall be punishable as a separate offense pursuant to this
2 section; but the court may, in appropriate cases, stay the
3 cumulation of penalties.

4 3. The attorney general shall have concurrent jurisdiction
5 with any and all prosecuting attorneys to prosecute persons in
6 violation of sections 190.525 to 190.537, and the attorney
7 general or prosecuting attorney may institute injunctive
8 proceedings against any person operating in violation of sections
9 190.525 to 190.537.

10 190.537. Any rule or portion of a rule, as that term is
11 defined in section 536.010, RSMo, that is created pursuant to the
12 authority of sections 190.525 to 190.537 shall become effective
13 only if it complies with and is subject to all of the provisions
14 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
15 This section and chapter 536, RSMo, are nonseverable and if any
16 of the powers vested with the general assembly pursuant to
17 chapter 536, RSMo, to review, to delay the effective date or to
18 disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any
20 rule proposed or adopted after August 28, 2004, shall be invalid
21 and void.

22 191.630. As used in sections 191.630 and 191.631, the
23 following terms mean:

24 (1) "Care provider", a person who is employed as an
25 emergency medical care provider, firefighter, or police officer;

1 (2) "Contagious or infectious disease", hepatitis in any
2 form and any other communicable disease as defined in section
3 192.800, RSMo, except AIDS or HIV infection as defined in section
4 191.650, determined to be life-threatening to a person exposed to
5 the disease as established by rules adopted by the department, in
6 accordance with guidelines of the Centers for Disease Control and
7 Prevention of the Department of Health and Human Services;

8 (3) "Department", the Missouri department of health and
9 senior services;

10 (4) "Emergency medical care provider", a licensed or
11 certified person trained to provide emergency and nonemergency
12 medical care as a first responder, EMT-B, or EMT-P as defined in
13 section 190.100, RSMo, or other certification or licensure levels
14 adopted by rule of the department;

15 (5) "Exposure", a specific eye, mouth, other mucous
16 membrane, nonintact skin, or parenteral contact with blood or
17 other potentially infectious materials that results from the
18 performance of an employee's duties;

19 (6) "HIV", the same meaning as defined in section 191.650;

20 (7) "Hospital", the same meaning as defined in section
21 197.020, RSMo.

22 191.631. 1. (1) Notwithstanding any other law to the
23 contrary, if a care provider sustains an exposure from a person
24 while rendering emergency health care services, the person to
25 whom the care provider was exposed is deemed to consent to a test

1 to determine if the person has a contagious or infectious disease
2 and is deemed to consent to notification of the care provider of
3 the results of the test, upon submission of an exposure report by
4 the care provider to the hospital where the person is delivered
5 by the care provider.

6 (2) The hospital where the person is delivered shall
7 conduct the test. The sample and test results shall only be
8 identified by a number and shall not otherwise identify the
9 person tested.

10 (3) A hospital shall have written policies and procedures
11 for notification of a care provider pursuant to this section.
12 The policies and procedures shall include designation of a
13 representative of the care provider to whom notification shall be
14 provided and who shall, in turn, notify the care provider. The
15 identity of the designated representative of the care provider
16 shall not be disclosed to the person tested. The designated
17 representative shall inform the hospital of those parties who
18 receive the notification, and following receipt of such
19 information and upon request of the person tested, the hospital
20 shall inform the person of the parties to whom notification was
21 provided.

22 2. If a person tested is diagnosed or confirmed as having a
23 contagious or infectious disease pursuant to this section, the
24 hospital shall notify the care provider or the designated
25 representative of the care provider who shall then notify the

1 care provider.

2 3. The notification to the care provider shall advise the
3 care provider of possible exposure to a particular contagious or
4 infectious disease and recommend that the care provider seek
5 medical attention. The notification shall be provided as soon as
6 is reasonably possible following determination that the
7 individual has a contagious or infectious disease. The
8 notification shall not include the name of the person tested for
9 the contagious or infectious disease unless the person consents.
10 If the care provider who sustained an exposure determines the
11 identity of the person diagnosed or confirmed as having a
12 contagious or infectious disease, the identity of the person
13 shall be confidential information and shall not be disclosed by
14 the care provider to any other individual unless a specific
15 written release obtained by the person diagnosed with or
16 confirmed as having a contagious or infectious disease.

17 4. This section does not require or permit, unless
18 otherwise provided, a hospital to administer a test for the
19 express purpose of determining the presence of a contagious or
20 infectious disease; except that testing may be performed if the
21 person consents and if the requirements of this section are
22 satisfied.

23 5. This section does not preclude a hospital from providing
24 notification to a care provider under circumstances in which the
25 hospital's policy provides for notification of the hospital's own

1 employees of exposure to a contagious or infectious disease that
2 is not life-threatening if the notice does not reveal a patient's
3 name, unless the patient consents.

4 6. A hospital participating in good faith in complying with
5 the provisions of this section is immune from any liability,
6 civil or criminal, which may otherwise be incurred or imposed.

7 7. A hospital's duty of notification pursuant to this
8 section is not continuing but is limited to diagnosis of a
9 contagious or infectious disease made in the course of admission,
10 care, and treatment following the rendering of health care
11 services to which notification pursuant to this section applies.

12 8. A hospital that performs a test in compliance with this
13 section or that fails to perform a test authorized pursuant to
14 this section is immune from any liability, civil or criminal,
15 which may otherwise be incurred or imposed.

16 9. A hospital has no duty to perform the test authorized.

17 10. The department shall adopt rules to implement this
18 section. The department may determine by rule the contagious or
19 infectious diseases for which testing is reasonable and
20 appropriate and which may be administered pursuant to this
21 section. No rule or portion of a rule promulgated under the
22 authority of this section shall become effective unless it has
23 been promulgated pursuant to chapter 536, RSMo.

24 11. The employer of a care provider who sustained an
25 exposure pursuant to this section shall pay the costs of testing

1 for the person who is the source of the exposure and of the
2 testing of the care provider if the exposure was sustained during
3 the course of employment.

4 12. The provisions of this section shall apply to all
5 counties within the state and to any city not within a county.

6 229.340. 1. Each applicant for a permit under the
7 provisions of sections 229.300 to 229.370 may be required by the
8 county highway engineer to pay a fee in an amount determined by
9 the county commission by order of record, [not to exceed the sum
10 of three dollars for each such application,] which fee is to be
11 paid into a special fund in the county treasury and to be used
12 for the purpose of paying the expenses incident to the provisions
13 of sections 229.300 to 229.370. Any balance on hand in such fund
14 at the end of the fiscal year of such county shall be paid into
15 the special county road and bridge fund of such county.

16 2. The special use permit fees imposed by the county shall
17 be calculated and administered using the criteria outlined in
18 sections 67.1840 and 67.1842, RSMo, for the imposition of right-
19 of-way permit fees. The special use permit fee shall not be
20 imposed on a public utility right-of-way user for uses governed
21 by the provisions of sections 67.1830 to 67.1846, RSMo.

22 231.280. The township board of directors in all counties
23 under township organization shall keep, or cause to be kept, a
24 full, true and correct record of all moneys received and
25 disbursed on account of roads and bridges and all other receipts

1 and disbursements of every nature in such township, [showing in
2 detail from whom and on what account such money was received, and
3 to whom and for what purpose disbursed,] together with a
4 [complete inventory] report of all tools, road machinery and
5 other property belonging to the township, together with such
6 other information as to the condition of roads and bridges and
7 the needs of same as may be deemed of value, and within thirty
8 days after the end of the fiscal year of said township board of
9 directors, which fiscal year shall begin and end on the same date
10 as the fiscal year of the county in which such township is
11 located, shall cause to be published [an itemized statement] a
12 report of such receipts and expenditures, inventory of tools,
13 machinery and other property in some newspaper published in such
14 township, and if there be no newspaper published in the township,
15 then such publication may be made in any newspaper of general
16 circulation within such township published in the county. Such
17 [statement] report shall be made by the township clerk under the
18 direction of the township board, and shall be sworn to by such
19 clerk, and it shall be the duty of the township clerk within
20 thirty days after the end of the fiscal year of said township
21 board to file one copy of such [detailed statement] report with
22 the county clerk of such county, and the county clerk shall lay
23 the same before the county commission at its next regular
24 meeting.

25 231.290. For the purpose of carrying out the provisions of

1 section 231.280, it shall be the duty of the county clerk in
2 counties having township organization to prepare, at the expense
3 of the county, forms for the publication of the [detailed
4 statement] report of the township's receipts and disbursements,
5 on or before the twentieth day of February of each year, and
6 submit the same to the township clerk of each township, together
7 with any other information [he may deem] deemed necessary, and
8 the county clerk shall require each township board to make such
9 publication according to the form submitted, and also require a
10 certified copy of such [statement] report to be filed in [his]
11 the clerk's office on or before the twentieth day of March of
12 each year.

13 247.040. 1. Proceedings for the formation of a public
14 water supply district shall be substantially as follows: a
15 petition in duplicate describing the proposed boundaries of the
16 district sought to be formed, accompanied by a plat of the
17 proposed district, shall be filed with the clerk of the circuit
18 court of the county wherein the proposed district is situate, or
19 with the clerk of the circuit court of the county having the
20 largest acreage proposed to be included in the proposed district,
21 in the event that the proposed district embraces lands in more
22 than one county. Such petition, in addition to such boundary
23 description, shall set forth an estimate of the number of
24 customers of the proposed district, the necessity for the
25 formation of the district, the probable cost of the improvement,

1 an approximation of the assessed valuation of taxable property
2 within the district and such other information as may be useful
3 to the court in determining whether or not the petition should be
4 granted and a decree of incorporation entered. Such petition
5 shall be accompanied by a cash deposit of fifty dollars as an
6 advancement of the costs of the proceeding, and the petition
7 shall be signed by not less than fifty voters or owners of real
8 property within the proposed district and shall pray for the
9 incorporation of the territory therein described into a public
10 water supply district. The petition shall be verified by at
11 least one of the signers thereof.

12 2. Upon the filing of the petition, the same shall be
13 presented to the circuit court, and such court shall fix a date
14 for a hearing on such petition, as herein provided for.
15 Thereupon the clerk of the court shall give notice of the filing
16 of the petition in some newspaper of general circulation in the
17 county in which the proceedings are pending, and if the district
18 extends into any other county or counties, such notice shall also
19 be published in some newspaper of general circulation in such
20 other county or counties. The notice shall contain a description
21 of the proposed boundary lines of the district and the general
22 purposes of the petition, and shall set forth the date fixed for
23 the hearing on the petition, which shall not be less than seven
24 nor more than twenty-one days after the date of the last
25 publication of the notice and shall be on some regular judicial

1 day of the court wherein the petition is pending. Such notice
2 shall be signed by the clerk of the circuit court and shall be
3 published in three successive issues of a weekly newspaper or in
4 a daily newspaper once a week for three consecutive weeks.

5 3. The court, for good cause shown, may continue the case
6 or the hearing thereon from time to time until final disposition
7 thereof.

8 4. Exceptions to the formation of a district, or to the
9 boundaries outlined in the petition for the incorporation
10 thereof, may be made by any voter or owner of real property in
11 the proposed district; provided, such exceptions are filed not
12 less than five days prior to the date set for the hearing on the
13 petition. Such exceptions shall specify the grounds upon which
14 the exceptions are being made. If any such exceptions be filed,
15 the court shall take them into consideration in passing upon the
16 petition and shall also consider the evidence in support of the
17 petition and in support of the exceptions made. Should the court
18 find that the petition should be granted but that changes should
19 be made in the boundary lines, it shall make such changes in the
20 boundary lines as set forth in the petition as to the court may
21 seem meet and proper, and thereupon enter its decree of
22 incorporation, with such boundaries as changed.

23 5. Should the court find that it would not be to the public
24 interest to form such a district, the petition shall be dismissed
25 at the costs of the petitioners. If, however, the court should

1 find in favor of the formation of such district, the court shall
2 enter its decree of incorporation, setting forth the boundaries
3 of the proposed district as determined by the court pursuant to
4 the aforesaid hearing. The decree of incorporation shall also
5 divide the district into five subdistricts and shall fix their
6 boundary lines, all of which subdistricts shall have
7 approximately the same area and shall be numbered. The decree
8 shall further contain an appointment of one voter from each of
9 such subdistricts, to constitute the first board of directors of
10 the district. No two members of such board so appointed or
11 hereafter elected or appointed shall reside in the same
12 subdistrict, except as provided in section 247.060. If no
13 qualified person who lives in the subdistrict is willing to serve
14 on the board, the court may appoint, or the voters may elect, an
15 otherwise qualified person who lives in the district but not in
16 the subdistrict. The court shall designate two of such directors
17 so appointed to serve for a term of two years and one to serve
18 for a term of one year. And the directors thus appointed by the
19 court shall serve for the terms thus designated and until their
20 successors shall have been appointed or elected as herein
21 provided. The decree shall further designate the name and number
22 of the district by which it shall hereafter be officially known.

23 6. The decree of incorporation shall not become final and
24 conclusive until it shall have been submitted to the voters
25 residing within the boundaries described in such decree and until

1 it shall have been assented to by a majority of the voters as
2 provided in subsection 9 of this section or by two-thirds of the
3 voters of the district voting on the proposition. The decree
4 shall provide for the submission of the question and shall fix
5 the date thereof. The returns shall be certified by the judges
6 and clerks of election to the circuit court having jurisdiction
7 in the case and the court shall thereupon enter its order
8 canvassing the returns and declaring the result of such election.

9 7. If, upon canvass and declaration, it is found and
10 determined that the question shall have been assented to by a
11 majority of two-thirds of the voters of the district voting on
12 such proposition, then the court shall, in such order declaring
13 the result of the election, enter a further order declaring the
14 decree of incorporation to be final and conclusive. In the
15 event, however, that the court should find that the question had
16 not been assented to by the majority above required, the court
17 shall enter a further order declaring such decree of
18 incorporation to be void and of no effect. No appeal shall lie
19 from any such decree of incorporation nor from any of the
20 aforesaid orders. In the event that the court declares the
21 decree of incorporation to be final, as herein provided for, the
22 clerk of the circuit court shall file certified copies of such
23 decree of incorporation and of such final order with the
24 secretary of state of the state of Missouri, and with the
25 recorder of deeds of the county or counties in which the district

1 is situate and with the clerk of the county commission of the
2 county or counties in which the district is situate.

3 8. The costs incurred in the formation of the district
4 shall be taxed to the district, if the district be incorporated
5 otherwise against the petitioners.

6 9. If petitioners seeking formation of a public water
7 supply district specify in their petition that the district to be
8 organized shall be organized without authority to issue general
9 obligation bonds, then the decrees relating to the formation of
10 the district shall recite that the district shall not have
11 authority to issue general obligation bonds and the vote required
12 for such a decree of incorporation to become final and conclusive
13 shall be a simple majority of the voters of the district voting
14 on such proposition.

15 10. All initial easement recording fees necessary to
16 establish a water district created after the effective date of
17 this section shall be payable at such time when the district is
18 awarded grants or loans necessary for the construction of such
19 district.

20 247.085. 1. The board of directors of any public water
21 supply district [which is dependent upon purchases of water to
22 supply its needs] shall have power to sell and convey part or all
23 of the property of the district to any city, owning and operating
24 a waterworks system, in consideration whereof the city shall
25 obligate itself to pay or assume the payment of all outstanding

1 bond obligations of the district, and to provide reasonable and
2 adequate water service and furnish water ample in quantity for
3 all needful purposes, and pure and wholesome in quality, to the
4 inhabitants of the territory lying within the district, during
5 such period of time and under such terms and conditions as may be
6 agreed upon by the city and the board of directors of the
7 district; provided, however, that no action shall be taken as
8 provided herein until said city and public water supply district
9 shall cause a printed notice of their intention to act under this
10 section to be published in a manner prescribed for by law in a
11 newspaper having a general circulation in said city and public
12 water supply district, and a statement of the time and manner of
13 said publication shall be recited in any agreement or contract
14 executed hereunder.

15 2. Thereafter the board of directors may sell and convey
16 any remaining property of the district and after payment of the
17 debts of the district, other than bond obligations, the board of
18 directors may use the funds of the district for the purpose of
19 providing fire protection or for any other public purpose which
20 in the opinion of the board will be beneficial to the inhabitants
21 of the district.

22 3. The powers granted by this section are in addition to
23 the powers granted by other sections and are not subject to the
24 terms and conditions set forth in those sections.

25 250.055. All initial easement recording fees necessary to

1 establish a sewer district created after the effective date of
2 this section shall be payable at such time when the district is
3 awarded grants or loans necessary for the construction of such
4 district.

5 250.140. 1. Sewerage services, water services, or water
6 and sewerage services combined shall be deemed to be furnished to
7 both the occupant and owner of the premises receiving such
8 service and the city, town or village or sewer district rendering
9 such services shall have power to sue the occupant or owner, or
10 both, of such real estate in a civil action to recover any sums
11 due for such services less any deposit that is held by the city,
12 town, or village or sewer district for such services, plus a
13 reasonable attorney's fee to be fixed by the court.

14 2. If the occupant of the premises receives the billing,
15 any notice of termination of service shall be sent to both the
16 occupant and owner of the premises receiving such service, if
17 such owner has requested in writing to receive any notice of
18 termination and has provided the entity rendering such service
19 with the owner's business addresses.

20 260.830. 1. Any county of the third classification or [any
21 county of the second classification with more than forty-eight
22 thousand two hundred but less than forty-eight thousand three
23 hundred inhabitants or] any county of the fourth classification
24 with more than forty-eight thousand two hundred but less than
25 forty-eight thousand three hundred inhabitants may, by a majority

1 vote of its governing body, impose a landfill fee pursuant to
2 this section and section 260.831, for the benefit of the county.
3 No order or ordinance enacted pursuant to the authority granted
4 by this section shall be effective unless the governing body of
5 the county submits to the qualified voters of the county, at a
6 public election, a proposal to authorize the governing body of
7 the county to impose a fee under the provisions of this section.
8 The ballot of submission shall be in substantially the following
9 form:

10 Shall the county of
11 (insert name of county) impose a landfill fee of
12 (insert amount of fee per ton or volumetric
13 equivalent of solid waste)?

14 ☐ YES ☐ NO

15 If a majority of the votes cast on the proposal by the qualified
16 voters voting thereon are in favor of the proposal, then the
17 order or ordinance and any amendments thereto shall become
18 effective on the first day of the calendar quarter immediately
19 after such election results are certified. If a majority of the
20 votes cast by the qualified voters voting are opposed to the
21 proposal, then the governing body of the county shall have no
22 power to impose the fee authorized by this section unless and
23 until the governing body of the county shall again have submitted
24 another proposal to authorize the governing body of the county to

1 impose such fee, and the proposal is approved by a majority of
2 the qualified voters voting thereon. With the exception of any
3 county of the fourth classification with more than forty-eight
4 thousand two hundred but less than forty-eight thousand three
5 hundred inhabitants, if an economic development authority does
6 not exist in a county at the time that a landfill fee is adopted
7 by such county under this section, then the governing body of
8 such county shall establish an economic development authority in
9 the county.

10 2. The landfill fee authorized by such an election may not
11 exceed one dollar and fifty cents per ton or its volumetric
12 equivalent of solid waste accepted, which charge may be in
13 addition to any such fee currently imposed pursuant to the
14 provisions of section 260.330.

15 260.831. 1. Each operator of a solid waste sanitary or
16 demolition landfill in any county wherein a landfill fee has been
17 approved by the voters pursuant to section 260.830 shall collect
18 a charge equal to the charge authorized by the voters in such
19 election, not to exceed one dollar and fifty cents per ton or its
20 volumetric equivalent of solid waste accepted. Such fee shall be
21 collected in addition to any fee authorized or imposed pursuant
22 to the provisions of section 260.330, and shall be paid to such
23 operator by all political subdivisions, municipalities,
24 corporations, entities or persons disposing of solid waste or
25 demolition waste, whether pursuant to contract or otherwise, and

1 notwithstanding that any such contract may provide for
2 collection, transportation and disposal of such waste at a fixed
3 fee. Any such contract providing for collections, transportation
4 and disposal of such waste at a fixed fee which is in force on
5 August 28, 2003, shall be renegotiated by the parties to the
6 contract to include the additional fee imposed by this section.
7 Each such operator shall submit the charge, less collection
8 costs, to the governing body of the county, which shall dedicate
9 such funds for use by the industrial development authority within
10 the county and such funds shall be used by the authority for
11 economic development within the county, except in the case of any
12 county of the fourth classification with more than forty-eight
13 thousand two hundred but less than forty-eight thousand three
14 hundred inhabitants, wherein the funds shall be credited to the
15 county general revenue fund to be expended as prescribed by the
16 county governing body. Collection costs shall be the same as
17 established by the department of natural resources pursuant to
18 section 260.330, and shall not exceed two percent of the amount
19 collected pursuant to this section.

20 2. The charges established in this section shall be
21 enumerated separately from any disposal fee charged by the
22 landfill. After January 1, 1994, the fee authorized under
23 section 260.830 and this section shall be stated as a separate
24 surcharge on each individual solid waste collection customer's
25 invoice and shall also name the economic development authority

1 which receives the funds. Moneys transmitted to the governing
2 body of the county shall be no less than the amount collected
3 less collection costs and in a form, manner and frequency as the
4 governing body may prescribe. Failure to collect such charge
5 shall not relieve the operator from responsibility for
6 transmitting an amount equal to the charge to the governing body.

7 304.010. 1. As used in this section, the following terms
8 mean:

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

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

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

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

25 2. Except as otherwise provided in this section, the

1 uniform maximum speed limits are and no vehicle shall be operated
2 in excess of the speed limits established pursuant to this
3 section:

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

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

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

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

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

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

22 3. On any state road or highway where the speed limit is
23 not set pursuant to a local ordinance, the highways and
24 transportation commission may set a speed limit higher or lower
25 than the uniform maximum speed limit provided in subsection 2 of

1 this section, if a higher or lower speed limit is recommended by
2 the department of transportation. The department of public
3 safety, where it believes for safety reasons, or to expedite the
4 flow of traffic a higher or lower speed limit is warranted, may
5 request the department of transportation to raise or lower such
6 speed limit, except that no speed limit shall be set higher than
7 seventy miles per hour.

8 4. Notwithstanding the provisions of section 304.120 or any
9 other provision of law to the contrary, cities, towns and
10 villages may regulate the speed of vehicles on state roads and
11 highways within such cities', towns' or villages' corporate
12 limits by ordinance with the approval of the state highways and
13 transportation commission. Any reduction of speed in cities,
14 towns or villages shall be designed to expedite the flow of
15 traffic on such state roads and highways to the extent consistent
16 with public safety. The commission may declare any ordinance
17 void if it finds that such ordinance is:

- 18 (1) Not primarily designed to expedite traffic flow; and
19 (2) Primarily designed to produce revenue for the city,
20 town or village which enacted such ordinance.

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

24 5. The county commission of any county of the second, third

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

22 6. The county commission of any county of the second,
23 third, or fourth classification may by ordinance set a countywide
24 speed limit on roads within unincorporated areas of any county,
25 township, or road district in the county and may establish

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

23 [6.] 7. All road signs indicating speed limits or weight
24 limits shall be uniform in size, shape, lettering and coloring
25 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.

18 319.108. No county, city, or other political subdivision of
19 the state of Missouri shall impose any requirement for financial
20 responsibility on the ownership, operation, or closure of
21 underground and aboveground petroleum storage tanks. The
22 requirements of this section shall preempt any such requirements
23 enacted after December 31, 2003.

24 321.130. 1. A person, to be qualified to serve as a
25 director, shall be a voter of the district at least two years

1 before the election or appointment and be over the age of
2 twenty-four years; except as provided in subsections 2 and 3 of
3 this section. Nominations and declarations of candidacy shall be
4 filed at the headquarters of the fire protection district by
5 paying a ten dollar filing fee and filing a statement under oath
6 that such person possesses the required qualifications.

7 2. In any fire protection district located in more than one
8 county one of which is a first class county without a charter
9 form of government having a population of more than one hundred
10 ninety-eight thousand and not adjoining any other first class
11 county or located wholly within a first class county as described
12 herein, a resident shall have been a resident of the district for
13 more than one year to be qualified to serve as a director.

14 3. In any fire protection district located in a county of
15 the third or fourth classification, a person to be qualified to
16 serve as a director shall be over the age of twenty-five years
17 and shall be a voter of the district for more than two years
18 before the election or appointment, except that for the first
19 board of directors in such district, a person need only be a
20 voter of the district for one year before the election or
21 appointment.

22 4. A person desiring to become a candidate for the first
23 board of directors of the proposed district shall pay the sum of
24 five dollars as a filing fee to the treasurer of the county and
25 shall file with the election authority a statement under oath

1 that such person possesses all of the qualifications set out in
2 this chapter for a director of a fire protection district.

3 Thereafter, such candidate shall have the candidate's name placed
4 on the ballot as a candidate for director.

5 5. The provisions of this section shall apply to any county
6 within the state and to any city not within a county.

7 321.180. The treasurer shall keep strict and accurate
8 accounts of all money received by and disbursed for and on behalf
9 of the district in permanent records. He shall file with the
10 clerk of the court, at the expense of the district, a corporate
11 fidelity bond in an amount to be determined by the board for not
12 less than five thousand dollars, conditioned on the faithful
13 performance of the duties of his office. He shall file in the
14 office of the county clerk of each county in which all or part of
15 the district lies a detailed financial statement for the
16 preceding fiscal year of the district on behalf of the board, on
17 or before April first of the following year.

18 321.552. 1. Except in any county of the first
19 classification with over two hundred thousand inhabitants, or any
20 county of the first classification without a charter form of
21 government and with more than seventy-three thousand seven
22 hundred but less than seventy-three thousand eight hundred
23 inhabitants; or any county of the first classification without a
24 charter form of government and with more than one hundred
25 eighty-four thousand but less than one hundred eighty-eight

1 thousand inhabitants; or any county with a charter form of
2 government with over one million inhabitants[; or any county with
3 a charter form of government with over two hundred eighty
4 thousand inhabitants but less than three hundred thousand
5 inhabitants], the governing body of any ambulance or fire
6 protection district may impose a sales tax in an amount up to
7 one-half of one percent on all retail sales made in such
8 ambulance or fire protection district which are subject to
9 taxation pursuant to the provisions of sections 144.010 to
10 144.525, RSMo, provided that such sales tax shall be accompanied
11 by a reduction in the district's tax rate as defined in section
12 137.073, RSMo. The tax authorized by this section shall be in
13 addition to any and all other sales taxes allowed by law, except
14 that no sales tax imposed pursuant to the provisions of this
15 section shall be effective unless the governing body of the
16 ambulance or fire protection district submits to the voters of
17 such ambulance or fire protection district, at a municipal or
18 state general, primary or special election, a proposal to
19 authorize the governing body of the ambulance or fire protection
20 district to impose a tax pursuant to this section.

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

23 "Shall
24 (insert name of ambulance or fire protection district) impose a
25 sales tax of (insert amount up to one-half)

1 of one percent for the purpose of providing revenues for the
2 operation of the
3 (insert name of ambulance or fire protection district) and the
4 total property tax levy on properties in the
5 (insert name of
6 the ambulance or fire protection district) shall be reduced
7 annually by an amount which reduces property tax revenues by an
8 amount equal to fifty percent of the previous year's revenue
9 collected from this sales tax?

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 3. If a majority of the votes cast on the proposal by the
15 qualified voters voting thereon are in favor of the proposal,
16 then the sales tax authorized in this section shall be in effect
17 and the governing body of the ambulance or fire protection
18 district shall lower the level of its tax rate by an amount which
19 reduces property tax revenues by an amount equal to fifty percent
20 of the amount of sales tax collected in the preceding year. If a
21 majority of the votes cast by the qualified voters voting are
22 opposed to the proposal, then the governing body of the ambulance
23 or fire protection district shall not impose the sales tax
24 authorized in this section unless and until the governing body of

1 such ambulance or fire protection district resubmits a proposal
2 to authorize the governing body of the ambulance or fire
3 protection district to impose the sales tax authorized by this
4 section and such proposal is approved by a majority of the
5 qualified voters voting thereon.

6 4. All revenue received by a district from the tax
7 authorized pursuant to this section shall be deposited in a
8 special trust fund, and be used solely for the purposes specified
9 in the proposal submitted pursuant to this section for so long as
10 the tax shall remain in effect.

11 5. All sales taxes collected by the director of revenue
12 pursuant to this section, less one percent for cost of collection
13 which shall be deposited in the state's general revenue fund
14 after payment of premiums for surety bonds as provided in section
15 32.087, RSMo, shall be deposited in a special trust fund, which
16 is hereby created, to be known as the "Ambulance or Fire
17 Protection District Sales Tax Trust Fund". The moneys in the
18 ambulance or fire protection district sales tax trust fund shall
19 not be deemed to be state funds and shall not be commingled with
20 any funds of the state. The director of revenue shall keep
21 accurate records of the amount of money in the trust and the
22 amount collected in each district imposing a sales tax pursuant
23 to this section, and the records shall be open to inspection by
24 officers of the county and to the public. Not later than the
25 tenth day of each month the director of revenue shall distribute

1 all moneys deposited in the trust fund during the preceding month
2 to the governing body of the district which levied the tax; such
3 funds shall be deposited with the board treasurer of each such
4 district.

5 6. The director of revenue may make refunds from the
6 amounts in the trust fund and credit any district for erroneous
7 payments and overpayments made, and may redeem dishonored checks
8 and drafts deposited to the credit of such district. If any
9 district abolishes the tax, the district shall notify the
10 director of revenue of the action at least ninety days prior to
11 the effective date of the repeal and the director of revenue may
12 order retention in the trust fund, for a period of one year, of
13 two percent of the amount collected after receipt of such notice
14 to cover possible refunds or overpayment of the tax and to redeem
15 dishonored checks and drafts deposited to the credit of such
16 accounts. After one year has elapsed after the effective date of
17 abolition of the tax in such district, the director of revenue
18 shall remit the balance in the account to the district and close
19 the account of that district. The director of revenue shall
20 notify each district of each instance of any amount refunded or
21 any check redeemed from receipts due the district.

22 7. Except as modified in this section, all provisions of
23 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
24 pursuant to this section.

25 321.554. 1. Except in any county of the first

classification with over two hundred thousand inhabitants, or any
county of the first classification without a charter form of
government and with more than seventy-three thousand seven
hundred but less than seventy-three thousand eight hundred
inhabitants; or any county of the first classification without a
charter form of government and with more than one hundred
eighty-four thousand but less than one hundred eighty-eight
thousand inhabitants; or any county with a charter form of
government with over one million inhabitants, when the revenue
from the ambulance or fire protection district sales tax is
collected for distribution pursuant to section 321.552, the board
of the ambulance or fire protection district, after determining
its budget for the year pursuant to section 67.010, RSMo, and the
rate of levy needed to produce the required revenue and after
making any other adjustments to the levy that may be required by
any other law, shall reduce the total operating levy of the
district in an amount sufficient to decrease the revenue it would
have received therefrom by an amount equal to fifty percent of
the previous fiscal year's sales tax receipts. Loss of revenue,
due to a decrease in the assessed valuation of real property
located within the ambulance or fire protection district as a
result of general reassessment, and from state-assessed railroad
and utility distributable property based upon the previous fiscal
year's receipts shall be considered in lowering the rate of levy
to comply with this section in the year of general reassessment

1 and in each subsequent year. In the event that in the
2 immediately preceding year the ambulance or fire protection
3 district actually received more or less sales tax revenue than
4 estimated, the ambulance or fire protection district board may
5 adjust its operating levy for the current year to reflect such
6 increase or decrease. The director of revenue shall certify the
7 amount payable from the ambulance or fire protection district
8 sales tax trust fund to the general revenue fund to the state
9 treasurer.

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

13 3. In a year of general reassessment, as defined by section
14 137.073, RSMo, or assessment maintenance as defined by section
15 137.115, RSMo, in which an ambulance or fire protection district
16 in reliance upon the information then available to it relating to
17 the total assessed valuation of such ambulance or fire protection
18 district revises its property tax levy pursuant to section
19 137.073 or 137.115, RSMo, and it is subsequently determined by
20 decisions of the state tax commission or a court pursuant to
21 sections 138.430 to 138.433, RSMo, or due to clerical errors or
22 corrections in the calculation or recordation of assessed
23 valuations that the assessed valuation of such ambulance or fire
24 protection district has been changed, and but for such change the
25 ambulance or fire protection district would have adopted a

1 different levy on the date of its original action, then the
2 ambulance or fire protection district may adjust its levy to an
3 amount to reflect such change in assessed valuation, including,
4 if necessary, a change in the levy reduction required by this
5 section to the amount it would have levied had the correct
6 assessed valuation been known to it on the date of its original
7 action, provided:

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

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

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

18 321.556. 1. Except in any county of the first
19 classification with over two hundred thousand inhabitants, or any
20 county of the first classification without a charter form of
21 government and with more than seventy-three thousand seven
22 hundred but less than seventy-three thousand eight hundred
23 inhabitants; or any county of the first classification without a
24 charter form of government and with more than one hundred
25 eighty-four thousand but less than one hundred eighty-eight

1 thousand inhabitants; or any county with a charter form of
2 government with over one million inhabitants, the governing body
3 of any ambulance or fire protection district, when presented with
4 a petition signed by at least twenty percent of the registered
5 voters in the ambulance or fire protection district that voted in
6 the last gubernatorial election, calling for an election to
7 repeal the tax pursuant to section 321.552, shall submit the
8 question to the voters using the same procedure by which the
9 imposition of the tax was voted. The ballot of submission shall
10 be in substantially the following form:

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

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

1 of the calendar year in which such repeal was approved.

2 393.015. 1. Notwithstanding any other provision of law to
3 the contrary, any sewer corporation, municipality or sewer
4 district established under the provisions of chapter 249 or 250,
5 RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district
6 created and organized pursuant to constitutional authority, may
7 contract with any water corporation[, municipality, or public
8 water supply district established under chapter 247, RSMo,] to
9 terminate water services to any customer premises for nonpayment
10 of a sewer bill. No such termination of water service may occur
11 until thirty days after the sewer corporation, municipality or
12 statutory sewer district or sewer district created and organized
13 pursuant to constitutional authority sends a written notice to
14 the customer by certified mail, except that if the water
15 corporation[, municipality or public water supply district] is
16 performing a combined water and sewer billing service for the
17 sewer corporation, municipality or sewer district, no additional
18 notice or any additional waiting period shall be required other
19 than the notice and waiting period already used by the water
20 corporation[, municipality or public water supply district] to
21 disconnect water service for nonpayment of the water bill.
22 Acting pursuant to a contract, the water corporation,
23 municipality or public water supply district shall discontinue
24 water service until such time as the sewer charges and all
25 related costs of termination and reestablishment of sewer and

1 water services are paid by the customer.

2 2. A water corporation, municipality, or public water
3 supply district acting pursuant to a contract with a sewer
4 corporation, municipality or sewer district as provided in
5 subsection 1 of this section shall not be liable for damages
6 related to termination of water services unless such damage is
7 caused by the negligence of such water corporation[,
8 municipality, or public water supply district,] in which case the
9 water corporation[, municipality, or public water supply
10 district] shall be indemnified by the sewer corporation,
11 municipality or sewer district. Unless otherwise specified in
12 the contract, all costs related to the termination and
13 reestablishment of services by the water corporation[,
14 municipality or public water supply district] shall be reimbursed
15 by the sewer corporation, municipality, sewer district or sewer
16 district created and organized pursuant to constitutional
17 authority.

18 393.016. 1. Notwithstanding any other provision of law to
19 the contrary, any sewer corporation, municipality or sewer
20 district established under the provisions of chapter 249 or 250,
21 RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district
22 created and organized pursuant to constitutional authority, may
23 contract with any water corporation to terminate water services
24 to any customer premises for nonpayment of a sewer bill. No such
25 termination of water service may occur until thirty days after

1 the sewer corporation, municipality or statutory sewer district
2 or sewer district created and organized pursuant to
3 constitutional authority sends a written notice to the customer
4 by certified mail, except that if the water corporation is
5 performing a combined water and sewer billing service for the
6 sewer corporation, municipality or sewer district, no additional
7 notice or any additional waiting period shall be required other
8 than the notice and waiting period already used by the water
9 corporation, municipality or public water supply district to
10 disconnect water service for nonpayment of the water bill.
11 Acting pursuant to a contract, the water corporation shall
12 discontinue water service until such time as the sewer charges
13 and all related costs of termination and reestablishment of sewer
14 and water services are paid by the customer.

15 2. A water corporation acting pursuant to a contract with a
16 sewer corporation, municipality or sewer district as provided in
17 subsection 1 of this section shall not be liable for damages
18 related to termination of water services unless such damage is
19 caused by the negligence of such water corporation, municipality,
20 or public water supply district, in which case the water
21 corporation, municipality, or public water supply district shall
22 be indemnified by the sewer corporation, municipality or sewer
23 district. Unless otherwise specified in the contract, all costs
24 related to the termination and reestablishment of services by the
25 water corporation, municipality or public water supply district

1 shall be reimbursed by the sewer corporation, municipality, sewer
2 district or sewer district created and organized pursuant to
3 constitutional authority.

4 393.017. 1. Notwithstanding any other provision of law to
5 the contrary, any municipality providing water, or any water
6 district established pursuant to the provisions of chapter 247,
7 RSMo, herein sometimes designated as a water provider, shall upon
8 request of any municipality providing sewer service or public
9 sewer district established pursuant to the provisions of chapter
10 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any
11 sewer district created and organized pursuant to constitutional
12 authority, herein sometimes designated as a sewer provider,
13 contract with such sewer provider to terminate water services to
14 any water user of such water provider for nonpayment of a
15 delinquent sewer bill owed to such sewer provider.

16 2. Any water provider or independent contractor working on
17 behalf of such water provider that is acting pursuant to a
18 contract with a sewer provider as provided in subsection 1 of
19 this section shall not be liable for damages related to
20 termination of water services unless such damage is caused by the
21 negligence of such water provider or independent contractor, in
22 which case the water provider or independent contractor shall be
23 indemnified and held harmless by the sewer provider.

24 3. In the event that any water provider and any sewer
25 provider are unable to reach an agreement as provided pursuant to

1 this section within six months of the receipt of such request by
2 the water provider, then the sewer provider making the written
3 request may file with the circuit court in which such water
4 provider was incorporated, or if such water provider was not
5 incorporated by a circuit court, then with a circuit court having
6 jurisdiction over the water provider, a petition requesting that
7 three commissioners be selected to draft such an agreement.

8 4. Any agreement drafted by commissioners or entered into
9 pursuant to the provisions of this section shall contain the
10 following provisions:

11 (1) The rules and regulations or ordinances of the sewer
12 provider shall provide the number of delinquent days required
13 before water service is discontinued for failure to pay for
14 sewage services and it shall be equal to the number of delinquent
15 days required before water service is discontinued for failure to
16 pay for water service under the rules and regulations of the
17 water provider;

18 (2) The water provider shall not be required to discontinue
19 water service to the sewer user for failure to pay the charges or
20 rental due therefor unless the sewer provider shall first give a
21 written notice to the water provider to do so. Such instruction
22 shall include the due date and amount of the delinquent bill, and
23 all penalties and interest thereon. When payment of such amount
24 is received by the water provider it shall restore water service
25 to such water and sewer user, provided the water bill of such

1 sewer user owed to the water provider is not delinquent;

2 (3) All expense and cost incurred by the water provider in
3 performing, or carrying out such agreement, shall be reimbursed
4 to the water provider by the sewer provider. The reimbursement
5 shall be made monthly, bi-monthly, or quarterly;

6 (4) Such expense and cost shall include, but not be limited
7 to, the following:

8 (a) All personnel expenses including, but not limited to,
9 wages and salaries, employment taxes of all kinds, retirement
10 benefits, employment benefits, health insurance, and workers'
11 compensation insurance;

12 (b) All expense incurred by payments to independent
13 contractors who perform or carry out such agreement under
14 contract with such water provider;

15 (c) Equipment expense;

16 (d) Computer and computer program expense;

17 (e) Office space expense;

18 (f) Insurance expense attributable to the agreement between
19 the water provider and the sewer provider, including the expense
20 of any independent contractor who performs or carries out such
21 agreement under contract with such water provider;

22 (g) Any loss of revenue incurred by the water provider as a
23 result of discontinuing water service because of the failure of
24 any sewage user to pay the charges or rental therefor;

25 (h) All other expense attributable to the agreement between

1 the water provider and sewer provider;

2 (5) Said agreement shall establish that the sewer provider
3 shall hold the water provider, and any independent contractor who
4 performs or carries out such agreement under contract with the
5 water provider, harmless as a result of such agreement between
6 the sewer provider and water provider, including, but not limited
7 to, all damages, expenses, attorney fees and costs paid by the
8 water provider and independent contractor arising from such
9 agreement or from the water provider's and independent
10 contractor's actions or performance under the provisions of such
11 agreement, without exception of any kind, or as a result of any
12 claim, litigation or threatened litigation against the water
13 provider or independent contractor arising in any way from such
14 agreement;

15 (6) Such agreement shall contain a provision providing that
16 the expense and cost of the water provider shall be recalculated
17 annually and that the amount due during the subsequent year shall
18 be increased or decreased according to any change occurring in
19 such costs and expenses. Alternatively, upon the parties
20 agreeing, the agreement may provide for annual increases or
21 decreases based upon the percentage of increase or decrease in
22 the National Consumer Price Index For All Urban Consumers,
23 unadjusted for seasonal variation, as published by the United
24 States Department of Labor for the most recent date prior to the
25 annual anniversary date of the execution of such agreement;

1 (7) When a water provider is collecting delinquent amounts
2 for both water and sewer service, all delinquent payments due to
3 both the water and sewer provider shall be received by the water
4 provider before water service is restored. If for any reason
5 water service is never restored, any amount collected for
6 delinquent accounts due both the water and sewer provider shall
7 be divided between the water provider and the sewer provider so
8 that each receives the same percentage of the amount owed to it.

9 5. Upon the filing of such petition, the sewer provider
10 shall appoint one commissioner. The water provider shall appoint
11 a commissioner within thirty days of the service of the petition
12 upon it. If the water provider fails to appoint a commissioner
13 within such time period, the court shall appoint a commissioner
14 on behalf of the water provider within forty-five days of service
15 of the petition on the water provider. Such two named
16 commissioners shall agree to appoint a third commissioner within
17 thirty days after the appointment of the second commissioner, but
18 in the event that they fail to do so, the court shall appoint a
19 third disinterested commissioner within sixty days after
20 appointment of the second commissioner.

21 6. The commissioners shall draft an agreement between the
22 water provider and sewer provider meeting the requirements set
23 forth in this section. Before drafting such agreement, the water
24 provider and sewer provider shall be given an opportunity to
25 present evidence and information pertaining to such agreement at

1 a hearing to be held by the commissioners. Each party shall
2 receive written notice at least fifteen days before the hearing
3 is conducted. The hearing may be continued periodically by the
4 commissioners. The commissioners shall consider all such
5 evidence and information submitted to them and prepare such
6 agreement as provided in this section. Said agreement shall be
7 submitted to the court within ninety days of the selection or
8 appointment of the last commissioner as provided in this section.

9 7. If the court finds that the agreement meets the
10 requirements of this section, then the court shall enter its
11 judgment approving the agreement and order it to become effective
12 sixty days after the date of such judgment. If the agreement
13 does not meet the requirements of this section, the court shall
14 return it to the commissioners and provide the reasons for
15 rejecting the agreement. The commissioners shall make the
16 required changes and resubmit the agreement to the court.
17 Judgment shall be entered approving the agreement and ordering it
18 to become effective sixty days after the date of such judgment.
19 Thereafter, the parties shall abide by such agreement. If either
20 party fails to do so, the other party may file an action to
21 compel compliance. Venue shall be in the court issuing such
22 judgment.

23 8. The judgment and order of the court shall be subject to
24 appeal as provided by law. All costs, including commissioners
25 compensation, shall be taxed to and paid by the sewer provider

1 requesting an agreement. The court shall order payment by the
2 sewer provider for reasonable attorney and expert witness fees to
3 be paid to the water provider.

4 393.760. 1. The commission shall, in accordance with the
5 provisions of chapter 115, RSMo, order an election to be held
6 whereby the qualified electors in each contracting municipality
7 participating in the project shall approve or disapprove the
8 issuance of the bonds as provided for in the resolution of the
9 commission. The commission may not order such an election until
10 it has engaged and received a report from an independent
11 consulting engineer as defined in section 327.181, RSMo, for the
12 purpose of determining the economic and engineering feasibility
13 of any proposed project the costs of which are to be financed
14 through the issuance of bonds. The report of the consulting
15 engineer shall be provided to and approved by the legislative
16 body and executive of each contracting municipality participating
17 in the project and such report shall be open to public inspection
18 and shall be the subject of a public hearing in each municipality
19 participating in the project. Notice of the time and place of
20 each such hearing shall be published in a daily newspaper of
21 general circulation within each municipality. Interested parties
22 may appear and fully participate in such hearings.

23 2. The commission shall notify the election authority or
24 authorities responsible for conducting elections within each
25 contracting municipality participating in the project in

1 accordance with chapter 115, RSMo.

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

4 OFFICIAL BALLOT

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

9 ☐ Yes ☐ No

10 If you are in favor of the resolution, place an "X" in the box
11 opposite "Yes". If you are opposed to the question, place an "X"
12 in the box opposite "No".

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

18 5. The municipalities participating in the project shall
19 bear all expenses associated with the elections in such
20 contracting municipalities.

21 6. In lieu of the public voting procedure set forth in
22 subsections 1 to 5 of this section, in the case of purchasing or
23 leasing, constructing, installing, and operating reservoirs,
24 pipelines, wells, check dams, pumping stations, water

1 purification plants, and other facilities for the production,
2 wholesale distribution, and utilization of water, the commission
3 may provide for a vote by the governing body of each contracting
4 municipality. Such vote shall require the approval of three-
5 quarters of all governing bodies of the contracting
6 municipalities. The commission may not order such a vote until
7 it has engaged and received a report from an independent
8 consulting engineer as defined in section 327.181, RSMo, for the
9 purpose of determining the economic and engineering feasibility
10 of any proposed project the costs of which are to be financed
11 through the issuance of bonds. The report of the consulting
12 engineer shall be provided to and approved by the legislative
13 body and executive of each contracting municipality participating
14 in the project and such report shall be open to public inspection
15 and shall be the subject of a public hearing in each municipality
16 participating in the project. Notice of the time and place of
17 each such hearing shall be published in a daily newspaper of
18 general circulation within each municipality. Interested parties
19 may appear and fully participate in such hearings. Each
20 contracting municipality shall vote by ordinance or resolution
21 and such ordinance or resolution shall approve the issuance of
22 revenue bonds by the joint municipal water commission in an
23 amount not to exceed a specified amount.

24 479.020. 1. Any city, town or village, including those
25 operating under a constitutional or special charter, may, and

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

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

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

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

25 5. Judges selected under the provisions of this section

1 shall be municipal judges of the circuit court and shall be
2 divisions of the circuit court of the circuit in which the
3 municipality, or major geographical portion thereof, is located.
4 The judges of these municipal divisions shall be subject to the
5 rules of the circuit court which are not inconsistent with the
6 rules of the supreme court. The presiding judge of the circuit
7 shall have general administrative authority over the judges and
8 court personnel of the municipal divisions within the circuit.

9 [Notwithstanding the foregoing provisions of this subsection, in
10 any city with a population of over four hundred thousand with
11 full-time municipal judges who are subject to a plan of merit
12 selection and retention, such municipal judges and court
13 personnel of the municipal divisions shall not be subject to
14 court management and case docketing in the municipal divisions by
15 the presiding judge or the rules of the circuit court of which
16 the municipal divisions are a part.]

17 6. No municipal judge shall hold any other office in the
18 municipality which the municipal judge serves as judge. The
19 compensation of any municipal judge and other court personnel
20 shall not be dependent in any way upon the number of cases tried,
21 the number of guilty verdicts reached or the amount of fines
22 imposed or collected.

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

1 8. Within six months after selection for the position, each
2 municipal judge who is not licensed to practice law in this state
3 shall satisfactorily complete the course of instruction for
4 municipal judges prescribed by the supreme court. The state
5 courts administrator shall certify to the supreme court the names
6 of those judges who satisfactorily complete the prescribed
7 course. If a municipal judge fails to complete satisfactorily
8 the prescribed course within six months after the municipal
9 judge's selection as municipal judge, the municipal judge's
10 office shall be deemed vacant and such person shall not
11 thereafter be permitted to serve as a municipal judge, nor shall
12 any compensation thereafter be paid to such person for serving as
13 municipal judge.

14 488.447. 1. The circuit and associate circuit judges of
15 the circuit court in any city not within a county, and in any
16 county of the first classification without a charter form of
17 government having a population of at least eighty-two thousand
18 inhabitants, but less than eighty-two thousand one hundred
19 inhabitants, shall require any party filing a civil case in the
20 circuit court, at the time of filing suit, to deposit with the
21 circuit clerk a surcharge in the amount of forty-five dollars, in
22 addition to all other court costs now or hereafter required by
23 law or court rule, and no summons shall be issued until such
24 surcharge has been paid. This section shall not apply to
25 proceedings when costs are waived or paid by the state, county or

1 municipality.

2 2. Such funds shall be payable to the treasury of any city
3 not within a county, or to the treasurer of any county of the
4 first classification without a charter form of government having
5 a population of at least eighty-two thousand inhabitants, but
6 less than eighty-two thousand one hundred inhabitants, to be
7 credited to a courthouse restoration fund, which shall bear
8 interest, to be used by any city not within a county, or any
9 county of the first classification without a charter form of
10 government having a population of at least eighty-two thousand
11 inhabitants, but less than eighty-two thousand one hundred
12 inhabitants, only for the restoration, maintenance and upkeep of
13 the courthouses; provided, that the courthouse restoration fund
14 may be pledged to directly or indirectly secure bonds to fund
15 such costs. All funds collected pursuant to this section before
16 August 28, 1995, shall be credited to the courthouse restoration
17 fund provided for in this section, to be used pursuant to the
18 provisions of this section.

19 3. This section shall expire on August 28, 2033.

20 488.2275. 1. In addition to all other court costs
21 prescribed by law, a surcharge of ten dollars shall be assessed
22 as costs in each court proceeding filed in any court in the state
23 located within a county of the first classification with a
24 population of at least two hundred thousand inhabitants which
25 does not adjoin any other county of the first classification, and

1 in any county of the first classification without a charter form
2 of government having a population of at least eighty-two thousand
3 inhabitants, but less than eighty-two thousand one hundred
4 inhabitants, in all criminal cases including violations of any
5 county ordinance or any violation of criminal or traffic laws of
6 the state, including infractions, except that no such surcharge
7 shall be collected in any proceeding involving a violation of an
8 ordinance or state law in any court when the proceeding or
9 defendant has been dismissed by the court or when costs are to be
10 paid by the state, county or municipality. For violations of the
11 general criminal laws of the state or county ordinances, no such
12 surcharge shall be collected unless it is authorized by the
13 county government where the violation occurred. For violations
14 of municipal ordinances, no such surcharge shall be collected
15 unless it is authorized by the municipal government where the
16 violation occurred. Such surcharges shall be collected and
17 disbursed as provided by sections 488.010 to 488.020 and shall be
18 payable to the treasurer of the county where the violation
19 occurred.

20 2. Each county shall use all funds received under this
21 section only to pay for the costs associated with the operation
22 of the county judicial facility including, but not limited to,
23 utilities, maintenance and building security. The county shall
24 maintain records identifying such operating costs, and any moneys
25 not needed for the operating costs of the county judicial

1 facility shall be transmitted quarterly to the general revenue
2 fund of the county.

3 488.5026. 1. Upon approval of the governing body of a
4 city, county, or a city not within a county, a surcharge of two
5 dollars shall be assessed as costs in each court proceeding filed
6 in any court in any city, county, or city not within a county
7 adopting such a surcharge, in all criminal cases including
8 violations of any county ordinance or any violation of criminal
9 or traffic laws of the state, including an infraction and
10 violation of a municipal ordinance; except that no such fee shall
11 be collected in any proceeding in any court when the proceeding
12 or the defendant has been dismissed by the court or when costs
13 are to be paid by the state, county, or municipality. A
14 surcharge of two dollars shall be assessed as costs in a juvenile
15 court proceeding in which a child is found by the court to come
16 within the applicable provisions of subdivision (3) of subsection
17 1 of section 211.031, RSMo.

18 2. Notwithstanding any other provision of law, the moneys
19 collected by clerks of the courts pursuant to the provisions of
20 subsection 1 of this section shall be collected and disbursed in
21 accordance with sections 488.010 to 488.020, and shall be payable
22 to the treasurer of the governmental unit authorizing such
23 surcharge.

24 3. The treasurer shall deposit funds generated by the
25 surcharge into the "Inmate Security Fund". Funds deposited shall

1 be utilized to develop biometric [identification] verification
2 systems to ensure that inmates can be properly identified and
3 tracked within the local jail system. Upon the installation of
4 the biometric verification system, funds in the inmate security
5 fund may be used for the maintenance of the biometric
6 verification system, and to pay for any expenses related to
7 custody and housing and other expenses for prisoners.

8 493.050. 1. All public advertisements and orders of
9 publication required by law to be made and all legal publications
10 affecting the title to real estate, shall be published in some
11 daily, triweekly, semiweekly or weekly newspaper of general
12 circulation in the county where located and which shall have been
13 admitted to the post office as periodicals class matter in the
14 city of publication; shall have been published regularly and
15 consecutively for a period of three years, except that a
16 newspaper of general circulation may be deemed to be the
17 successor to a defunct newspaper of general circulation, and
18 subject to all of the rights and privileges of said prior
19 newspaper under this statute, if the successor newspaper shall
20 begin publication no later than thirty consecutive days after the
21 termination of publication of the prior newspaper; shall have a
22 list of bona fide subscribers voluntarily engaged as such, who
23 have paid or agreed to pay a stated price for a subscription for
24 a definite period of time; provided, that when a public notice,
25 required by law, to be published once a week for a given number

1 of weeks, shall be published in a daily, triweekly, semiweekly or
2 weekly newspaper, the notice shall appear once a week, on the
3 same day of each week, and further provided, that every affidavit
4 to proof of publication shall state that the newspaper in which
5 such notice was published has complied with the provisions of
6 this section; provided further, that the duration of consecutive
7 publication provided for in this section shall not affect
8 newspapers which have become legal publications prior to
9 September 6, 1937; provided, however, that when any newspaper
10 shall be forced to suspend publication in any time of war, due to
11 the owner or publisher being inducted into the armed forces of
12 the United States, the newspaper may be reinstated within one
13 year after actual hostilities have ceased, with all the benefits
14 provided pursuant to the provisions of this section, upon the
15 filing with the secretary of state of notice of intention of such
16 owner or publisher, the owner's surviving spouse or legal heirs,
17 to republish such newspaper, setting forth the name of the
18 publication, its volume and number, its frequency of publication,
19 and its readmission to the post office where it was previously
20 entered as periodicals class mail matter, and when it shall have
21 a list of bona fide subscribers voluntarily engaged as such who
22 have paid or agreed to pay a stated price for subscription for a
23 definite period of time. All laws or parts of laws in conflict
24 with this section except sections 493.070 to 493.120, are hereby
25 repealed.

1 2. If a county is served by only one newspaper that has
2 been published regularly and consecutively for a period of two
3 years and that meets all other publication, postal, and
4 subscription requirements under subsection 1 of this section,
5 that newspaper shall be qualified to publish all public
6 advertisements and orders of publication required by law, and all
7 legal publications affecting the title to real estate. This
8 subsection shall expire on June 30, 2006.

9 559.021. 1. The conditions of probation shall be such as
10 the court in its discretion deems reasonably necessary to ensure
11 that the defendant will not again violate the law. When a
12 defendant is placed on probation he shall be given a certificate
13 explicitly stating the conditions on which he is being released.

14 2. In addition to such other authority as exists to order
15 conditions of probation, the court may order such conditions as
16 the court believes will serve to compensate the victim, any
17 dependent of the victim, any statutorily created fund for costs
18 incurred as a result of the offender's actions, or society. Such
19 conditions may include restorative justice methods pursuant to
20 section 217.777, RSMo, or any other method that the court finds
21 just or appropriate including, but [shall] not [be] limited to:

22 (1) Restitution to the victim or any dependent of the
23 victim, or statutorily created fund for costs incurred as a
24 result of the offender's actions in an amount to be determined by
25 the judge; [and]

1 (2) The performance of a designated amount of free work for
2 a public or charitable purpose, or purposes, as determined by the
3 judge;

4 (3) Offender treatment programs;

5 (4) Work release programs in local facilities; and

6 (5) Community-based residential and nonresidential
7 programs.

8 3. The defendant may refuse probation conditioned on the
9 performance of free work. If he does so, the court shall decide
10 the extent or duration of sentence or other disposition to be
11 imposed and render judgment accordingly. Any county, city,
12 person, organization, or agency, or employee of a county, city,
13 organization or agency charged with the supervision of such free
14 work or who benefits from its performance shall be immune from
15 any suit by the defendant or any person deriving a cause of
16 action from him if such cause of action arises from such
17 supervision of performance, except for an intentional tort or
18 gross negligence. The services performed by the defendant shall
19 not be deemed employment within the meaning of the provisions of
20 chapter 288, RSMo. A defendant performing services pursuant to
21 this section shall not be deemed an employee within the meaning
22 of the provisions of chapter 287, RSMo.

23 4. In addition to such other authority as exists to order
24 conditions of probation, in the case of a plea of guilty or a
25 finding of guilt, the court may order the assessment and payment

1 of a designated amount of restitution to a county law enforcement
2 restitution fund established by the county commission pursuant to
3 section 50.565, RSMo. No court may order the assessment and
4 payment authorized by this section if the plea of guilty or the
5 finding of guilt is to the charge of speeding, careless and
6 imprudent driving, any charge of violating a traffic control
7 signal or sign, or any charge which is a class C misdemeanor or
8 an infraction. No assessment and payment ordered pursuant to
9 this section may exceed three hundred dollars for any charged
10 offense. Any restitution moneys deposited into the county law
11 enforcement restitution fund pursuant to this section shall only
12 be expended pursuant to the provisions of section 50.565, RSMo.

13 5. A judge may order payment to a restitution fund only if
14 such fund had been created by ordinance or resolution of a county
15 of the state of Missouri prior to sentencing. A judge shall not
16 have any direct supervisory authority or administrative control
17 over any fund to which the judge is ordering a defendant to make
18 payment.

19 6. A defendant who fails to make a payment to a county law
20 enforcement restitution fund may not have his or her probation
21 revoked solely for failing to make such payment unless the judge,
22 after evidentiary hearing, makes a finding supported by a
23 preponderance of the evidence that the defendant either willfully
24 refused to make the payment or that the defendant willfully,
25 intentionally, and purposefully failed to make sufficient bona

1 fide efforts to acquire the resources to pay.

2 7. The court may modify or enlarge the conditions of
3 probation at any time prior to the expiration or termination of
4 the probation term.

5 589.400. 1. Sections 589.400 to 589.425 shall apply to:

6 (1) Any person who, since July 1, 1979, has been or is
7 hereafter convicted of, been found guilty of, or pled guilty to
8 committing, or attempting to commit, a felony offense of chapter
9 566, RSMo, or any offense of chapter 566, RSMo, where the victim
10 is a minor; or

11 (2) Any person who, since July 1, 1979, has been or is
12 hereafter convicted of, been found guilty of, or pled guilty to
13 committing, or attempting to commit one or more of the following
14 offenses: kidnapping, pursuant to section 565.110, RSMo;
15 felonious restraint; promoting prostitution in the first degree;
16 promoting prostitution in the second degree; promoting
17 prostitution in the third degree; incest; abuse of a child,
18 pursuant to section 568.060, RSMo; use of a child in a sexual
19 performance; or promoting sexual performance by a child; and
20 committed or attempted to commit the offense against a victim who
21 is a minor, defined for the purposes of sections 589.400 to
22 589.425 as a person under eighteen years of age; or

23 (3) Any person who, since July 1, 1979, has been committed
24 to the department of mental health as a criminal sexual
25 psychopath; or

1 (4) Any person who, since July 1, 1979, has been found not
2 guilty as a result of mental disease or defect of any offense
3 listed in subdivision (1) or (2) of this subsection; or

4 (5) Any person who is a resident of this state who has,
5 since July 1, 1979, or is hereafter convicted of, been found
6 guilty of, or pled guilty to or nolo contendere in any other
7 state or under federal jurisdiction to committing, or attempting
8 to commit, an offense which, if committed in this state, would be
9 a violation of chapter 566, RSMo, or a felony violation of any
10 offense listed in subdivision (2) of this subsection or has been
11 or is required to register in another state or has been or is
12 required to register under federal or military law; or

13 (6) Any person who has been or is required to register in
14 another state or has been or is required to register under
15 federal or military law and who works or attends school or
16 training on a full-time or on a part-time basis in Missouri.
17 "Part-time" in this subdivision means for more than fourteen days
18 in any twelve-month period.

19 2. Any person to whom sections 589.400 to 589.425 apply
20 shall, within ten days of conviction, release from incarceration,
21 or placement upon probation, register with the chief law
22 enforcement official of the county in which such person resides
23 unless such person has already registered in that county for the
24 same offense. Any person to whom sections 589.400 to 589.425
25 apply if not currently registered in their county of residence

1 shall register with the chief law enforcement official of such
2 county within ten days of August 28, 2003. The chief law
3 enforcement official shall forward a copy of the registration
4 form required by section 589.407 to a city, town, village, or
5 campus law enforcement agency located within the county of the
6 chief law enforcement official, if so requested. Such request
7 may ask the chief law enforcement official to forward copies of
8 all registration forms filed with such official. The chief law
9 enforcement official may forward a copy of such registration form
10 to any city, town, village, or campus law enforcement agency, if
11 so requested.

12 3. The registration requirements of sections 589.400
13 through 589.425 are lifetime registration requirements unless all
14 offenses requiring registration are reversed, vacated or set
15 aside or unless the registrant is pardoned of the offenses
16 requiring registration.

17 4. For processing an initial sex offender registration the
18 chief law enforcement officer of any county of the first
19 classification with more than two hundred forty thousand three
20 hundred but less than two hundred forty thousand four hundred
21 inhabitants may charge the offender registering a nonrefundable
22 fee of ten dollars.

23 5. For processing any change in registration required
24 pursuant to section 589.414 the chief law enforcement official of
25 any county of the first classification with more than two hundred

1 forty thousand three hundred but less than two hundred forty
2 thousand four hundred inhabitants may charge the person changing
3 their registration a nonrefundable fee of five dollars for each
4 change made after the initial registration.

5 644.032. 1. The governing body of any municipality or
6 county may impose, by ordinance or order, a sales tax in an
7 amount not to exceed one-half of one percent on all retail sales
8 made in such municipality or county which are subject to taxation
9 under the provisions of sections 144.010 to 144.525, RSMo. The
10 tax authorized by this section and section 644.033 shall be in
11 addition to any and all other sales taxes allowed by law, except
12 that no ordinance or order imposing a sales tax under the
13 provisions of this section and section 644.033 shall be effective
14 unless the governing body of the municipality or county submits
15 to the voters of the municipality or county, at a municipal,
16 county or state general, primary or special election, a proposal
17 to authorize the governing body of the municipality or county to
18 impose a tax, provided, that the tax authorized by this section
19 shall not be imposed on the sales of food, as defined in section
20 144.014, RSMo, when imposed by any county with a charter form of
21 government and with more than one million inhabitants.

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

24 Shall the municipality (county) of impose a
25 sales tax of (insert amount) for the purpose of

1 providing funding for (insert either storm water
2 control, or local parks, or storm water control and local parks)
3 for the municipality (county)?

4 ☐ YES

☐ NO

5 If a majority of the votes cast on the proposal by the qualified
6 voters voting thereon are in favor of the proposal, then the
7 ordinance or order and any amendments thereto shall be in effect
8 on the first day of the second quarter after the director of
9 revenue receives notice of adoption of the tax. If a majority of
10 the votes cast by the qualified voters voting are opposed to the
11 proposal, then the governing body of the municipality or county
12 shall not impose the sales tax authorized in this section and
13 section 644.033 until the governing body of the municipality or
14 county resubmits another proposal to authorize the governing body
15 of the municipality or county to impose the sales tax authorized
16 by this section and section 644.033 and such proposal is approved
17 by a majority of the qualified voters voting thereon; however, in
18 no event shall a proposal pursuant to this section and section
19 644.033 be submitted to the voters sooner than twelve months from
20 the date of the last proposal pursuant to this section and
21 section 644.033.

22 3. All revenue received by a municipality or county from
23 the tax authorized under the provisions of this section and
24 section 644.033 shall be deposited in a special trust fund and

1 shall be used to provide funding for storm water control or for
2 local parks, or both, within such municipality or county,
3 provided that such revenue may be used for local parks outside
4 such municipality or county if the municipality or county is
5 engaged in a cooperative agreement pursuant to section 70.220,
6 RSMo.

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

11 644.581. In addition to those sums authorized prior to
12 August 28, 2004, the board of fund commissioners of the state of
13 Missouri, as authorized by section 37(e) of article III of the
14 Constitution of the state of Missouri, may borrow on the credit
15 of this state the sum of ten million dollars in the manner
16 described, and for the purposes set out, in chapter 640, RSMo,
17 and this chapter.

18 644.582. In addition to those sums authorized prior to
19 August 28, 2004, the board of fund commissioners of the state of
20 Missouri, as authorized by section 37(q) of article III of the
21 Constitution of the state of Missouri, may borrow on the credit
22 of this state the sum of ten million dollars in the manner
23 described, and for the purposes set out, in chapter 640, RSMo,
24 and in this chapter.

25 644.583. In addition to those sums authorized prior to

1 August 28, 2004, the board of fund commissioners of the state of
2 Missouri, as authorized by section 37(h) of article III of the
3 Constitution of the state of Missouri, may borrow on the credit
4 of this state the sum of twenty million dollars in the manner
5 described, and for the purposes set out, in chapter 640, RSMo,
6 and in this chapter.

7 Section 1. If any provision of this act is found by a court
8 of competent jurisdiction to be invalid or unconstitutional it is
9 the stated intent of the legislature that the legislature would
10 have approved the remaining portions of the act, and the
11 remaining portions of the act shall remain in full force and
12 effect.

13 [50.800. 1. On or before the first
14 Monday in March of each year, the county
15 commission of each county of the second,
16 third, or fourth class shall prepare and
17 publish in some newspaper as provided for in
18 section 493.050, RSMo, if there is one, and
19 if not by notices posted in at least ten
20 places in the county, a detailed financial
21 statement of the county for the year ending
22 December thirty-first, preceding.

23 2. The statement shall show the bonded
24 debt of the county, if any, kind of bonds,
25 date of maturity, interest rate, rate of
26 taxation levied for interest and sinking fund
27 and authority for the levy, the total amount
28 of interest and sinking fund that has been
29 collected and interest and sinking fund on
30 hand in cash.

31 3. The statement shall also show
32 separately the total amount of the county and
33 township school funds on hand and loaned out,
34 the amount of penalties, fines, levies,
35 utilities, forfeitures, and any other taxes
36 collected and disbursed or expended during
37 the year and turned into the permanent school
38 fund, the name of each person who has a loan

1 from the permanent school fund, whether
2 county or township, the amount of the loan,
3 date loan was made and date of maturity,
4 description of the security for the loan,
5 amount, if any, of delinquent interest on
6 each loan.

7 4. The statement shall show the total
8 valuation of the county for purposes of
9 taxation, the highest rate of taxation the
10 constitution permits the county commission to
11 levy for purposes of county revenue, the rate
12 levied by the county commission for the year
13 covered by the statement, division of the
14 rate levied among the several funds and total
15 amount of delinquent taxes for all years as
16 of December thirty-first.

17 5. The statement shall show receipts or
18 revenues into each and every fund separately.
19 Each fund shall show the beginning balance of
20 each fund; each source of revenue; the total
21 amount received from each source of revenue;
22 the total amount available in each fund; the
23 total amount of disbursements or expenditures
24 from each fund and the ending balance of each
25 fund as of December thirty-first. The total
26 receipts or revenues for the year into all
27 funds shall be shown in the recapitulation.
28 In counties with the township form of
29 government, each township shall be considered
30 a fund pursuant to this subsection.

31 6. Total disbursements or expenditures
32 shall be shown for warrants issued in each
33 category contained in the forms developed or
34 approved by the state auditor pursuant to
35 section 50.745. Total amount of warrants,
36 person or vendor to whom issued and purpose
37 for which issued shall be shown except as
38 herein provided. Under a separate heading in
39 each fund the statements shall show what
40 warrants are outstanding and unpaid for the
41 lack of funds on that date with appropriate
42 balance or overdraft in each fund as the case
43 may be.

44 7. Warrants issued to pay for the
45 service of election judges and clerks of
46 elections shall be in the following form:

47 Names of judges and clerks of elections
48 at \$..... per day (listing the names run in
49 and not listing each name by lines, and at
50 the end of the list of names giving the total

1 of the amount of all the warrants issued for
2 such election services).

3 8. Warrants issued to pay for the
4 service of jurors shall be in the following
5 form:

6 Names of jurors at \$..... per day
7 (listing the names run in and not listing
8 each name by lines, and at the end of the
9 list of names giving the total of the amount
10 of all the warrants issued for such election
11 service).

12 9. Warrants to Internal Revenue Service
13 for Social Security and withholding taxes
14 shall be brought into one call.

15 10. Warrants to the director of revenue
16 of Missouri for withholding taxes shall be
17 brought into one call.

18 11. Warrants to the division of
19 employment security shall be brought into one
20 call.

21 12. Warrants to Missouri local
22 government employees' retirement system or
23 other retirement funds for each office shall
24 be brought into one call.

25 13. Warrants for utilities such as gas,
26 water, lights and power shall be brought into
27 one call except that the total shall be shown
28 for each vendor.

29 14. Warrants issued to each telephone
30 company shall be brought into one call for
31 each office in the following form:

32 (Name of Telephone Company for
33 office and total amount of
34 warrants issued).

35 15. Warrants issued to the postmaster
36 for postage shall be brought into one call
37 for each office in the following form:

38 (Postmaster for office and
39 total amount of warrants issued).

40 16. Disbursements or expenditures by
41 road districts shall show the warrants, if
42 warrants have been issued in the same manner
43 as provided for in subsection 5 of this
44 section. If money has been disbursed or
45 expended by overseers the financial statement
46 shall show the total paid by the overseer to
47 each person for the year, and the purpose of
48 each payment. Receipts or revenues into the
49 county distributive school fund shall be
50 listed in detail, disbursements or

1 expenditures shall be listed and the amount
2 of each disbursement or expenditure. If any
3 taxes have been levied by virtue of section
4 12(a) of article X of the Constitution of
5 Missouri the financial statement shall
6 contain the following:

7 By virtue and authority of the
8 discretionary power conferred upon the county
9 commissions of the several counties of this
10 state to levy a tax of not to exceed 35 cents
11 on the \$100 assessed valuation the county
12 commission of County did for the year
13 covered by this report levy a tax rate of
14 cents on the \$100 assessed valuation
15 which said tax amounted to \$...... and was
16 disbursed or expended as follows:

17 The statement shall show how the money was
18 disbursed or expended and if any part of the
19 sum has not been accounted for in detail
20 under some previous appropriate heading the
21 portion not previously accounted for shall be
22 shown in detail.

23 17. At the end of the statement the
24 person designated by the county commission to
25 prepare the financial statement herein
26 required shall append the following
27 certificate:

28 I,, the duly authorized agent
29 appointed by the county commission of
30 County, state of Missouri, to prepare for
31 publication the financial statement as
32 required by section 50.800, RSMo, hereby
33 certify that I have diligently checked the
34 records of the county and that the above and
35 foregoing is a complete and correct statement
36 of every item of information required in
37 section 50.800, RSMo, for the year ending
38 December 31,, and especially have I
39 checked every receipt from every source
40 whatsoever and every disbursement or
41 expenditure of every kind and to whom and for
42 what each such disbursement or expenditure
43 was made and that each receipt or revenue and
44 disbursement or expenditure is accurately
45 shown. (If for any reason complete and
46 accurate information is not given the
47 following shall be added to the certificate.)
48 Exceptions: The above report is incomplete
49 because proper information was not available
50 in the following records which are in

1 the keeping of the following officer or
2 officers. The person designated to prepare
3 the financial statement shall give in detail
4 any incomplete data called for by this
5 section.

6
7 Date

8 Officer designated by county commission
9 to prepare financial statement required by
10 section 50.800, RSMo.

11 Or if no one has been designated said
12 statement having been prepared by the county
13 clerk, signature shall be in the following
14 form:

15 Clerk of the county commission and ex
16 officio officer designated to prepare
17 financial statement required by section
18 50.800, RSMo.

19 18. Any person falsely certifying to
20 any fact covered by the certificate is liable
21 on his bond and upon conviction of falsely
22 certifying to any fact covered by the
23 certificate is guilty of a misdemeanor and
24 punishable by a fine of not less than two
25 hundred dollars or more than one thousand
26 dollars or by imprisonment in the county jail
27 for not less than thirty days nor more than
28 six months or by both fine and imprisonment.
29 Any person charged with the responsibility of
30 preparing the financial report who willfully
31 or knowingly makes a false report of any
32 record, is, in addition to the penalty
33 otherwise provided for in this law, deemed
34 guilty of a felony and upon conviction shall
35 be sentenced to the penitentiary for not less
36 than two years nor more than five years.]

37 [50.810. 1. The statement shall be
38 printed in not less than 8-point type, but
39 not more than the smallest point type over
40 8-point type available and in the standard
41 column width measure that will take the least
42 space. The publisher shall file two proofs
43 of publication with the county commission and
44 the commission shall forward one proof to the
45 state auditor and shall file the other in the
46 office of the commission. The county
47 commission shall not pay the publisher until
48 proof of publication is filed with the
49 commission and shall not pay the person

1 designated to prepare the statement for the
2 preparation of the copy for the statement
3 until the state auditor notifies the
4 commission that proof of publication has been
5 received and that it complies with the
6 requirements of this section.

7 2. The statement shall be spread on the
8 record of the commission and for this purpose
9 the publisher shall be required to furnish
10 the commission with at least two copies of
11 the statement that may be pasted on the
12 record. The publisher shall itemize the cost
13 of publishing said statement by column inch
14 as properly chargeable to the several funds
15 and shall submit such costs for payment to
16 the county commission. The county commission
17 shall pay out of each fund in the proportion
18 that each item bears to the total cost of
19 publishing said statement and shall issue
20 warrants therefor; provided any part not
21 properly chargeable to any specific fund
22 shall be paid from the county general revenue
23 fund.

24 3. The state auditor shall notify the
25 county treasurer immediately of the receipt
26 of the proof of publication of the statement.
27 After the first of April of each year the
28 county treasurer shall not pay or enter for
29 protest any warrant for the pay of any
30 commissioner of any county commission until
31 notice is received from the state auditor
32 that the required proof of publication has
33 been filed. Any county treasurer paying or
34 entering for protest any warrant for any
35 commissioner of the county commission prior
36 to the receipt of such notice from the state
37 auditor shall be liable on his official bond
38 therefor.

39 4. The state auditor shall prepare
40 sample forms for financial statements and
41 shall mail the same to the county clerks of
42 the several counties in this state. If the
43 county commission employs any person other
44 than a bonded county officer to prepare the
45 financial statement the county commission
46 shall require such person to give bond with
47 good and sufficient sureties in the penal sum
48 of one thousand dollars for the faithful
49 performance of his duty. If any county
50 officer or other person employed to prepare

1 the financial statement herein provided for
2 shall fail, neglect, or refuse to, in any
3 manner, comply with the provisions of this
4 law he shall, in addition to other penalties
5 herein provided, be liable on his official
6 bond for dereliction of duty.]

7 [190.044. 1. No taxpayer shall be
8 required to pay property taxes for ground
9 ambulance service to both an ambulance
10 district and a fire protection district or
11 two ambulance districts which operate a
12 ground ambulance service, unless reaffirmed
13 and authorized pursuant to this section. In
14 the event that a taxpayer in a third class
15 county is paying taxes to both entities to
16 provide ground ambulance service, any
17 taxpayer residing in the area subject to the
18 double tax may file a petition with the
19 county clerk in which the area, or greatest
20 part thereof, is situated requesting that the
21 double tax be eliminated and that the area
22 only pay a tax to one entity.

23 2. Upon receipt of such petition, the
24 county clerk shall determine the area taxed
25 by two such entities and place the question
26 before the voters of such area at the next
27 state or municipal election. The petition
28 shall request that the following question be
29 submitted to the voters residing within the
30 geographic limits of the area:
31 The (description of
32 area) is currently paying a tax to provide
33 ambulance service to the
34 (name of entity created first) and the
35 (name of entity created
36 second).
37 As a result, choose only one of the following
38 districts to provide ambulance service and
39 taxation:

40
41 (name of entity created first)
42
43 (name of entity created second).

44 3. The entity receiving the most votes
45 shall be declared as the single taxing entity
46 for the area in question. The taxpayers
47 within the area shall thereafter only pay one
48 tax to the single taxing entity following a
49 three-year period, over which the tax rate

1 levied and collected shall be decreased by
2 one-third each year until such tax is no
3 longer levied or collected by the entity not
4 chosen to provide service.

5 4. All costs incurred by the county
6 clerk as a result of this section, including
7 election costs, shall be paid by the entity
8 not chosen to provide service.

9 5. The boundaries and service area of
10 the entities providing ambulance service will
11 reflect the change as determined by the
12 election.]

13 [190.050. 1. After the ambulance
14 district has been declared organized, the
15 declaring county commission, except in
16 counties of the second class having more than
17 one hundred five thousand inhabitants located
18 adjacent to a county of the first class
19 having a charter form of government which has
20 a population of over nine hundred thousand
21 inhabitants, shall divide the district into
22 six election districts as equal in population
23 as possible, and shall by lot number the
24 districts from one to six inclusive. The
25 county commission shall cause an election to
26 be held in the ambulance district within
27 ninety days after the order establishing the
28 ambulance district to elect ambulance
29 district directors. Each voter shall vote
30 for one director from the ambulance election
31 district in which the voter resides. The
32 directors elected from districts one and four
33 shall serve for a term of one year, the
34 directors elected from districts two and five
35 shall serve for a term of two years, and the
36 directors from districts three and six shall
37 serve for a term of three years; thereafter,
38 the terms of all directors shall be three
39 years. All directors shall serve the term to
40 which they were elected or appointed, and
41 until their successors are elected and
42 qualified, except in cases of resignation or
43 disqualification. The county commission
44 shall reapportion the ambulance districts
45 within sixty days after the population of the
46 county is reported to the governor for each
47 decennial census of the United States.
48 Notwithstanding any other provision of law,
49 if the number of candidates for the office of

1 director is no greater than the number of
2 directors to be elected, no election shall be
3 held, and the candidates shall assume the
4 responsibilities of their offices at the same
5 time and in the same manner as if they have
6 been elected.

7 2. In all counties of the second class
8 having more than one hundred five thousand
9 inhabitants located adjacent to a county of
10 the first class having a charter form of
11 government which has a population of over
12 nine hundred thousand inhabitants, the voters
13 shall vote for six directors elected at large
14 from within the district for a term of three
15 years. Those directors holding office in any
16 district in such a county on August 13, 1976,
17 shall continue to hold office until the
18 expiration of their terms, and their
19 successors shall be elected from the district
20 at large for a term of three years. In any
21 district formed in such counties after August
22 13, 1976, the governing body of the county
23 shall cause an election to be held in that
24 district within ninety days after the order
25 establishing the ambulance district to elect
26 ambulance district directors. Each voter
27 shall vote for six directors. The two
28 candidates receiving the highest number of
29 votes at such election shall be elected for a
30 term of three years, the two candidates
31 receiving the third and fourth highest number
32 of votes shall be elected for a term of two
33 years, the two candidates receiving the fifth
34 and sixth highest number of votes shall be
35 elected for a term of one year; thereafter,
36 the term of all directors shall be three
37 years.

38 3. A candidate for director of the
39 ambulance district shall, at the time of
40 filing, be a citizen of the United States, a
41 qualified voter of the election district as
42 provided in subsection 1 of this section, a
43 resident of the district for two years next
44 preceding the election, and shall be at least
45 twenty-four years of age. In an established
46 district which is located within the
47 jurisdiction of more than one election
48 authority, the candidate shall file his or
49 her declaration of candidacy with the
50 secretary of the board. In all other

1 districts, a candidate shall file a
2 declaration of candidacy with the county
3 clerk of the county in which he or she
4 resides. A candidate shall file a statement
5 under oath that he or she possesses the
6 required qualifications. No candidate's name
7 shall be printed on any official ballot
8 unless the candidate has filed a written
9 declaration of candidacy pursuant to
10 subsection 5 of section 115.127, RSMo. If
11 the time between the county commission's call
12 for a special election and the date of the
13 election is not sufficient to allow
14 compliance with subsection 5 of section
15 115.127, RSMo, the county commission shall,
16 at the time it calls the special election,
17 set the closing date for filing declarations
18 of candidacy.]

19 [190.051. 1. Notwithstanding the
20 provisions of sections 190.050 and 190.052 to
21 the contrary, upon a motion by the board of
22 directors in districts where there are
23 six-member boards, and upon approval by the
24 voters in the district, the number of
25 directors may be increased to seven with one
26 board member running district wide, or
27 decreased to five or three board members.
28 The ballot to be used for the approval of the
29 voters to increase or decrease the number of
30 members on the board of directors of the
31 ambulance district shall be substantially in
32 the following form:

33 Shall the number of members of the board
34 of directors of the (Insert
35 name of district) Ambulance District be
36 (increased to seven members/decreased to five
37 members/decreased to three members)?

38 ☐ YES ☐ NO

39 2. If a majority of the voters voting
40 on a proposition to increase the number of
41 board members to seven vote in favor of the
42 proposition, then at the next election of
43 board members after the voters vote to
44 increase the number of directors, the voters
45 shall select one person to serve in addition
46 to the existing six directors as the member
47 who shall run district wide.

48 3. If a majority of the voters voting
49 on a proposition to decrease the number of

1 board members vote in favor of the
2 proposition, then the county clerk shall
3 redraw the district into the resulting number
4 of subdistricts with equal population bases
5 and hold elections by subdistricts pursuant
6 to section 190.050. Thereafter, members of
7 the board shall be elected to serve terms of
8 three years and until their successors are
9 duly elected and qualified.

10 4. Members of the board of directors in
11 office on the date of an election pursuant to
12 this section to increase or decrease the
13 number of members of the board of directors
14 shall serve the term to which they were
15 elected or appointed and until their
16 successors are elected and qualified.]

17 [190.092. 1. A person or entity who
18 acquires an automated external defibrillator
19 shall ensure that:

20 (1) Expected defibrillator users
21 receive training by the American Red Cross or
22 American Heart Association in cardiopulmonary
23 resuscitation and the use of automated
24 external defibrillators, or an equivalent
25 nationally recognized course in defibrillator
26 use and cardiopulmonary resuscitation;

27 (2) The defibrillator is maintained and
28 tested according to the manufacturer's
29 operational guidelines;

30 (3) Any person who renders emergency
31 care or treatment on a person in cardiac
32 arrest by using an automated external
33 defibrillator activates the emergency medical
34 services system as soon as possible; and

35 (4) Any person or entity that owns an
36 automated external defibrillator that is for
37 use outside of a health care facility shall
38 have a physician review and approve the
39 clinical protocol for the use of the
40 defibrillator, review and advise regarding
41 the training and skill maintenance of the
42 intended users of the defibrillator and
43 assure proper review of all situations when
44 the defibrillator is used to render emergency
45 care.

46 2. Any person or entity who acquires an
47 automated external defibrillator shall notify
48 the emergency communications district or the
49 ambulance dispatch center of the primary

1 provider of emergency medical services where
2 the automated external defibrillator is to be
3 located.

4 3. Any person who has had appropriate
5 training, including a course in
6 cardiopulmonary resuscitation, has
7 demonstrated a proficiency in the use of an
8 automated external defibrillator, and who
9 gratuitously and in good faith renders
10 emergency care when medically appropriate by
11 use of or provision of an automated external
12 defibrillator, without objection of the
13 injured victim or victims thereof, shall not
14 be held liable for any civil damages as a
15 result of such care or treatment, where the
16 person acts as an ordinarily reasonable,
17 prudent person, or with regard to a health
18 care professional, including the licensed
19 physician who reviews and approves the
20 clinical protocol, as a reasonably prudent
21 and careful health care provider would have
22 acted, under the same or similar
23 circumstances. Nothing in this section shall
24 affect any claims brought pursuant to chapter
25 537 or 538, RSMo.]

26 [190.094. In any county of the second
27 classification containing part of a city
28 which is located in four counties and any
29 county bordering said county on the east and
30 south and in any county of the third
31 classification with a population of at least
32 eight thousand four hundred but less than
33 eight thousand five hundred inhabitants
34 containing part of a lake of nine hundred
35 fifty-eight miles of shoreline but less than
36 one thousand miles of shoreline each
37 ambulance, when in use as an ambulance, shall
38 be staffed with a minimum of one emergency
39 medical technician and one other crew member
40 as set forth in rules adopted by the
41 department. When transporting a patient, at
42 least one licensed emergency medical
43 technician, registered nurse or physician
44 shall be in attendance with the patient in
45 the patient compartment at all times.]

46 [190.101. 1. There is hereby
47 established a "State Advisory Council on
48 Emergency Medical Services" which shall

1 consist of sixteen members, one of which
2 shall be a resident of a city not within a
3 county. The members of the council shall be
4 appointed by the governor with the advice and
5 consent of the senate and shall serve terms
6 of four years. The governor shall designate
7 one of the members as chairperson. The
8 chairperson may appoint subcommittees that
9 include noncouncil members.

10 2. The state EMS medical directors
11 advisory committee and the regional EMS
12 advisory committees will be recognized as
13 subcommittees of the state advisory council
14 on emergency medical services.

15 3. The council shall have geographical
16 representation and representation from
17 appropriate areas of expertise in emergency
18 medical services including volunteers,
19 professional organizations involved in
20 emergency medical services, EMT's,
21 paramedics, nurses, firefighters, physicians,
22 ambulance service administrators, hospital
23 administrators and other health care
24 providers concerned with emergency medical
25 services. The regional EMS advisory
26 committees shall serve as a resource for the
27 identification of potential members of the
28 state advisory council on emergency medical
29 services.

30 4. The members of the council and
31 subcommittees shall serve without
32 compensation except that members of the
33 council shall, subject to appropriations, be
34 reimbursed for reasonable travel expenses and
35 meeting expenses related to the functions of
36 the council.

37 5. The purpose of the council is to
38 make recommendations to the governor, the
39 general assembly, and the department on
40 policies, plans, procedures and proposed
41 regulations on how to improve the statewide
42 emergency medical services system. The
43 council shall advise the governor, the
44 general assembly, and the department on all
45 aspects of the emergency medical services
46 system.]

47 [190.105. 1. No person, either as
48 owner, agent or otherwise, shall furnish,
49 operate, conduct, maintain, advertise, or

1 otherwise be engaged in or profess to be
2 engaged in the business or service of the
3 transportation of patients by ambulance in
4 the air, upon the streets, alleys, or any
5 public way or place of the state of Missouri
6 unless such person holds a currently valid
7 license from the department for an ambulance
8 service issued pursuant to the provisions of
9 sections 190.001 to 190.245.

10 2. No ground ambulance shall be
11 operated for ambulance purposes, and no
12 individual shall drive, attend or permit it
13 to be operated for such purposes in the state
14 of Missouri unless the ground ambulance is
15 under the immediate supervision and direction
16 of a person who is holding a currently valid
17 Missouri license as an emergency medical
18 technician. Nothing in this section shall be
19 construed to mean that a duly registered
20 nurse or a duly licensed physician be
21 required to hold an emergency medical
22 technician's license. Each ambulance service
23 is responsible for assuring that any person
24 driving its ambulance is competent in
25 emergency vehicle operations and has a safe
26 driving record. Each ground ambulance shall
27 be staffed with at least two licensed
28 individuals when transporting a patient,
29 except as provided in section 190.094.

30 3. No license shall be required for an
31 ambulance service, or for the attendant of an
32 ambulance, which:

33 (1) Is rendering assistance in the case
34 of an emergency, major catastrophe or any
35 other unforeseen event or series of events
36 which jeopardizes the ability of the local
37 ambulance service to promptly respond to
38 emergencies; or

39 (2) Is operated from a location or
40 headquarters outside of Missouri in order to
41 transport patients who are picked up beyond
42 the limits of Missouri to locations within or
43 outside of Missouri, but no such outside
44 ambulance shall be used to pick up patients
45 within Missouri for transportation to
46 locations within Missouri, except as provided
47 in subdivision (1) of this subsection.

48 4. The issuance of a license pursuant
49 to the provisions of sections 190.001 to
50 190.245 shall not be construed so as to

1 authorize any person to provide ambulance
2 services or to operate any ambulances without
3 a franchise in any city not within a county
4 or in a political subdivision in any county
5 with a population of over nine hundred
6 thousand inhabitants, or a franchise,
7 contract or mutual-aid agreement in any other
8 political subdivision which has enacted an
9 ordinance making it unlawful to do so.

10 5. Sections 190.001 to 190.245 shall
11 not preclude the adoption of any law,
12 ordinance or regulation not in conflict with
13 such sections by any city not within a
14 county, or at least as strict as such
15 sections by any county, municipality or
16 political subdivision except that no such
17 regulations or ordinances shall be adopted by
18 a political subdivision in a county with a
19 population of over nine hundred thousand
20 inhabitants except by the county's governing
21 body.

22 6. In a county with a population of
23 over nine hundred thousand inhabitants, the
24 governing body of the county shall set the
25 standards for all ambulance services which
26 shall comply with subsection 5 of this
27 section. All such ambulance services must be
28 licensed by the department. The governing
29 body of such county shall not prohibit a
30 licensed ambulance service from operating in
31 the county, as long as the ambulance service
32 meets county standards.

33 7. An ambulance service or vehicle when
34 operated for the purpose of transporting
35 persons who are sick, injured, or otherwise
36 incapacitated shall not be treated as a
37 common or contract carrier under the
38 jurisdiction of the Missouri division of
39 motor carrier and railroad safety.

40 8. Sections 190.001 to 190.245 shall
41 not apply to, nor be construed to include,
42 any motor vehicle used by an employer for the
43 transportation of such employer's employees
44 whose illness or injury occurs on private
45 property, and not on a public highway or
46 property, nor to any person operating such a
47 motor vehicle.

48 9. A political subdivision that is
49 authorized to operate a licensed ambulance
50 service may establish, operate, maintain and

1 manage its ambulance service, and select and
2 contract with a licensed ambulance service.
3 Any political subdivision may contract with a
4 licensed ambulance service.

5 10. Except as provided in subsections 5
6 and 6, nothing in section 67.300, RSMo, or
7 subsection 2 of section 190.109, shall be
8 construed to authorize any municipality or
9 county which is located within an ambulance
10 district or a fire protection district that
11 is authorized to provide ambulance service to
12 promulgate laws, ordinances or regulations
13 related to the provision of ambulance
14 services. This provision shall not apply to
15 any municipality or county which operates an
16 ambulance service established prior to August
17 28, 1998.

18 11. Nothing in section 67.300, RSMo, or
19 subsection 2 of section 190.109 shall be
20 construed to authorize any municipality or
21 county which is located within an ambulance
22 district or a fire protection district that
23 is authorized to provide ambulance service to
24 operate an ambulance service without a
25 franchise in an ambulance district or a fire
26 protection district that is authorized to
27 provide ambulance service which has enacted
28 an ordinance making it unlawful to do so.
29 This provision shall not apply to any
30 municipality or county which operates an
31 ambulance service established prior to August
32 28, 1998.

33 12. No provider of ambulance service
34 within the state of Missouri which is
35 licensed by the department to provide such
36 service shall discriminate regarding
37 treatment or transportation of emergency
38 patients on the basis of race, sex, age,
39 color, religion, sexual preference, national
40 origin, ancestry, handicap, medical condition
41 or ability to pay.

42 13. No provision of this section, other
43 than subsections 5, 6, 10 and 11 of this
44 section, is intended to limit or supersede
45 the powers given to ambulance districts
46 pursuant to this chapter or to fire
47 protection districts pursuant to chapter 321,
48 RSMo, or to counties, cities, towns and
49 villages pursuant to chapter 67, RSMo.

50 14. Upon the sale or transfer of any

1 ground ambulance service ownership, the owner
2 of such service shall notify the department
3 of the change in ownership within thirty days
4 of such sale or transfer. After receipt of
5 such notice, the department shall conduct an
6 inspection of the ambulance service to verify
7 compliance with the licensure standards of
8 sections 190.001 to 190.245.]

9 [190.108. 1. The department shall,
10 within a reasonable time after receipt of an
11 application, cause such investigation as the
12 department deems necessary to be made of the
13 applicant for an air ambulance license.

14 2. The department shall have the
15 authority and responsibility to license an
16 air ambulance service in accordance with
17 sections 190.001 to 190.245, and in
18 accordance with rules adopted by the
19 department pursuant to sections 190.001 to
20 190.245. The department may promulgate rules
21 relating to the requirements for an air
22 ambulance license including, but not limited
23 to:

24 (1) Medical control plans;
25 (2) Medical director qualifications;
26 (3) Air medical staff qualifications;
27 (4) Response and operations standards
28 to assure that the health and safety needs of
29 the public are met;
30 (5) Standards for air medical
31 communications;
32 (6) Criteria for compliance with
33 licensure requirements;
34 (7) Records and forms;
35 (8) Equipment requirements;
36 (9) Five-year license renewal;
37 (10) Quality improvement committees;
38 and
39 (11) Response time, patient care and
40 transportation standards.

41 3. Application for an air ambulance
42 service license shall be made upon such forms
43 as prescribed by the department in rules
44 adopted pursuant to sections 190.001 to
45 190.245. The application form shall contain
46 such information as the department deems
47 necessary to make a determination as to
48 whether the air ambulance service meets all
49 the requirements of sections 190.001 to

1 190.245 and rules promulgated pursuant to
2 sections 190.001 to 190.245.
3 4. Upon the sale or transfer of any air
4 ambulance service ownership, the owner of
5 such service shall notify the department of
6 the change in ownership within thirty days of
7 such sale or transfer. After receipt of such
8 notice, the department shall conduct an
9 inspection of the ambulance service to verify
10 compliance with the licensure standards of
11 sections 190.001 to 190.245.]

12 [190.109. 1. The department shall,
13 within a reasonable time after receipt of an
14 application, cause such investigation as the
15 department deems necessary to be made of the
16 applicant for a ground ambulance license.

17 2. Any person that owned and operated a
18 licensed ambulance on December 31, 1997,
19 shall receive an ambulance service license
20 from the department, unless suspended,
21 revoked or terminated, for that ambulance
22 service area which was, on December 31, 1997,
23 described and filed with the department as
24 the primary service area for its licensed
25 ambulances on August 28, 1998, provided that
26 the person makes application and adheres to
27 the rules and regulations promulgated by the
28 department pursuant to sections 190.001 to
29 190.245.

30 3. The department shall issue a new
31 ground ambulance service license to an
32 ambulance service that is not currently
33 licensed by the department, or is currently
34 licensed by the department and is seeking to
35 expand its ambulance service area, except as
36 provided in subsection 4 of this section, to
37 be valid for a period of five years, unless
38 suspended, revoked or terminated, when the
39 director finds that the applicant meets the
40 requirements of ambulance service licensure
41 established pursuant to sections 190.100 to
42 190.245 and the rules adopted by the
43 department pursuant to sections 190.001 to
44 190.245. In order to be considered for a new
45 ambulance service license, an ambulance
46 service shall submit to the department a
47 letter of endorsement from each ambulance
48 district or fire protection district that is
49 authorized to provide ambulance service, or

1 from each municipality not within an
2 ambulance district or fire protection
3 district that is authorized to provide
4 ambulance service, in which the ambulance
5 service proposes to operate. If an ambulance
6 service proposes to operate in unincorporated
7 portions of a county not within an ambulance
8 district or fire protection district that is
9 authorized to provide ambulance service, in
10 order to be considered for a new ambulance
11 service license, the ambulance service shall
12 submit to the department a letter of
13 endorsement from the county. Any letter of
14 endorsement required pursuant to this section
15 shall verify that the political subdivision
16 has conducted a public hearing regarding the
17 endorsement and that the governing body of
18 the political subdivision has adopted a
19 resolution approving the endorsement. The
20 letter of endorsement shall affirmatively
21 state that the proposed ambulance service:
22 (1) Will provide a benefit to public
23 health that outweighs the associated costs;
24 (2) Will maintain or enhance the
25 public's access to ambulance services;
26 (3) Will maintain or improve the public
27 health and promote the continued development
28 of the regional emergency medical service
29 system;
30 (4) Has demonstrated the appropriate
31 expertise in the operation of ambulance
32 services; and
33 (5) Has demonstrated the financial
34 resources necessary for the operation of the
35 proposed ambulance service.
36 4. A contract between a political
37 subdivision and a licensed ambulance service
38 for the provision of ambulance services for
39 that political subdivision shall expand,
40 without further action by the department, the
41 ambulance service area of the licensed
42 ambulance service to include the
43 jurisdictional boundaries of the political
44 subdivision. The termination of the
45 aforementioned contract shall result in a
46 reduction of the licensed ambulance service's
47 ambulance service area by removing the
48 geographic area of the political subdivision
49 from its ambulance service area, except that
50 licensed ambulance service providers may

1 provide ambulance services as are needed at
2 and around the state fair grounds for
3 protection of attendees at the state fair.

4 5. The department shall renew a ground
5 ambulance service license if the applicant
6 meets the requirements established pursuant
7 to sections 190.001 to 190.245, and the rules
8 adopted by the department pursuant to
9 sections 190.001 to 190.245.

10 6. The department shall promulgate
11 rules relating to the requirements for a
12 ground ambulance service license including,
13 but not limited to:

14 (1) Vehicle design, specification,
15 operation and maintenance standards;

16 (2) Equipment requirements;

17 (3) Staffing requirements;

18 (4) Five-year license renewal;

19 (5) Records and forms;

20 (6) Medical control plans;

21 (7) Medical director qualifications;

22 (8) Standards for medical

23 communications;

24 (9) Memorandums of understanding with
25 emergency medical response agencies that
26 provide advanced life support;

27 (10) Quality improvement committees;
28 and

29 (11) Response time, patient care and
30 transportation standards.

31 7. Application for a ground ambulance
32 service license shall be made upon such forms
33 as prescribed by the department in rules
34 adopted pursuant to sections 190.001 to
35 190.245. The application form shall contain
36 such information as the department deems
37 necessary to make a determination as to
38 whether the ground ambulance service meets
39 all the requirements of sections 190.001 to
40 190.245 and rules promulgated pursuant to
41 sections 190.001 to 190.245.]

42 [190.120. 1. No ambulance service
43 license shall be issued pursuant to sections
44 190.001 to 190.245, nor shall such license be
45 valid after issuance, nor shall any ambulance
46 be operated in Missouri unless there is at
47 all times in force and effect insurance
48 coverage or proof of financial responsibility
49 with adequate reserves maintained for each

1 and every ambulance owned or operated by or
2 for the applicant or licensee to provide for
3 the payment of damages in an amount as
4 prescribed in regulation:

5 (1) For injury to or death of
6 individuals in accidents resulting from any
7 cause for which the owner of such vehicle
8 would be liable on account of liability
9 imposed on him or her by law, regardless of
10 whether the ambulance was being driven by the
11 owner or the owner's agent; and

12 (2) For the loss of or damage to the
13 property of another, including personal
14 property, under like circumstances.

15 2. The insurance policy or proof of
16 financial responsibility shall be submitted
17 by all licensees required to provide such
18 insurance pursuant to sections 190.001 to
19 190.245. The insurance policy, or proof of
20 the existence of financial responsibility,
21 shall be submitted to the director, in such
22 form as the director may specify, for the
23 director's approval prior to the issuance of
24 each ambulance service license.

25 3. Every insurance policy or proof of
26 financial responsibility document required by
27 the provisions of this section shall contain
28 proof of a provision for a continuing
29 liability thereunder to the full amount
30 thereof, notwithstanding any recovery
31 thereon; that the liability of the insurer
32 shall not be affected by the insolvency or
33 the bankruptcy of the assured; and that until
34 the policy is revoked the insurance company
35 or self-insured licensee or entity will not
36 be relieved from liability on account of
37 nonpayment of premium, failure to renew
38 license at the end of the year, or any act or
39 omission of the named assured. Such policy
40 of insurance or self-insurance shall be
41 further conditioned for the payment of any
42 judgments up to the limits of such policy,
43 recovered against any person other than the
44 owner, the owner's agent or employee, who may
45 operate the same with the consent of the
46 owner.

47 4. Every insurance policy or
48 self-insured licensee or entity as required
49 by the provisions of this section shall
50 extend for the period to be covered by the

1 license applied for and the insurer shall be
2 obligated to give not less than thirty days'
3 written notice to the director and to the
4 insured before any cancellation or
5 termination thereof earlier than its
6 expiration date, and the cancellation or
7 other termination of any such policy shall
8 automatically revoke and terminate the
9 licenses issued for the ambulance service
10 covered by such policy unless covered by
11 another insurance policy in compliance with
12 sections 190.001 to 190.245.]

13 [190.131. 1. The department shall
14 accredit or certify training entities for
15 first responders, emergency medical
16 dispatchers, emergency medical
17 technicians-basic, emergency medical
18 technicians-intermediate, and emergency
19 medical technicians-paramedic, for a period
20 of five years, if the applicant meets the
21 requirements established pursuant to sections
22 190.001 to 190.245.

23 2. Such rules promulgated by the
24 department shall set forth the minimum
25 requirements for entrance criteria, training
26 program curricula, instructors, facilities,
27 equipment, medical oversight, record keeping,
28 and reporting.

29 3. Application for training entity
30 accreditation or certification shall be made
31 upon such forms as prescribed by the
32 department in rules adopted pursuant to
33 sections 190.001 to 190.245. The application
34 form shall contain such information as the
35 department deems reasonably necessary to make
36 a determination as to whether the training
37 entity meets all requirements of sections
38 190.001 to 190.245 and rules promulgated
39 pursuant to sections 190.001 to 190.245.

40 4. Upon receipt of such application for
41 training entity accreditation or
42 certification, the department shall determine
43 whether the training entity, its instructors,
44 facilities, equipment, curricula and medical
45 oversight meet the requirements of sections
46 190.001 to 190.245 and rules promulgated
47 pursuant to sections 190.001 to 190.245.

48 5. Upon finding these requirements
49 satisfied, the department shall issue a

1 training entity accreditation or
2 certification in accordance with rules
3 promulgated by the department pursuant to
4 sections 190.001 to 190.245.

5 6. Subsequent to the issuance of a
6 training entity accreditation or
7 certification, the department shall cause a
8 periodic review of the training entity to
9 assure continued compliance with the
10 requirements of sections 190.001 to 190.245
11 and all rules promulgated pursuant to
12 sections 190.001 to 190.245.

13 7. No person or entity shall hold
14 itself out or provide training required by
15 this section without accreditation or
16 certification by the department.]

17 [190.133. 1. The department shall,
18 within a reasonable time after receipt of an
19 application, cause such investigation as the
20 department deems necessary to be made of the
21 applicant for an emergency medical response
22 agency license.

23 2. The department shall issue a license
24 to any emergency medical response agency
25 which provides advanced life support if the
26 applicant meets the requirements established
27 pursuant to sections 190.001 to 190.245, and
28 the rules adopted by the department pursuant
29 to sections 190.001 to 190.245. The
30 department may promulgate rules relating to
31 the requirements for an emergency medical
32 response agency including, but not limited
33 to:

34 (1) A licensure period of five years;
35 (2) Medical direction;
36 (3) Records and forms; and
37 (4) Memorandum of understanding with
38 local ambulance services.

39 3. Application for an emergency medical
40 response agency license shall be made upon
41 such forms as prescribed by the department in
42 rules adopted pursuant to sections 190.001 to
43 190.245. The application form shall contain
44 such information as the department deems
45 necessary to make a determination as to
46 whether the emergency medical response agency
47 meets all the requirements of sections
48 190.001 to 190.245 and rules promulgated
49 pursuant to sections 190.001 to 190.245.

1 4. No person or entity shall hold
2 itself out as an emergency medical response
3 agency that provides advanced life support or
4 provide the services of an emergency medical
5 response agency that provides advanced life
6 support unless such person or entity is
7 licensed by the department.

8 5. Only emergency medical response
9 agencies licensed and serving in any county
10 of the first classification without a charter
11 form of government and with more than one
12 hundred eighty-four thousand but less than
13 one hundred eighty-eight thousand
14 inhabitants, any county with a charter form
15 of government and with more than six hundred
16 thousand but less than seven hundred thousand
17 inhabitants, or any county of the first
18 classification with more than seventy-three
19 thousand seven hundred but less than
20 seventy-three thousand eight hundred
21 inhabitants will be licensed to provide
22 certain ALS services with the services of
23 EMT-Is.

24 6. Emergency medical response agencies
25 functioning with the services of EMT-Is must
26 work in collaboration with an ambulance
27 service providing advanced life support with
28 personnel trained to the emergency medical
29 technician-paramedic level.]

30 [190.142. 1. The department shall,
31 within a reasonable time after receipt of an
32 application, cause such investigation as it
33 deems necessary to be made of the applicant
34 for an emergency medical technician's
35 license. The director may authorize
36 investigations into criminal records in other
37 states for any applicant.

38 2. The department shall issue a license
39 to all levels of emergency medical
40 technicians, for a period of five years, if
41 the applicant meets the requirements
42 established pursuant to sections 190.001 to
43 190.245 and the rules adopted by the
44 department pursuant to sections 190.001 to
45 190.245. The department may promulgate rules
46 relating to the requirements for an emergency
47 medical technician including but not limited
48 to:

49 (1) Age requirements;

1 (2) Education and training requirements
2 based on respective national curricula of the
3 United States Department of Transportation
4 and any modification to such curricula
5 specified by the department through rules
6 adopted pursuant to sections 190.001 to
7 190.245;
8 (3) Initial licensure testing
9 requirements;
10 (4) Continuing education and
11 relicensure requirements; and
12 (5) Ability to speak, read and write
13 the English language.
14 3. Application for all levels of
15 emergency medical technician license shall be
16 made upon such forms as prescribed by the
17 department in rules adopted pursuant to
18 sections 190.001 to 190.245. The application
19 form shall contain such information as the
20 department deems necessary to make a
21 determination as to whether the emergency
22 medical technician meets all the requirements
23 of sections 190.001 to 190.245 and rules
24 promulgated pursuant to sections 190.001 to
25 190.245.
26 4. All levels of emergency medical
27 technicians may perform only that patient
28 care which is:
29 (1) Consistent with the training,
30 education and experience of the particular
31 emergency medical technician; and
32 (2) Ordered by a physician or set forth
33 in protocols approved by the medical
34 director.
35 5. No person shall hold themselves out
36 as an emergency medical technician or provide
37 the services of an emergency medical
38 technician unless such person is licensed by
39 the department.
40 6. Any rule or portion of a rule, as
41 that term is defined in section 536.010,
42 RSMo, that is created under the authority
43 delegated in this section shall become
44 effective only if it complies with and is
45 subject to all of the provisions of chapter
46 536, RSMo, and, if applicable, section
47 536.028, RSMo. This section and chapter 536,
48 RSMo, are nonseverable and if any of the
49 powers vested with the general assembly
50 pursuant to chapter 536, RSMo, to review, to

1 delay the effective date or to disapprove and
2 annul a rule are subsequently held
3 unconstitutional, then the grant of
4 rulemaking authority and any rule proposed or
5 adopted after August 28, 2002, shall be
6 invalid and void.]

7 [190.143. 1. Notwithstanding any other
8 provisions of law, the department may grant a
9 ninety-day temporary emergency medical
10 technician license to all levels of emergency
11 medical technicians who meet the following:

12 (1) Can demonstrate that they have, or
13 will have, employment requiring an emergency
14 medical technician license;

15 (2) Are not currently licensed as an
16 emergency medical technician in Missouri or
17 have been licensed as an emergency medical
18 technician in Missouri and fingerprints need
19 to be submitted to the Federal Bureau of
20 Investigation to verify the existence or
21 absence of a criminal history, or they are
22 currently licensed and the license will
23 expire before a verification can be completed
24 of the existence or absence of a criminal
25 history;

26 (3) Have submitted a complete
27 application upon such forms as prescribed by
28 the department in rules adopted pursuant to
29 sections 190.001 to 190.245;

30 (4) Have not been disciplined pursuant
31 to sections 190.001 to 190.245 and rules
32 promulgated pursuant to sections 190.001 to
33 190.245;

34 (5) Meet all the requirements of rules
35 promulgated pursuant to sections 190.001 to
36 190.245.

37 2. A temporary emergency medical
38 technician license shall only authorize the
39 license to practice while under the immediate
40 supervision of a licensed emergency medical
41 technician-basic, emergency medical
42 technician-paramedic, registered nurse or
43 physician who is currently licensed, without
44 restrictions, to practice in Missouri.

45 3. A temporary emergency medical
46 technician license shall automatically expire
47 either ninety days from the date of issuance
48 or upon the issuance of a five-year emergency
49 medical technician license.]

1 [190.146. Any licensee allowing a
2 license to lapse may within two years of the
3 lapse request that their license be returned
4 to active status by notifying the department
5 in advance of such intention, and submit a
6 complete application upon such forms as
7 prescribed by the department in rules adopted
8 pursuant to sections 190.001 to 190.245. If
9 the licensee meets all the requirements for
10 relicensure, the department shall issue a new
11 emergency medical technician license to the
12 licensee.]

13 [190.160. The renewal of any license
14 shall require conformance with sections
15 190.001 to 190.245 and sections 190.525 to
16 190.537, and rules adopted by the department
17 pursuant to sections 190.001 to 190.245 and
18 sections 190.525 to 190.537.]

19 [190.165. 1. The department may refuse
20 to issue or deny renewal of any certificate,
21 permit or license required pursuant to
22 sections 190.100 to 190.245 for failure to
23 comply with the provisions of sections
24 190.100 to 190.245 or any lawful regulations
25 promulgated by the department to implement
26 its provisions as described in subsection 2
27 of this section. The department shall notify
28 the applicant in writing of the reasons for
29 the refusal and shall advise the applicant of
30 his or her right to file a complaint with the
31 administrative hearing commission as provided
32 by chapter 621, RSMo.

33 2. The department may cause a complaint
34 to be filed with the administrative hearing
35 commission as provided by chapter 621, RSMo,
36 against any holder of any certificate, permit
37 or license required by sections 190.100 to
38 190.245 or any person who has failed to renew
39 or has surrendered his or her certificate,
40 permit or license for failure to comply with
41 the provisions of sections 190.100 to 190.245
42 or any lawful regulations promulgated by the
43 department to implement such sections. Those
44 regulations shall be limited to the
45 following:

46 (1) Use or unlawful possession of any
47 controlled substance, as defined in chapter
48 195, RSMo, or alcoholic beverage to an extent

1 that such use impairs a person's ability to
2 perform the work of any activity licensed or
3 regulated by sections 190.100 to 190.245;
4 (2) Being finally adjudicated and found
5 guilty, or having entered a plea of guilty or
6 nolo contendere, in a criminal prosecution
7 under the laws of any state or of the United
8 States, for any offense reasonably related to
9 the qualifications, functions or duties of
10 any activity licensed or regulated pursuant
11 to sections 190.100 to 190.245, for any
12 offense an essential element of which is
13 fraud, dishonesty or an act of violence, or
14 for any offense involving moral turpitude,
15 whether or not sentence is imposed;
16 (3) Use of fraud, deception,
17 misrepresentation or bribery in securing any
18 certificate, permit or license issued
19 pursuant to sections 190.100 to 190.245 or in
20 obtaining permission to take any examination
21 given or required pursuant to sections
22 190.100 to 190.245;
23 (4) Obtaining or attempting to obtain
24 any fee, charge, tuition or other
25 compensation by fraud, deception or
26 misrepresentation;
27 (5) Incompetency, misconduct, gross
28 negligence, fraud, misrepresentation or
29 dishonesty in the performance of the
30 functions or duties of any activity licensed
31 or regulated by sections 190.100 to 190.245;
32 (6) Violation of, or assisting or
33 enabling any person to violate, any provision
34 of sections 190.100 to 190.245, or of any
35 lawful rule or regulation adopted by the
36 department pursuant to sections 190.100 to
37 190.245;
38 (7) Impersonation of any person holding
39 a certificate, permit or license or allowing
40 any person to use his or her certificate,
41 permit, license or diploma from any school;
42 (8) Disciplinary action against the
43 holder of a license or other right to
44 practice any activity regulated by sections
45 190.100 to 190.245 granted by another state,
46 territory, federal agency or country upon
47 grounds for which revocation or suspension is
48 authorized in this state;
49 (9) For an individual being finally
50 adjudged insane or incompetent by a court of

1 competent jurisdiction;
2 (10) Assisting or enabling any person
3 to practice or offer to practice any activity
4 licensed or regulated by sections 190.100 to
5 190.245 who is not licensed and currently
6 eligible to practice pursuant to sections
7 190.100 to 190.245;
8 (11) Issuance of a certificate, permit
9 or license based upon a material mistake of
10 fact;
11 (12) Violation of any professional
12 trust or confidence;
13 (13) Use of any advertisement or
14 solicitation which is false, misleading or
15 deceptive to the general public or persons to
16 whom the advertisement or solicitation is
17 primarily directed;
18 (14) Violation of the drug laws or
19 rules and regulations of this state, any
20 other state or the federal government;
21 (15) Refusal of any applicant or
22 licensee to cooperate with the department of
23 health and senior services during any
24 investigation;
25 (16) Any conduct or practice which is
26 or might be harmful or dangerous to the
27 mental or physical health of a patient or the
28 public;
29 (17) Repeated negligence in the
30 performance of the functions or duties of any
31 activity licensed or regulated by sections
32 190.100 to 190.245.
33 3. After the filing of such complaint,
34 the proceedings shall be conducted in
35 accordance with the provisions of chapter
36 621, RSMo. Upon a finding by the
37 administrative hearing commission that the
38 grounds, provided in subsection 2 of this
39 section, for disciplinary action are met, the
40 department may, singly or in combination,
41 censure or place the person named in the
42 complaint on probation on such terms and
43 conditions as the department deems
44 appropriate for a period not to exceed five
45 years, or may suspend, for a period not to
46 exceed three years, or revoke the license,
47 certificate or permit.
48 4. An individual whose license has been
49 revoked shall wait one year from the date of
50 revocation to apply for relicensure.

1 Relicensure shall be at the discretion of the
2 department after compliance with all the
3 requirements of sections 190.100 to 190.245
4 relative to the licensing of an applicant for
5 the first time. Any individual whose license
6 has been revoked twice within a ten-year
7 period shall not be eligible for relicensure.

8 5. The department may notify the proper
9 licensing authority of any other state in
10 which the person whose license was suspended
11 or revoked was also licensed of the
12 suspension or revocation.

13 6. Any person, organization,
14 association or corporation who reports or
15 provides information to the department
16 pursuant to the provisions of sections
17 190.100 to 190.245 and who does so in good
18 faith shall not be subject to an action for
19 civil damages as a result thereof.

20 7. The department of health and senior
21 services may suspend any certificate, permit
22 or license required pursuant to sections
23 190.100 to 190.245 simultaneously with the
24 filing of the complaint with the
25 administrative hearing commission as set
26 forth in subsection 2 of this section, if the
27 department finds that there is an imminent
28 threat to the public health. The notice of
29 suspension shall include the basis of the
30 suspension and notice of the right to appeal
31 such suspension. The licensee may appeal the
32 decision to suspend the license, certificate
33 or permit to the department. The appeal
34 shall be filed within ten days from the date
35 of the filing of the complaint. A hearing
36 shall be conducted by the department within
37 ten days from the date the appeal is filed.
38 The suspension shall continue in effect until
39 the conclusion of the proceedings, including
40 review thereof, unless sooner withdrawn by
41 the department, dissolved by a court of
42 competent jurisdiction or stayed by the
43 administrative hearing commission.]

44 [190.171. Any person aggrieved by an
45 official action of the department of health
46 and senior services affecting the licensed
47 status of a person pursuant to the provisions
48 of sections 190.001 to 190.245 and sections
49 190.525 to 190.537, including the refusal to

1 grant, the grant, the revocation, the
2 suspension, or the failure to renew a
3 license, may seek a determination thereon by
4 the administrative hearing commission
5 pursuant to the provisions of section
6 621.045, RSMo, and it shall not be a
7 condition to such determination that the
8 person aggrieved seek a reconsideration, a
9 rehearing, or exhaust any other procedure
10 within the department of health and senior
11 services or the department of social
12 services.]

13 [190.172. Notwithstanding the
14 provisions of subdivision (3) of subsection 3
15 of section 621.045, RSMo, to the contrary, if
16 no contested case has been filed against the
17 licensee, the agency shall submit a copy of
18 the settlement agreement signed by all of the
19 parties within fifteen days after signature
20 to the administrative hearing commission for
21 determination that the facts agreed to by the
22 parties to the settlement constitute grounds
23 for denying or disciplining the license of
24 the licensee. Any person who is directly
25 harmed by the specific conduct for which the
26 discipline is sought may submit a written
27 impact statement to the administrative
28 hearing commission for consideration in
29 connection with the commission's review of
30 the settlement agreement.]

31 [190.175. 1. Each ambulance service
32 licensee or emergency medical response agency
33 licensee shall maintain accurate records,
34 which contain information concerning the care
35 and, if applicable, the transportation of
36 each patient.

37 2. Records will be retained by the
38 ambulance service licensees and emergency
39 medical response agency licensees for five
40 years, readily available for inspection by
41 the department, notwithstanding transfer,
42 sale or discontinuance of the ambulance
43 services or business.

44 3. A patient care report, approved by
45 the department, shall be completed for each
46 ambulance run on which are entered pertinent
47 remarks by the emergency medical technician,
48 registered nurse or physician and such other

1 items as specified by rules promulgated by
2 the department.

3 4. A written or electronic patient care
4 document shall be completed and given to the
5 ambulance service personnel by the health
6 care facility when a patient is transferred
7 between health care facilities. Such patient
8 care record shall contain such information
9 pertinent to the continued care of the
10 patient as well as the health and safety of
11 the ambulance service personnel during the
12 transport. Nothing in this section shall be
13 construed as to limit the reporting
14 requirements established in federal law
15 relating to the transfer of patients between
16 health care facilities.

17 5. Such records shall be available for
18 inspection by the department at any
19 reasonable time during business hours.]

20 [190.185. The department shall adopt,
21 amend, promulgate, and enforce such rules,
22 regulations and standards with respect to the
23 provisions of this chapter as may be designed
24 to further the accomplishment of the purpose
25 of this law in promoting state-of-the-art
26 emergency medical services in the interest of
27 public health, safety and welfare. When
28 promulgating such rules and regulations, the
29 department shall consider the recommendations
30 of the state advisory council on emergency
31 medical services. Any rule or portion of a
32 rule promulgated pursuant to the authority of
33 sections 190.001 to 190.245 or sections
34 190.525 to 190.537 shall become effective
35 only if it complies with and is subject to
36 all of the provisions of chapter 536, RSMo,
37 and, if applicable, section 536.028, RSMo.
38 This section and chapter 536, RSMo, are
39 nonseverable and if any of the powers vested
40 with the general assembly pursuant to chapter
41 536, RSMo, to review, to delay the effective
42 date or to disapprove and annul a rule are
43 subsequently held unconstitutional, then the
44 grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2002,
46 shall be invalid and void.]

47 [190.196. 1. No employer shall
48 knowingly employ or permit any employee to

1 perform any services for which a license,
2 certificate or other authorization is
3 required by sections 190.001 to 190.245, or
4 by rules adopted pursuant to sections 190.001
5 to 190.245, unless and until the person so
6 employed possesses all licenses, certificates
7 or authorizations that are required.

8 2. Any person or entity that employs or
9 supervises a person's activities as a first
10 responder, emergency medical dispatcher,
11 emergency medical technician-basic, emergency
12 medical technician-paramedic, registered
13 nurse or physician shall cooperate with the
14 department's efforts to monitor and enforce
15 compliance by those individuals subject to
16 the requirements of sections 190.001 to
17 190.245.

18 3. Any person or entity who employs
19 individuals licensed by the department
20 pursuant to sections 190.001 to 190.245 shall
21 report to the department within seventy-two
22 hours of their having knowledge of any
23 charges filed against a licensee in their
24 employ for possible criminal action involving
25 the following felony offenses:

26 (1) Child abuse or sexual abuse of a
27 child;

28 (2) Crimes of violence; or

29 (3) Rape or sexual abuse.

30 4. Any licensee who has charges filed
31 against him or her for the felony offenses in
32 subsection 3 of this section shall report
33 such an occurrence to the department within
34 seventy-two hours of the charges being filed.

35 5. The department will monitor these
36 reports for possible licensure action
37 authorized pursuant to section 190.165.]

38 [190.246. 1. As used in this section,
39 the following terms shall mean:

40 (1) "Eligible person, firm,
41 organization or other entity", an ambulance
42 service or emergency medical response agency,
43 a certified first responder, emergency
44 medical technical-basic or emergency medical
45 technician-paramedic who is employed by, or
46 an enrolled member, person, firm,
47 organization or entity designated by, rule of
48 the department of health and senior services
49 in consultation with other appropriate

1 agencies. All such eligible persons, firms,
2 organizations or other entities shall be
3 subject to the rules promulgated by the
4 director of the department of health and
5 senior services;
6 (2) "Emergency health care provider":
7 (a) A physician licensed pursuant to
8 chapter 334, RSMo, with knowledge and
9 experience in the delivery of emergency care;
10 or
11 (b) A hospital licensed pursuant to
12 chapter 197, RSMo, that provides emergency
13 care.
14 2. Possession and use of epinephrine
15 auto-injector devices shall be limited as
16 follows:
17 (1) No person shall use an epinephrine
18 auto-injector device unless such person has
19 successfully completed a training course in
20 the use of epinephrine auto-injector devices
21 approved by the director of the department of
22 health and senior services. Nothing in this
23 section shall prohibit the use of an
24 epinephrine auto-injector device:
25 (a) By a health care professional
26 licensed or certified by this state who is
27 acting within the scope of his or her
28 practice; or
29 (b) By a person acting pursuant to a
30 lawful prescription;
31 (2) Every person, firm, organization
32 and entity authorized to possess and use
33 epinephrine auto-injector devices pursuant to
34 this section shall use, maintain and dispose
35 of such devices in accordance with the rules
36 of the department;
37 (3) Every use of an epinephrine
38 auto-injector device pursuant to this section
39 shall immediately be reported to the
40 emergency health care provider.
41 3. (1) Use of an epinephrine
42 auto-injector device pursuant to this section
43 shall be considered first aid or emergency
44 treatment for the purpose of any law relating
45 to liability.
46 (2) Purchase, acquisition, possession
47 or use of an epinephrine auto-injector device
48 pursuant to this section shall not constitute
49 the unlawful practice of medicine or the
50 unlawful practice of a profession.

1 (3) Any person otherwise authorized to
2 sell or provide an epinephrine auto-injector
3 device may sell or provide it to a person
4 authorized to possess it pursuant to this
5 section.

6 4. Any person, firm, organization or
7 entity that violates the provisions of this
8 section is guilty of a class B misdemeanor.】

9 【190.248. 1. All investigations
10 conducted in response to allegations of
11 violations of sections 190.001 to 190.245
12 shall be completed within six months of
13 receipt of the allegation.

14 2. In the course of an investigation
15 the department shall have access to all
16 records directly related to the alleged
17 violations from persons or entities licensed
18 pursuant to this chapter or chapter 197 or
19 198, RSMo.

20 3. Any department investigations that
21 involve other administrative or law
22 enforcement agencies shall be completed
23 within six months of notification and final
24 determination by such administrative or law
25 enforcement agencies.】

26 【190.250. 1. As used in this section,
27 the following terms mean:

28 (1) "Claim", a claim of a patient for:
29 (a) Damages from a tort-feasor; or
30 (b) Benefits from an insurance carrier;
31 (2) "Insurance carrier", any person,
32 firm, corporation, association or aggregation
33 of persons conducting an insurance business
34 pursuant to chapter 375, 376, 377, 378, 379,
35 380, 381, or 383, RSMo;

36 (3) "Patient", any person to whom an
37 ambulance service delivers treatment, care,
38 or transportation for sickness or injury
39 caused by a tort-feasor from whom such person
40 seeks damages or any insurance carrier which
41 has insured such tort-feasor.

42 2. Ambulance services shall have the
43 same rights granted to hospitals in sections
44 430.230 to 430.250, RSMo.

45 3. If the liens of such ambulance
46 services or hospitals exceed fifty percent of
47 the amount due the patient, every ambulance
48 service or hospital giving notice of its

1 lien, as aforesaid, shall share in up to
2 fifty percent of the net proceeds due the
3 patient, in the proportion that each claim
4 bears to the total amount of all other liens
5 of ambulance services or hospitals. "Net
6 proceeds", as used in this section, means the
7 amount remaining after the payment of
8 contractual attorney fees, if any, and other
9 expenses of recovery.

10 4. In administering the lien of the
11 ambulance service, the insurance carrier may
12 pay the amount due secured by the lien of the
13 ambulance service directly, if the claimant
14 authorizes it and does not challenge the
15 amount of the customary charges or that the
16 treatment provided was for injuries caused by
17 the tort-feasor.

18 5. Any ambulance service electing to
19 receive benefits hereunder releases the
20 claimant from further liability on the cost
21 of the services and treatment provided to
22 that point in time.]

23 [190.400. As used in sections 190.400
24 to 190.440, the following words and terms
25 shall mean:

26 (1) "911", the primary emergency
27 telephone number within the wireless system;

28 (2) "Board", the wireless service
29 provider enhanced 911 advisory board;

30 (3) "Public safety agency", a
31 functional division of a public agency which
32 provides fire fighting, police, medical or
33 other emergency services. For the purpose of
34 providing wireless service to users of 911
35 emergency services, as expressly provided in
36 this section, the department of public safety
37 and state highway patrol shall be considered
38 a public safety agency;

39 (4) "Public safety answering point",
40 the location at which 911 calls are initially
41 answered;

42 (5) "Wireless service provider", a
43 provider of commercial mobile service
44 pursuant to Section 332(d) of the Federal
45 Telecommunications Act of 1996 (47 U.S.C.
46 Section 151 et seq).]

47 [190.410. 1. There is hereby created
48 in the department of public safety the

1 "Wireless Service Provider Enhanced 911
2 Advisory Board", consisting of eight members
3 as follows:

4 (1) The director of the department of
5 public safety or the director's designee who
6 shall hold a position of authority in such
7 department of at least a division director;

8 (2) The chairperson of the public
9 service commission or the chairperson's
10 designee; except that such designee shall be
11 a commissioner of the public service
12 commission or hold a position of authority in
13 the commission of at least a division
14 director;

15 (3) Three representatives and one
16 alternate from the wireless service
17 providers, elected by a majority vote of
18 wireless service providers licensed to
19 provide service in this state; and

20 (4) Three representatives from public
21 safety answering point organizations, elected
22 by the members of the state chapter of the
23 associated public safety communications
24 officials and the state chapter of the
25 National Emergency Numbering Association.

26 2. Immediately after the board is
27 established the initial term of membership
28 for a member elected pursuant to subdivision
29 (3) of subsection 1 of this section shall be
30 one year and all subsequent terms for members
31 so elected shall be two years. The
32 membership term for a member elected pursuant
33 to subdivision (4) of subsection 1 of this
34 section shall initially and subsequently be
35 two years. Each member shall serve no more
36 than two successive terms unless the member
37 is on the board pursuant to subdivision (1)
38 or (2) of subsection 1 of this section.
39 Members of the board shall serve without
40 compensation, however, the members may
41 receive reimbursement of actual and necessary
42 expenses. Any vacancies on the board shall
43 be filled in the manner provided for in this
44 subsection.

45 3. The board shall do the following:

46 (1) Elect from its membership a chair
47 and other such officers as the board deems
48 necessary for the conduct of its business;

49 (2) Meet at least one time per year for
50 the purpose of discussing the implementation

1 of Federal Communications Commission order
2 94-102;
3 (3) Advise the office of administration
4 regarding implementation of Federal
5 Communications Commission order 94-102; and
6 (4) Provide any requested mediation
7 service to a political subdivision which is
8 involved in a jurisdictional dispute
9 regarding the providing of wireless 911
10 services. The board shall not supersede
11 decision-making authority of any political
12 subdivision in regard to 911 services.
13 4. The director of the department of
14 public safety shall provide and coordinate
15 staff and equipment services to the board to
16 facilitate the board's duties.]

17 [190.420. 1. There is hereby
18 established in the state treasury a fund to
19 be known as the "Wireless Service Provider
20 Enhanced 911 Service Fund". All fees
21 collected pursuant to sections 190.400 to
22 190.440 by wireless service providers shall
23 be remitted to the director of the department
24 of revenue. The director shall remit such
25 payments to the state treasurer.

26 2. The state treasurer shall deposit
27 such payments into the wireless service
28 provider enhanced 911 service fund. Moneys
29 in the fund shall be used for the purpose of
30 reimbursing expenditures actually incurred in
31 the implementation and operation of the
32 wireless service provider enhanced 911
33 system.

34 3. Any unexpended balance in the fund
35 shall be exempt from the provisions of
36 section 33.080, RSMo, relating to the
37 transfer of unexpended balances to the
38 general revenue fund, and shall remain in the
39 fund. Any interest earned on the moneys in
40 the fund shall be deposited into the fund.]

41 [190.440. 1. The office of
42 administration shall not be authorized to
43 establish a fee pursuant to the authority
44 granted in section 190.430 unless a ballot
45 measure is submitted and approved by the
46 voters of this state. The ballot measure
47 shall be submitted by the secretary of state
48 for approval or rejection at the general

1 election held and conducted on the Tuesday
2 immediately following the first Monday in
3 November, 1998, or at a special election to
4 be called by the governor on the ballot
5 measure. If the measure is rejected at such
6 general or special election, the measure may
7 be resubmitted at each subsequent general
8 election, or may be resubmitted at any
9 subsequent special election called by the
10 governor on the ballot measure, until such
11 measure is approved.

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

15 Shall the Missouri Office of
16 Administration be authorized to establish a
17 fee of up to fifty cents per month to be
18 charged every wireless telephone number for
19 the purpose of funding wireless enhanced 911
20 service?

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

26 3. If a majority of the votes cast on
27 the ballot measure by the qualified voters
28 voting thereon are in favor of such measure,
29 then the office of administration shall be
30 authorized to establish a fee pursuant to
31 section 190.430, and the fee shall be
32 effective on January 1, 1999, or the first
33 day of the month occurring at least thirty
34 days after the approval of the ballot
35 measure. If a majority of the votes cast on
36 the ballot measure by the qualified voters
37 voting thereon are opposed to the measure,
38 then the office of administration shall have
39 no power to establish the fee unless and
40 until the measure is approved.]

41 [190.525. As used in sections 190.525
42 to 190.537, the following terms mean:

43 (1) "Department", the department of
44 health and senior services;

45 (2) "Director", the director of the
46 department of health and senior services or
47 the director's duly authorized
48 representative;

49 (3) "Passenger", an individual needing

1 transportation in a supine position who does
2 not require medical monitoring, observation,
3 aid, care or treatment during transportation,
4 with the exception of self-administered
5 oxygen as ordered by a physician during
6 transportation;

7 (4) "Patient", an individual who is
8 sick, injured, wounded, diseased, or
9 otherwise incapacitated or helpless, and who
10 may require medical monitoring, medical
11 observation, aid, care or treatment during
12 transportation, with the exception of
13 self-administered oxygen as ordered by a
14 physician;

15 (5) "Person", any individual, firm,
16 partnership, copartnership, joint venture,
17 association, cooperative organization,
18 corporation, municipal or private, and
19 whether organized for profit or not, state,
20 county, political subdivision, state
21 department, commission, board, bureau or
22 fraternal organization, estate, public trust,
23 business or common law trust, receiver,
24 assignee for the benefit of creditors,
25 trustee or trustee in bankruptcy, or any
26 other service user or provider;

27 (6) "Stretcher van", any vehicle other
28 than an ambulance designed and equipped to
29 transport passengers in a supine position.
30 No such vehicle shall be used to provide
31 medical services;

32 (7) "Stretcher van service", any person
33 or agency that provides stretcher van
34 transportation to passengers who are confined
35 to stretchers and whose conditions are such
36 that they do not need and are not likely to
37 need medical attention during
38 transportation.]

39 [190.528. 1. No person, either as
40 owner, agent or otherwise, shall furnish,
41 operate, conduct, maintain, advertise, or
42 otherwise be engaged in or profess to be
43 engaged in the business or service of the
44 transportation of passengers by stretcher van
45 upon the streets, alleys, or any public way
46 or place of the state of Missouri unless such
47 person holds a currently valid license from
48 the department for a stretcher van service
49 issued pursuant to the provisions of sections

1 190.525 to 190.537 notwithstanding any
2 provisions of chapter 390 or 622, RSMo, to
3 the contrary.

4 2. Subsection 1 of this section shall
5 not preclude any political subdivision that
6 is authorized to operate a licensed ambulance
7 service from adopting any law, ordinance or
8 regulation governing the operation of
9 stretcher vans that is at least as strict as
10 the minimum state standards, and no such
11 regulations or ordinances shall prohibit
12 stretcher van services that were legally
13 picking up passengers within a political
14 subdivision prior to January 1, 2002, from
15 continuing to operate within that political
16 subdivision and no political subdivision
17 which did not regulate or prohibit stretcher
18 van services as of January 1, 2002, shall
19 implement unreasonable regulations or
20 ordinances to prevent the establishment and
21 operation of such services.

22 3. In any county with a charter form of
23 government and with more than one million
24 inhabitants, the governing body of the county
25 shall set reasonable standards for all
26 stretcher van services which shall comply
27 with subsection 2 of this section. All such
28 stretcher van services must be licensed by
29 the department. The governing body of such
30 county shall not prohibit a licensed
31 stretcher van service from operating in the
32 county, as long as the stretcher van service
33 meets county standards.

34 4. Nothing shall preclude the
35 enforcement of any laws, ordinances or
36 regulations of any political subdivision
37 authorized to operate a licensed ambulance
38 service that were in effect prior to August
39 28, 2001.

40 5. Stretcher van services may transport
41 passengers.

42 6. A stretcher van shall be staffed by
43 at least two individuals when transporting
44 passengers.

45 7. The crew of the stretcher van is
46 required to immediately contact the
47 appropriate ground ambulance service if a
48 passenger's condition deteriorates.

49 8. Stretcher van services shall not
50 transport patients, persons currently

1 admitted to a hospital or persons being
2 transported to a hospital for admission or
3 emergency treatment.

4 9. The department of health and senior
5 services shall promulgate regulations,
6 including but not limited to adequate
7 insurance, on-board equipment, vehicle
8 staffing, vehicle maintenance, vehicle
9 specifications, vehicle communications,
10 passenger safety and records and reports.

11 10. The department of health and senior
12 services shall issue service licenses for a
13 period of no more than five years for each
14 service meeting the established rules.

15 11. Application for a stretcher van
16 license shall be made upon such forms as
17 prescribed by the department in rules adopted
18 pursuant to sections 190.525 to 190.537. The
19 application form shall contain such
20 information as the department deems necessary
21 to make a determination as to whether the
22 stretcher van agency meets all the
23 requirements of sections 190.525 to 190.537
24 and rules promulgated pursuant to sections
25 190.525 to 190.537. The department shall
26 conduct an inspection of the stretcher van
27 service to verify compliance with the
28 licensure standards of sections 190.525 to
29 190.537.

30 12. Upon the sale or transfer of any
31 stretcher van service ownership, the owner of
32 the stretcher van service shall notify the
33 department of the change in ownership within
34 thirty days prior to the sale or transfer.
35 The department shall conduct an inspection of
36 the stretcher van service to verify
37 compliance with the licensure standards of
38 sections 190.525 to 190.537.

39 13. Ambulance services licensed
40 pursuant to this chapter or any rules
41 promulgated by the department of health and
42 senior services pursuant to this chapter may
43 provide stretcher van and wheelchair
44 transportation services pursuant to sections
45 190.525 to 190.537.

46 14. Any rule or portion of a rule, as
47 that term is defined in section 536.010,
48 RSMo, that is created under the authority
49 delegated in this section shall become
50 effective only if it complies with and is

1 subject to all of the provisions of chapter
2 536, RSMo, and, if applicable, section
3 536.028, RSMo. This section and chapter 536,
4 RSMo, are nonseverable and if any of the
5 powers vested with the general assembly
6 pursuant to chapter 536, RSMo, to review, to
7 delay the effective date or to disapprove and
8 annul a rule are subsequently held
9 unconstitutional, then the grant of
10 rulemaking authority and any rule proposed or
11 adopted after August 28, 2002, shall be
12 invalid and void.]

13 [190.531. 1. The department may refuse
14 to issue or deny renewal of any license
15 required pursuant to sections 190.525 to
16 190.537 for failure to comply with the
17 provisions of sections 190.525 to 190.537 or
18 any lawful regulations promulgated by the
19 department to implement the provisions of
20 sections 190.525 to 190.537. The department
21 shall notify the applicant in writing of the
22 reasons for the refusal and shall advise the
23 applicant of his or her right to file a
24 complaint with the administrative hearing
25 commission as provided by chapter 621, RSMo.

26 2. The department may cause a complaint
27 to be filed with the administrative hearing
28 commission as provided by chapter 621, RSMo,
29 against any holder of any license required by
30 sections 190.525 to 190.537 or any person who
31 has failed to renew or has surrendered his or
32 her license for failure to comply with the
33 provisions of sections 190.525 to 190.537 or
34 any lawful regulations promulgated by the
35 department to implement such sections. Those
36 regulations shall be limited to the
37 following:

38 (1) Use or unlawful possession of any
39 controlled substance, as defined in chapter
40 195, RSMo, or alcoholic beverage to an extent
41 that such use impairs a person's ability to
42 perform the work of any activity licensed or
43 regulated by sections 190.525 to 190.537;

44 (2) Being finally adjudicated and found
45 guilty, or having entered a plea of guilty or
46 nolo contendere, in a criminal prosecution
47 pursuant to the laws of any state or of the
48 United States, for any offense reasonably
49 related to the qualifications, functions or

1 duties of any activity licensed or regulated
2 pursuant to sections 190.525 to 190.537, for
3 any offense an essential element of which is
4 fraud, dishonesty or an act of violence, or
5 for any offense involving moral turpitude,
6 whether or not sentence is imposed;
7 (3) Use of fraud, deception,
8 misrepresentation or bribery in securing any
9 certificate, permit or license issued
10 pursuant to sections 190.525 to 190.537 or in
11 obtaining permission to take any examination
12 given or required pursuant to sections
13 190.537 to 190.540;
14 (4) Obtaining or attempting to obtain
15 any fee, charge, tuition or other
16 compensation by fraud, deception or
17 misrepresentation;
18 (5) Incompetency, misconduct, gross
19 negligence, fraud, misrepresentation or
20 dishonesty in the performance of the
21 functions or duties of any activity licensed
22 or regulated by sections 190.525 to 190.537;
23 (6) Violation of, or assisting or
24 enabling any person to violate, any provision
25 of sections 190.525 to 190.537, or of any
26 lawful rule or regulation adopted by the
27 department pursuant to sections 190.525 to
28 190.537;
29 (7) Impersonation of any person holding
30 a license or allowing any person to use his
31 or her license;
32 (8) Disciplinary action against the
33 holder of a license or other right to
34 practice any activity regulated by sections
35 190.525 to 190.537 granted by another state,
36 territory, federal agency or country upon
37 grounds for which revocation or suspension is
38 authorized in this state;
39 (9) For an individual, being finally
40 adjudged insane or incompetent by a court of
41 competent jurisdiction;
42 (10) Issuance of a license based upon a
43 material mistake of fact;
44 (11) Violation of any professional
45 trust or confidence;
46 (12) Use of any advertisement or
47 solicitation which is false, misleading or
48 deceptive to the general public or persons to
49 whom the advertisement or solicitation is
50 primarily directed;

1 (13) Violation of the drug laws or
2 rules and regulations of this state, any
3 other state or the federal government;
4 (14) Refusal of any applicant or
5 licensee to cooperate with the department of
6 health and senior services during any
7 investigation;
8 (15) Any conduct or practice which is
9 or might be harmful or dangerous to the
10 mental or physical health of a patient or the
11 public;
12 (16) Repeated negligence in the
13 performance of the functions or duties of any
14 activity licensed by this chapter.

15 3. After the filing of such complaint,
16 the proceedings shall be conducted in
17 accordance with the provisions of chapter
18 621, RSMo. Upon a finding by the
19 administrative hearing commission that the
20 grounds, as provided in subsection 2 of this
21 section, for disciplinary action are met, the
22 department may, singly or in combination,
23 censure or place the person named in the
24 complaint on probation on such terms and
25 conditions as the department deems
26 appropriate for a period not to exceed five
27 years, or may suspend, for a period not to
28 exceed three years, or revoke the license.

29 4. An individual whose license has been
30 revoked shall wait one year from the date of
31 revocation to apply for relicensure.
32 Relicensure shall be at the discretion of the
33 department after compliance with all the
34 requirements of sections 190.525 to 190.537
35 relative to the licensing of an applicant for
36 the first time.

37 5. The department may notify the proper
38 licensing authority of any other state in
39 which the person whose license was suspended
40 or revoked was also licensed of the
41 suspension or revocation.

42 6. Any person, organization,
43 association or corporation who reports or
44 provides information to the department
45 pursuant to the provisions of sections
46 190.525 to 190.537 and who does so in good
47 faith and without negligence shall not be
48 subject to an action for civil damages as a
49 result thereof.

50 7. The department of health and senior

1 services may suspend any license required
2 pursuant to sections 190.525 to 190.537
3 simultaneously with the filing of the
4 complaint with the administrative hearing
5 commission as set forth in subsection 2 of
6 this section, if the department finds that
7 there is an imminent threat to the public
8 health. The notice of suspension shall
9 include the basis of the suspension and
10 notice of the right to appeal such
11 suspension. The licensee may appeal the
12 decision to suspend the license to the
13 department. The appeal shall be filed within
14 ten days from the date of the filing of the
15 complaint. A hearing shall be conducted by
16 the department within ten days from the date
17 the appeal is filed. The suspension shall
18 continue in effect until the conclusion of
19 the proceedings, including review thereof,
20 unless sooner withdrawn by the department,
21 dissolved by a court of competent
22 jurisdiction or stayed by the administrative
23 hearing commission.]

24 [190.534. 1. Any person violating, or
25 failing to comply with, the provisions of
26 sections 190.525 to 190.537 is guilty of a
27 class B misdemeanor.

28 2. Each day that any violation of, or
29 failure to comply with, sections 190.525 to
30 190.537 is committed or permitted to continue
31 shall constitute a separate and distinct
32 offense, and shall be punishable as a
33 separate offense pursuant to this section;
34 but the court may, in appropriate cases, stay
35 the cumulation of penalties.

36 3. The attorney general shall have
37 concurrent jurisdiction with any and all
38 prosecuting attorneys to prosecute persons in
39 violation of sections 190.525 to 190.537, and
40 the attorney general or prosecuting attorney
41 may institute injunctive proceedings against
42 any person operating in violation of sections
43 190.525 to 190.537.]

44 [190.537. Any rule or portion of a
45 rule, as that term is defined in section
46 536.010, RSMo, that is created pursuant to
47 the authority of sections 190.525 to 190.537
48 shall become effective only if it complies

1 with and is subject to all of the provisions
2 of chapter 536, RSMo, and, if applicable,
3 section 536.028, RSMo. This section and
4 chapter 536, RSMo, are nonseverable and if
5 any of the powers vested with the general
6 assembly pursuant to chapter 536, RSMo, to
7 review, to delay the effective date or to
8 disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of
10 rulemaking authority and any rule proposed or
11 adopted after August 28, 2002, shall be
12 invalid and void.]

13 [191.630. As used in sections 191.630
14 and 191.631, the following terms mean:

- 15 (1) "Care provider", a person who is
16 employed as an emergency medical care
17 provider, firefighter, or police officer;
18 (2) "Contagious or infectious disease",
19 hepatitis in any form and any other
20 communicable disease as defined in section
21 192.800, RSMo, except AIDS or HIV infection
22 as defined in section 191.650, determined to
23 be life- threatening to a person exposed to
24 the disease as established by rules adopted
25 by the department, in accordance with
26 guidelines of the Centers for Disease Control
27 and Prevention of the Department of Health
28 and Human Services;
29 (3) "Department", the Missouri
30 department of health and senior services;
31 (4) "Emergency medical care provider",
32 a licensed or certified person trained to
33 provide emergency and nonemergency medical
34 care as a first responder, EMT-B, or EMT-P as
35 defined in section 190.100, RSMo, or other
36 certification or licensure levels adopted by
37 rule of the department;
38 (5) "Exposure", a specific eye, mouth,
39 other mucous membrane, nonintact skin, or
40 parenteral contact with blood or other
41 potentially infectious materials that results
42 from the performance of an employee's duties;
43 (6) "HIV", the same meaning as defined
44 in section 191.650;
45 (7) "Hospital", the same meaning as
46 defined in section 197.020, RSMo.]

47 [191.631. 1. (1) Notwithstanding any
48 other law to the contrary, if a care provider

1 sustains an exposure from a person while
2 rendering emergency health care services, the
3 person to whom the care provider was exposed
4 is deemed to consent to a test to determine
5 if the person has a contagious or infectious
6 disease and is deemed to consent to
7 notification of the care provider of the
8 results of the test, upon submission of an
9 exposure report by the care provider to the
10 hospital where the person is delivered by the
11 care provider.

12 (2) The hospital where the person is
13 delivered shall conduct the test. The sample
14 and test results shall only be identified by
15 a number and shall not otherwise identify the
16 person tested.

17 (3) A hospital shall have written
18 policies and procedures for notification of a
19 care provider pursuant to this section. The
20 policies and procedures shall include
21 designation of a representative of the care
22 provider to whom notification shall be
23 provided and who shall, in turn, notify the
24 care provider. The identity of the
25 designated representative of the care
26 provider shall not be disclosed to the person
27 tested. The designated representative shall
28 inform the hospital of those parties who
29 receive the notification, and following
30 receipt of such information and upon request
31 of the person tested, the hospital shall
32 inform the person of the parties to whom
33 notification was provided.

34 2. If a person tested is diagnosed or
35 confirmed as having a contagious or
36 infectious disease pursuant to this section,
37 the hospital shall notify the care provider
38 or the designated representative of the care
39 provider who shall then notify the care
40 provider.

41 3. The notification to the care
42 provider shall advise the care provider of
43 possible exposure to a particular contagious
44 or infectious disease and recommend that the
45 care provider seek medical attention. The
46 notification shall be provided as soon as is
47 reasonably possible following determination
48 that the individual has a contagious or
49 infectious disease. The notification shall
50 not include the name of the person tested for

1 the contagious or infectious disease unless
2 the person consents. If the care provider
3 who sustained an exposure determines the
4 identity of the person diagnosed or confirmed
5 as having a contagious or infectious disease,
6 the identity of the person shall be
7 confidential information and shall not be
8 disclosed by the care provider to any other
9 individual unless a specific written release
10 obtained by the person diagnosed with or
11 confirmed as having a contagious or
12 infectious disease.

13 4. This section does not require or
14 permit, unless otherwise provided, a hospital
15 to administer a test for the express purpose
16 of determining the presence of a contagious
17 or infectious disease; except that testing
18 may be performed if the person consents and
19 if the requirements of this section are
20 satisfied.

21 5. This section does not preclude a
22 hospital from providing notification to a
23 care provider under circumstances in which
24 the hospital's policy provides for
25 notification of the hospital's own employees
26 of exposure to a contagious or infectious
27 disease that is not life-threatening if the
28 notice does not reveal a patient's name,
29 unless the patient consents.

30 6. A hospital participating in good
31 faith in complying with the provisions of
32 this section is immune from any liability,
33 civil or criminal, which may otherwise be
34 incurred or imposed.

35 7. A hospital's duty of notification
36 pursuant to this section is not continuing
37 but is limited to diagnosis of a contagious
38 or infectious disease made in the course of
39 admission, care, and treatment following the
40 rendering of health care services to which
41 notification pursuant to this section
42 applies.

43 8. A hospital that performs a test in
44 compliance with this section or that fails to
45 perform a test authorized pursuant to this
46 section is immune from any liability, civil
47 or criminal, which may otherwise be incurred
48 or imposed.

49 9. A hospital has no duty to perform
50 the test authorized.

1 10. The department shall adopt rules to
2 implement this section. The department may
3 determine by rule the contagious or
4 infectious diseases for which testing is
5 reasonable and appropriate and which may be
6 administered pursuant to this section. No
7 rule or portion of a rule promulgated under
8 the authority of this section shall become
9 effective unless it has been promulgated
10 pursuant to chapter 536, RSMo.

11 11. The employer of a care provider who
12 sustained an exposure pursuant to this
13 section shall pay the costs of testing for
14 the person who is the source of the exposure
15 and of the testing of the care provider if
16 the exposure was sustained during the course
17 of employment.]

18 [321.130. 1. A person, to be qualified
19 to serve as a director, shall be a voter of
20 the district at least two years before the
21 election or appointment and be over the age
22 of twenty-five years; except as provided in
23 subsections 2 and 3 of this section.
24 Nominations and declarations of candidacy
25 shall be filed at the headquarters of the
26 fire protection district by paying a ten
27 dollar filing fee and filing a statement
28 under oath that such person possesses the
29 required qualifications.

30 2. In any fire protection district
31 located in more than one county one of which
32 is a first class county without a charter
33 form of government having a population of
34 more than one hundred ninety-eight thousand
35 and not adjoining any other first class
36 county or located wholly within a first class
37 county as described herein, a resident shall
38 have been a resident of the district for more
39 than one year to be qualified to serve as a
40 director.

41 3. In any fire protection district
42 located in a county of the third or fourth
43 classification, a person to be qualified to
44 serve as a director shall be over the age of
45 twenty-five years and shall be a voter of the
46 district for more than two years before the
47 election or appointment, except that for the
48 first board of directors in such district, a
49 person need only be a voter of the district

1 for one year before the election or
2 appointment.

3 4. A person desiring to become a
4 candidate for the first board of directors of
5 the proposed district shall pay the sum of
6 five dollars as a filing fee to the treasurer
7 of the county and shall file with the
8 election authority a statement under oath
9 that such person possesses all of the
10 qualifications set out in this chapter for a
11 director of a fire protection district.
12 Thereafter, such candidate shall have the
13 candidate's name placed on the ballot as a
14 candidate for director.]

15 [321.180. The treasurer shall keep
16 strict and accurate accounts of all money
17 received by and disbursed for and on behalf
18 of the district in permanent records. He
19 shall file with the clerk of the court, at
20 the expense of the district, a corporate
21 fidelity bond in an amount to be determined
22 by the board for not less than five thousand
23 dollars, conditioned on the faithful
24 performance of the duties of his office. He
25 shall file in the office of the county clerk
26 of each county in which all or part of the
27 district lies a detailed financial statement
28 for the preceding fiscal year of the district
29 on behalf of the board, on or before April
30 first of the following year.]

31 [321.554. 1. When the revenue from the
32 ambulance or fire protection district sales
33 tax is collected for distribution pursuant to
34 section 321.552, the board of the ambulance
35 or fire protection district, after
36 determining its budget for the year pursuant
37 to section 67.010, RSMo, and the rate of levy
38 needed to produce the required revenue and
39 after making any other adjustments to the
40 levy that may be required by any other law,
41 shall reduce the total operating levy of the
42 district in an amount sufficient to decrease
43 the revenue it would have received therefrom
44 by an amount equal to fifty percent of the
45 previous fiscal year's sales tax receipts.
46 Loss of revenue, due to a decrease in the
47 assessed valuation of real property located
48 within the ambulance or fire protection

1 district as a result of general reassessment,
2 and from state-assessed railroad and utility
3 distributable property based upon the
4 previous fiscal year's receipts shall be
5 considered in lowering the rate of levy to
6 comply with this section in the year of
7 general reassessment and in each subsequent
8 year. In the event that in the immediately
9 preceding year the ambulance or fire
10 protection district actually received more or
11 less sales tax revenue than estimated, the
12 ambulance or fire protection district board
13 may adjust its operating levy for the current
14 year to reflect such increase or decrease.
15 The director of revenue shall certify the
16 amount payable from the ambulance or fire
17 protection district sales tax trust fund to
18 the general revenue fund to the state
19 treasurer.

20 2. Except that, in the first year in
21 which any sales tax is collected pursuant to
22 section 321.552, the collector shall not
23 reduce the tax rate as defined in section
24 137.073, RSMo.

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

1 levied had the correct assessed valuation
2 been known to it on the date of its original
3 action, provided:
4 (1) The ambulance or fire protection
5 district first levies the maximum levy
6 allowed without a vote of the people by
7 article X, section 11(b) of the constitution;
8 and
9 (2) The ambulance or fire protection
10 district first adopts the tax rate ceiling
11 otherwise authorized by other laws of this
12 state; and
13 (3) The levy adjustment or reduction
14 may include a one-time correction to recoup
15 lost revenues the ambulance or fire
16 protection district was entitled to receive
17 during the prior year.]

18 [321.556. 1. The governing body of any
19 ambulance or fire protection district, when
20 presented with a petition signed by at least
21 twenty percent of the registered voters in
22 the ambulance or fire protection district
23 that voted in the last gubernatorial
24 election, calling for an election to repeal
25 the tax pursuant to section 321.552, shall
26 submit the question to the voters using the
27 same procedure by which the imposition of the
28 tax was voted. The ballot of submission
29 shall be in substantially the following form:

30 "Shall (insert name
31 of ambulance or fire protection district)
32 repeal the (insert amount up to
33 one-half) of one percent sales tax now in
34 effect in the (insert name of
35 ambulance or fire protection district) and
36 reestablish the property tax levy in the
37 district to the rate in existence prior to
38 the enactment of the sales tax?

39 ☐ Yes ☐ No
40 If you are in favor of the question, place an
41 "X" in the box opposite "Yes". If you are
42 opposed to the question, place an "X" in the
43 box opposite "No".

44 2. If a majority of the votes cast on
45 the proposal by the qualified voters of the
46 district voting thereon are in favor of
47 repeal, that repeal shall become effective
48 December thirty-first of the calendar year in
49 which such repeal was approved.]

1 Section B. Because of the need to avert fiscal hardship to
2 certain counties of this state, and because immediate action is
3 necessary to alleviate any harm posed to the public from the lack
4 of any qualified newspaper approved for public notices, the
5 repeal and reenactment of sections 48.020, 48.030, and 493.050 of
6 section A of this act is deemed necessary for the immediate
7 preservation of the public health, welfare, peace and safety, and
8 is hereby declared to be an emergency act within the meaning of
9 the constitution, and the repeal and reenactment of sections
10 48.020, 48.030, and 493.050 of section A of this act shall be in
11 full force and effect upon its passage and approval.