

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, 50.339, 50.343, 50.550, 50.740,
4 50.760, 50.770, 50.780, 50.800, 50.810,
5 50.815, 50.1110, 50.1140, 50.1250, 52.269,
6 64.215, 64.820, 64.342, 64.520, 64.805,
7 64.825, 64.940, 67.402, 67.478, 67.481,
8 67.484, 67.487, 67.490, 67.493, 67.793,
9 67.797, 67.799, 67.1360, 67.1401, 67.1461,
10 67.1545, 67.1706, 67.1754, 89.410, 94.700,
11 137.298, 137.720, 144.757, 144.759, 182.640,
12 190.092, 190.133, 193.265, 229.340, 231.280,
13 231.290, 247.040, 247.085, 250.140, 251.160,
14 251.170, 251.180, 251.190, 260.831, 304.010,
15 319.022, 321.130, 321.180, 321.552, 321.554,
16 321.556, 393.760, 479.020, 488.429, 488.5026,
17 493.050, 535.020, 535.040, 558.019, 559.021,
18 589.400, and 644.032, RSMo, and to enact in
19 lieu thereof ninety-five new sections
20 relating to counties, with penalty
21 provisions, an emergency clause for certain
22 sections, and an expiration date for a
23 certain section.

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

Section A. Sections 48.020, 48.030, 49.272, 49.650, 50.339, 50.343, 50.550, 50.740, 50.760, 50.770, 50.780, 50.800, 50.810, 50.815, 50.1110, 50.1140, 50.1250, 52.269, 64.215, 64.825, 67.402, 64.820, 64.342, 64.520, 64.805, 64.940, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.797, 67.799, 67.1360, 67.1401, 67.1461, 67.1545, 67.1706, 67.1754, 89.410, 94.700, 137.720, 137.298, 144.757, 144.759, 182.640, 190.092, 190.133, 193.265, 229.340, 231.280, 231.290, 247.040, 247.085, 250.140, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 319.022, 321.130, 321.180, 321.552, 321.554, 321.556, 393.760, 479.020, 488.429, 488.5026, 493.050, 535.020, 535.040, 558.019, 559.021, 589.400, and 644.032, RSMo, are repealed and ninety-five new sections enacted in lieu thereof, to be known as sections 48.020, 48.030, 49.272, 49.650, 50.339, 50.343, 50.550, 50.565, 50.740, 50.760, 50.770, 50.780, 50.783, 50.784, 50.815, 50.1110, 50.1140, 50.1250, 52.269, 59.331, 64.215, 64.242, 64.342, 64.520, 64.805, 64.820, 64.825, 64.940, 64.952, 67.402, 67.793, 67.797, 67.799, 67.1360, 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, 70.225, 89.410, 94.700, 94.902, 137.298, 137.720, 144.757, 144.759, 182.640, 190.092, 190.133, 193.265, 229.340, 231.280, 231.290, 247.040, 247.085, 250.055, 250.140, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 319.022, 319.108, 321.130, 321.180, 321.552, 321.554, 321.556, 393.760, 479.020, 488.429, 488.5026, 493.050, 535.020, 535.040, 558.019, 559.021, 589.400,

1 644.032, 644.581, 644.582, 644.583, 1, and 2, to read as follows:

2 48.020. All counties of this state are hereby classified,
3 for the purpose of establishing organization and powers in
4 accordance with the provisions of section 8, article VI,
5 Constitution of Missouri, into four classifications determined as
6 follows:

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

18 Classification 2. All counties having an assessed valuation
19 of [three] four hundred fifty million dollars and less than the
20 assessed valuation necessary for that county to be in the first
21 classification shall automatically be in the second
22 classification after that county has maintained such valuation
23 for the time period required by section 48.030.

24 Classification 3. All counties having an assessed valuation
25 of less than the assessed valuation necessary for that county to

1 be in the second classification shall automatically be in the
2 third classification.

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

9 48.030. 1. Other than as otherwise provided for in this
10 section, after September 28, 1979, no county shall move from a
11 lower class to a higher class or from a higher class to a lower
12 class until the assessed valuation of the county is such as to
13 place it in the other class for five successive years[; but,].

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

20 3. Notwithstanding the provisions of subsection 1 of this
21 section, a county may become a first class county at any time
22 after the assessed valuation of the county is such as to be a
23 first class county and the governing body of the county elects to
24 change classifications. The effective date of such change of
25 classification shall be in accordance with the provisions of this

1 section.

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

12 49.272. The county commission of any county of the first
13 classification without a charter form of government and with more
14 than one hundred thirty-five thousand four hundred but less than
15 one hundred thirty-five thousand five hundred inhabitants, in any
16 county of the first classification with more than one hundred
17 four thousand six hundred but less than one hundred four thousand
18 seven hundred inhabitants, and in any county of the first
19 classification with more than eighty-two thousand but less than
20 eighty-two thousand one hundred inhabitants or in any county of
21 the first classification with more than two hundred forty
22 thousand three hundred but less than two hundred forty thousand
23 four hundred inhabitants which has an appointed county counselor
24 and which adopts or has adopted rules, regulations or ordinances
25 under authority of a statute which prescribes or authorizes a

1 violation of such rules, regulations or ordinances to be a
2 misdemeanor punishable as provided by law, may by rule,
3 regulation or ordinance impose a civil fine not to exceed one
4 thousand dollars for each violation. Any fines imposed and
5 collected under such rules, regulations or ordinances shall be
6 payable to the county general fund to be used to pay for the cost
7 of enforcement of such rules, regulations or ordinances.

8 49.650. 1. The governing authority of each county [of the
9 first, second, or fourth classification] without a charter form
10 of government shall have the power to adopt ordinances or
11 resolutions relating to its property, affairs, and local
12 government for which no provision has been made in the
13 constitution of this state or state statute regarding the
14 following:

15 (1) County roads controlled by the county;

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

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

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

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

1 (6) Parks and recreation; and

2 (7) Protection of the environment and the health of the
3 general public from the risks posed by methamphetamine production
4 Nothing in this subdivision shall be construed to allow a county
5 to adopt an ordinance or resolution regulating the sale or
6 display at any retail outlet of any drug having an active
7 ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or
8 any of their salts, optical isomers, or salts of optical isomers.

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

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

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

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

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

18 50.339. 1. In any county of the first classification with
19 more than seventy-one thousand three hundred but less than
20 seventy-one thousand four hundred inhabitants, the salary
21 commission at its meeting in 2003 and at any meeting held in 2004
22 may equalize the base salary for each office to an amount not
23 greater than that set by law as the maximum compensation.
24 Nothing in this section shall be construed to prevent offices
25 which have additional compensation specified in law from

1 receiving such compensation or from having such compensation
2 added to the base compensation in excess of the equalized salary.

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

12 50.343. 1. Other provisions of law to the contrary
13 notwithstanding, in any first classification nonchartered county,
14 including any county containing any part of a city with a
15 population of three hundred thousand or more, the annual salary
16 of a county recorder of deeds, clerk, auditor, county
17 commissioner, collector, treasurer, assessor or salaried public
18 administrator may be computed on an assessed valuation basis,
19 without regard to modifications due to the existence of
20 enterprise zones or financing pursuant to chapter 100, RSMo, as
21 set forth in the following schedule except as provided in
22 subsection 2 of this section. The assessed valuation factor
23 shall be the amount thereof as shown for the year next preceding
24 the computation. The provisions of this section shall not permit
25 a reduction in the amount of compensation being paid on January

1 1, 1997, for any of the offices subject to this section on
2 January 1, 1997.

3 (1) For a recorder of deeds, clerk, auditor, presiding
4 commissioner, collector, treasurer, assessor, or salaried public
5 administrator:

6	Assessed Valuation	Salary
7	\$ 450,000,001 to 600,000,000	\$ 47,000
8	600,000,001 to 750,000,000	49,000
9	750,000,001 to 900,000,000	51,000
10	900,000,001 to 1,050,000,000	53,000
11	1,050,000,001 to 1,200,000,000	55,000
12	1,200,000,001 to 1,350,000,000	57,000
13	1,350,000,000 and over	59,000

14 (2) Presiding commissioners shall receive a salary of two
15 thousand dollars more than the salary received by the associate
16 commissioners.

17 2. After December 31, 1990, in any county of the second
18 classification which becomes a first classification county
19 without a charter form of government, the annual compensation of
20 county recorder of deeds, clerk, auditor, county commissioner,
21 collector, treasurer, assessor and the public administrator in
22 counties where the public administrator is paid a salary under
23 the provisions of section 473.740, RSMo, may be set at the option
24 of the salary commission. On or before October first of the year
25 immediately prior to the beginning of the county fiscal year

1 following the general election after the certification by the
2 state equalizing agency that the county possesses an assessed
3 valuation placing it in first classification status, the salary
4 commission shall meet for the purpose of setting compensation for
5 such county officials and such compensation shall be payable
6 immediately except that no compensation of any county official
7 shall be reduced and the compensation of presiding county
8 commissioners in any of such counties shall be two thousand
9 dollars more than the compensation paid to the associate
10 commissioners in that county. Thereafter in all such counties
11 the salary commission shall meet for the purpose of setting the
12 compensation of the officers in this subsection who will be
13 elected at the next general election, and such compensation shall
14 be payable upon the beginning of the next term of office of such
15 officers; except that, no compensation of any officer shall be
16 reduced and the compensation of presiding county commissioners
17 in any of such counties shall be two thousand dollars more than
18 the compensation paid to the associate commissioners in that
19 county. Two thousand dollars of the compensation established
20 under the procedures authorized pursuant to this subsection shall
21 be payable to a county officer only if the officer has completed
22 at least twenty hours of classroom instruction in the operation
23 of the office in the same manner as provided by law for officers
24 subject to the provisions of section 50.333. At the salary
25 commission meeting which establishes the percentage rate to be

1 applied to county officers during the next term of office, the
2 salary commission may authorize the further adjustment of such
3 officers' compensation as a cost-of-living component and
4 effective January first of each year, the compensation for county
5 officers may be adjusted by the county commission, not to exceed
6 the percentage increase given to the other county employees.

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

15 50.550. 1. The annual budget shall present a complete
16 financial plan for the ensuing budget year. It shall set forth
17 all proposed expenditures for the administration, operation and
18 maintenance of all offices, departments, commissions, courts and
19 institutions; the actual or estimated operating deficits or
20 surpluses from prior years; all interest and debt redemption
21 charges during the year and expenditures for capital projects.

22 2. The budget shall contain adequate provisions for the
23 expenditures necessary for the care of insane pauper patients in
24 state hospitals, for the cost of holding elections and for the
25 costs of holding circuit court in the county that are chargeable

1 against the county, for the repair and upkeep of bridges other
2 than on state highways and not in any special road district, and
3 for the salaries, office expenses and deputy and clerical hire of
4 all county officers and agencies.

5 3. In addition, the budget shall set forth in detail the
6 anticipated income and other means of financing the proposed
7 expenditures.

8 4. All receipts of the county for operation and maintenance
9 shall be credited to the general fund, and all expenditures for
10 these purposes shall be charged to this fund; except, that
11 receipts from the special tax levy for roads and bridges shall be
12 kept in a special fund and expenditures for roads and bridges may
13 be charged to the special fund.

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

24 6. Subject to the provisions of section 50.565 the county
25 commission may create a fund to be known as "The County Law

1 Enforcement Restitution Fund".

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

4 50.565. 1. A county commission may establish by ordinance
5 or order a fund whose proceeds may be expended only for the
6 purposes provided for in subsection 3 of this section. The fund
7 shall be designated as a county law enforcement restitution fund
8 and shall be under the supervision of a board of trustees
9 consisting of two citizens of the county appointed by the
10 presiding commissioner of the county, two citizens of the county
11 appointed by the sheriff of the county, and one citizen of the
12 county appointed by the county coroner or medical examiner. The
13 citizens so appointed shall not be current or former employees of
14 the sheriff's department, the office of the prosecuting attorney
15 for the county or the county treasurer's office. If a county
16 does not have a coroner or medical examiner, the county treasurer
17 shall appoint one citizen to the board of trustees.

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

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

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

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

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

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

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

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

19 5. County law enforcement restitution funds shall be
20 audited as are all other county funds.

21 50.740. 1. It is hereby made the first duty of the county
22 commission in counties of classes three and four at its regular
23 [February] January term to go over the estimates and revise and
24 amend the same in such way as to promote efficiency and economy
25 in county government. The commission may alter or change any

1 estimate as public interest may require and to balance the
2 budget, first giving the person preparing supporting data an
3 opportunity to be heard. After the county commission shall have
4 revised the estimate it shall be the duty of the clerk of said
5 commission forthwith to enter such revised estimate on the record
6 of the said commission and the commission shall forthwith enter
7 thereon its approval.

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

22 3. Any order of the county commission of any county
23 authorizing [and/or] or directing the issuance of any warrant
24 contrary to any provision of this law shall be void and of no
25 binding force or effect; and any county clerk, county treasurer,

1 or other officer participating in the issuance or payment of any
2 such warrant shall be liable therefor upon [his] the official
3 bond.

4 50.760. 1. It shall be the duty of the commissioners of
5 the county commission in all counties [of the second class, and
6 in all counties of the first class not having a charter form of
7 government], if there is no purchasing agent appointed pursuant
8 to section 50.753, on or before the first day of February of each
9 year, to [determine] estimate the kind and quantity of supplies,
10 including any advertising or printing which the county may be
11 required to do, required by law to be paid for out of the county
12 funds, which will be necessary for the use of the several
13 officers of such county [during the current] for the following
14 year, and to advertise for sealed bids and contract with the
15 lowest and best bidder for such supplies. Before letting any
16 such contract or contracts the commission shall cause notice that
17 it will receive sealed bids for such supplies to be given by
18 advertisement in some daily newspaper of general circulation
19 published in the county, such notice to be published [on Thursday
20 of] each week for three consecutive weeks, the last insertion of
21 which shall not be less than ten days before the date in said
22 advertisement fixed for the letting of such contract or
23 contracts, which shall be let on the first Monday in March, or on
24 such other day and date as the commission may fix between the
25 first Monday of March and the first Saturday after the second

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

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

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

20 50.770. The word "supplies", as used in sections 50.760 to
21 50.790, means materials, equipment, contractual services, and
22 shall be held and construed to include every article or thing,
23 excluding utility services regulated under chapters 392 and 393,
24 RSMo, for which payment may by law be required to be made by the
25 county, and including advertising and printing required to be

1 done by the county. The term "purchase" includes the rental or
2 leasing of any equipment, articles, or things.

3 50.780. 1. It shall hereafter be unlawful for any county
4 or township officer in any county to which sections 50.760 to
5 50.790 apply to purchase any supplies not contracted for as
6 provided in sections 50.760 to 50.790 for [his] the officer's
7 official use and for which payment is by law required to be made
8 by the county unless [he] the officer shall first apply to and
9 obtain from the county commission an order in writing and under
10 the official seal of the commission for the purchase of such
11 supplies, and in all cases where the supplies requested by such
12 officer have been contracted for by the county commission as
13 provided in sections 50.760 to 50.790, the order shall be in the
14 form of a requisition by said officer addressed to the person,
15 firm, company or corporation with whom or which the county
16 commission has made a contract for such supplies, and presented
17 to the county commission for approval or disapproval; and unless
18 approval be given such requisition shall not be filled and any
19 such requisition filled without such approval shall not be paid
20 for out of county funds. The county shall not be liable for any
21 debts for supplies except debts contracted as provided in
22 sections 50.760 to 50.790. The best price and the quality of
23 supplies shall be considered and supplies of a higher price or
24 quality than is reasonably required for the purposes to which
25 they are to be applied shall not be purchased or contracted for.

1 Preference to merchants and dealers within their counties may be
2 given by such commissioners, provided the price offered is not
3 above that offered elsewhere.

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

14 50.783. 1. The county commission may waive the requirement
15 of competitive bids or proposals for supplies when the commission
16 has determined in writing that there is only a single feasible
17 source for the supplies. Immediately upon discovering that other
18 feasible sources exist, the commission shall rescind the waiver
19 and proceed to procure the supplies through the competitive
20 processes as described in this chapter. A single feasible source
21 exists when:

22 (1) Supplies are proprietary and only available from the
23 manufacturer or a single distributor; or

24 (2) Based on past procurement experience, it is determined
25 that only one distributor services the region in which the

1 supplies are needed; or

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

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

19 50.784. The county commission may, when in the commission's
20 best judgment it is in the best interests of the county, delegate
21 the commission's procurement authority under this chapter to an
22 individual county department; provided, however, that each
23 instance of single feasible source purchasing authority in excess
24 of five thousand dollars under section 50.783 shall be
25 specifically delegated by the commission. The delegation may

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

13 50.815. 1. On or before the first Monday in March of each
14 year, the county commission of each county [of the first class]
15 not having a charter form of government shall, with the
16 assistance of the county clerk, prepare and publish in some
17 newspaper of general circulation published in the county a
18 financial statement of the county for the year ending the
19 preceding December thirty-first.

20 2. The financial statement shall show at least the
21 following:

22 (1) A summary of the receipts of each fund of the county
23 for the year;

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

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

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

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

7 (6) A statement of bonded indebtedness, if any, at the
8 beginning and at the end of the year for each fund of the county;
9 and

10 (7) A statement of the tax levies of each fund of the
11 county for the year.

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

1 period these records may be disposed of according to law unless
2 they are the subject of a legal suit pending at the expiration of
3 that period.

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

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

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

22 Date

23
24
25

Commissioners, County Commission

.....

County Clerk

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

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

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

2. In lieu of the normal annuity otherwise payable to a member, the member may elect in the member's application for retirement to receive the actuarial equivalent of the member's normal annuity in reduced monthly payments for life during

1 retirement with the provision that upon the member's death,
2 either one hundred percent, seventy-five percent or fifty percent
3 of the reduced normal annuity, as elected by the member, shall be
4 continued throughout the life of and paid to the member's
5 beneficiary.

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

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

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

4 6. If a member dies before retirement and after completing
5 eight or more years of service and there is no surviving spouse,
6 the member's designated beneficiary shall be entitled to receive
7 a refund of the member's contributions under section 50.1040. If
8 there is no designated beneficiary, the contributions shall be
9 paid to the member's estate.

10 50.1140. 1. Upon termination of employment, any member
11 with less than eight years of creditable service shall forfeit
12 all rights in the fund, including the member's accrued creditable
13 service as of the date of the member's termination of employment,
14 but may receive any refund of contributions to which the member
15 is entitled pursuant to subsection 3 of this section.

16 2. A member who terminates employment with at least eight
17 years of creditable service shall be entitled to an annuity from
18 the fund, determined in accordance with the formula described in
19 section 50.1060. The member may elect to defer the receipt of
20 his or her annuity, until the member's attainment of age
21 sixty-two, or the member may elect to begin receiving his or her
22 annuity on the first day of any month following the later of the
23 date of termination of employment or age fifty-five. If the
24 member begins receiving an annuity before age sixty-two and
25 termination of employment occurs on or after age fifty-five, the

1 annuity shall be reduced by four-tenths of one percent for each
2 month the commencement date of the annuity precedes age
3 sixty-two, and an additional three-tenths of one percent for each
4 month the commencement date of the annuity precedes age sixty.

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

10 4. A former member who has forfeited creditable service may
11 have the creditable service restored by again becoming an
12 employee, completing a total of eight years of uninterrupted
13 creditable service, and purchasing the forfeited service [at the
14 rate of two percent, or one percent if in LAGERS, of
15 compensation] by paying into the fund the forfeited amount
16 previously refunded to the participant or credited to the
17 participant's county plus interest equal to the current prime
18 rate plus two percent [from the date of payment of the refund].

19 50.1250. 1. If a member has less than five years of
20 creditable service upon termination of employment, the member
21 shall forfeit the portion of his or her defined contribution
22 account attributable to board matching contributions or county
23 matching contributions pursuant to section 50.1230. The proceeds
24 of such forfeiture shall be applied towards matching
25 contributions made by the board for the calendar year in which

1 the forfeiture occurs. If the board does not approve a matching
2 contribution, then forfeitures shall revert to the county
3 employees' retirement fund. The proceeds of such forfeiture with
4 respect to county matching contributions shall be applied toward
5 matching contributions made by the respective county in
6 accordance with rules prescribed by the board.

7 2. A member shall be eligible to receive a distribution of
8 the member's defined contribution account in such form selected
9 by the member as permitted under rules and regulations adopted by
10 the board from time to time, and commencing as soon as
11 administratively feasible following [termination of employment,
12 or may choose] separation from service, unless the member elects
13 to receive the account balance at a later time, but no later than
14 his or her required beginning date. [The member's account
15 balance shall be paid] Notwithstanding the preceding sentence in
16 this subsection, if the value of a member's defined contribution
17 account balance is five thousand dollars or less at the time of
18 the member's separation from service, without respect to any
19 board matching contributions or employer matching contributions
20 that might be allocated following the member's separation from
21 service, then the member's defined contribution account shall be
22 distributed to the member in a single sum as soon as
23 administratively feasible following the member's separation from
24 service. The amount of the distribution shall be the amount
25 determined as of the valuation date described in section 50.1240,

1 if the member has at least five years of creditable service. If
2 the member has less than five years of creditable service upon
3 his or her [termination of employment] separation from service,
4 then the amount of the distribution shall equal the portion of
5 the member's defined contribution account attributable to the
6 member's seed contributions pursuant to section 50.1220, if any,
7 determined as of the valuation date.

8 3. If the member dies before receiving the member's account
9 balance, the member's designated beneficiary shall receive the
10 member's defined contribution account balance, as determined as
11 of the immediately preceding valuation date, in a single sum.
12 The member's beneficiary shall be his or her spouse, if married,
13 or his or her estate, if not married, unless the member
14 designates an alternative beneficiary in accordance with
15 procedures established by the board.

16 52.269. 1. In all counties, except [first classification]
17 counties having a charter form of government and first
18 classification counties [not having a charter form of government
19 and] not containing any part of a city with a population of three
20 hundred thousand or more, the county collector shall receive an
21 annual salary which shall be paid in equal monthly installments
22 by the county. The salary shall be computed on an assessed
23 valuation basis as provided in this subsection. The assessed
24 valuation factor shall be the amount as shown for the year next
25 preceding the annual salary computation. A county collector

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

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000

300,000,000 or more

45,000

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

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

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all

1 fees collected by the collector shall be collected on behalf of
2 the county and deposited in the county general revenue fund.

3 59.331. The preparer of a document shall not include an
4 individual's federal Social Security number in a document that is
5 prepared and presented for recording in the office of the
6 recorder of deeds. This section shall not apply to any state or
7 federal tax liens, military separation or discharge papers, or
8 other documents required by law to contain such information that
9 are filed and recorded in the office of the recorder of deeds.

10 64.215. 1. Except as otherwise provided in subsection 2 of
11 this section, the county planning board shall consist of one of
12 the commissioners of the county commission selected by the county
13 commission, the county highway engineer or highway supervisor,
14 with both [of whom shall] the commissioner and the highway
15 representative to serve during their tenure of office, and six
16 residents of the unincorporated territory of the county who shall
17 be appointed by the county commission. The term of the six
18 appointed members shall be four years or until their successor
19 takes office, except that the original term of three of the six
20 appointed members shall be two years. Members may be removed for
21 cause by the county commission upon written charges after public
22 hearings. Any vacancy may be filled by the county commission for
23 the unexpired term of any member whose term becomes vacant, or
24 until the member's successor takes office. All members of the
25 board shall serve without compensation; except, that an

1 attendance fee as reimbursement for expenses may be paid to the
2 appointed members of the board in an amount, set by the county
3 commission, not to exceed twenty-five dollars per meeting. The
4 planning board shall elect its chairman from among the appointed
5 members.

6 2. In any county of the first classification with a
7 population of at least two hundred thousand inhabitants which
8 does not adjoin any other county of the first classification, the
9 county planning board may, at the option of the county
10 commission, consist of one of the commissioners of the county
11 commission selected by the county commission, and shall include
12 the county highway engineer and six residents of the
13 unincorporated territory of the county, who shall be appointed by
14 the county commission. The county highway engineer and the
15 county commissioner, if a member of the board, shall serve during
16 such person's tenure of office. The term of the six appointed
17 members shall be three years or until their successor takes
18 office.

19 3. Notwithstanding the provisions of this section to the
20 contrary, in any county of the first classification with more
21 than eighty-two thousand but less than eighty-two thousand one
22 hundred inhabitants the designated commissioner of the county
23 commission and the county highway engineer shall serve on the
24 county planning board in a nonvoting, advisory role.

25 64.242. In any county of the first classification with more

1 than one hundred ninety-eight thousand but less than one hundred
2 ninety-nine thousand two hundred inhabitants, all streets
3 contained within any subdivision plan of development regulated
4 under sections 64.211 to 64.295 shall comply with all county road
5 specifications upon completion of the plan of development.

6 64.342. 1. The county commission of any county of the
7 first classification without a charter form of government with a
8 population of at least one hundred fifty thousand containing part
9 of a city with a population over three hundred fifty thousand is
10 hereby authorized to acquire, by purchase or gift, establish,
11 construct, own, control, lease, equip, improve, maintain, operate
12 and regulate, in whole or in part, concession stands or marinas
13 within any area contiguous to the lake which is used as a public
14 park, playground, camping site or recreation area. No such lease
15 or concession grant shall be for a longer term than twenty-five
16 years, unless the proposed investment by the lessee or
17 concessionaire is greater than ten million dollars, in which case
18 the lease or concession grant may, at the county's option, be for
19 a term not to exceed fifty years.

20 2. Such concession stands or marinas may offer refreshments
21 for sale to the public using such areas and services therein
22 relating to boating, swimming, picnicking, golfing, shooting,
23 horseback riding, fishing, tennis and other recreational,
24 cultural and educational uses upon such terms and under such
25 regulations as the county may prescribe. If the county elects to

1 bid the services authorized herein, the county shall award any
2 contracts relating thereto to the most favorable bidder based
3 upon the terms and regulations prescribed by the county after due
4 opportunity for competition including advertising the proposal
5 letting or granting in a newspaper in the county with a
6 circulation of at least five hundred copies per issue, if there
7 be such, and if not, in such case notice shall be posted on the
8 bulletin board in the county courthouse. The county shall have
9 the right to reject any and all bids.

10 3. All moneys derived from the operation of concession
11 stands or marinas shall be paid into the county treasury and be
12 credited to a "Park Fund" to be established by each county
13 authorized under subsection 1 of this section and be used and
14 expended by the county commission for park purposes.

15 4. [If the county owns, operates, or leases more than two
16 such marinas, the county shall request bids for the operation of
17 at least one marina pursuant to this section. Any lease or grant
18 made pursuant to this section shall be made with a private
19 individual or group of individuals or with any privately owned
20 entity. The county may operate the marina to be leased or
21 granted for a period not to exceed twenty-four months:

22 (1) From the date the county obtains ownership of more than
23 two such marinas;

24 (2) If no bids are deemed by the county to be responsive or
25 favorable; or

1 (3) In the event that an operator of the marina does not
2 comply with the lease terms.

3 5.] Any county meeting the qualifications of this section
4 shall also have any other powers granted in section 64.341,
5 provided, such powers shall not be construed to limit any powers
6 granted in this section.

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

1 meeting. The planning commission shall elect its chairman, who
2 shall serve for one year.

3 64.805. The county planning commission shall consist of the
4 county highway engineer or highway supervisor, and one resident
5 of the county appointed by the county commission, from the
6 unincorporated part of each township in the county, except that
7 no such person shall be appointed from a township in which there
8 is no unincorporated area. The township representatives are
9 hereinafter referred to as appointed members. The term of each
10 appointed member shall be four years or until [his] a successor
11 takes office, except that the terms shall be overlapping and that
12 the respective terms of the members first appointed may be less
13 than four years. The term of the county highway engineer or
14 highway supervisor shall be only for the duration of his tenure
15 of official position. All members of the county planning
16 commission shall serve as such without compensation, except that
17 an attendance fee as reimbursement for expenses, for not to
18 exceed four meetings per year, may be paid to the appointed
19 members of the county planning commission in an amount, as set by
20 the county commission, not to exceed [ten] twenty-five dollars
21 per meeting. The planning commission shall elect its chairman,
22 who shall serve for one year.

23 64.820. 1. From and after the adoption of the official
24 master plan or portion thereof and its proper certification and
25 recording, thereafter no improvement of a type embraced within

1 the recommendations of the official master plan, or part thereof,
2 shall be constructed or authorized without first submitting the
3 proposed plans thereof to the county planning commission and
4 receiving the written approval or recommendations of the
5 commission. This requirement shall be deemed to be waived if the
6 county planning commission fails to make its report and
7 recommendations within forty-five days after receipt of the
8 proposed plans. In the case of any public improvement sponsored
9 or proposed to be made by any municipality or other political or
10 civil subdivision of the state, or public board, commission or
11 other public officials, the disapproval or recommendations of the
12 county planning commission may be overruled by a two-thirds vote,
13 properly entered of record and certified to the county planning
14 commission, of the governing body of the municipality, or other
15 political or civil subdivision, or public board, commission or
16 officials, after the reasons for the overruling are spread upon
17 its minutes, which reasons shall also be certified to the county
18 planning commission.

19 2. The county planning or zoning commission shall file a
20 recommendation and report with the county commission. The scope
21 of review by the county commission shall be limited to the
22 recommendation and report of the planning or zoning commission;
23 except that the county commission may hear and consider
24 additional evidence, if the county commission finds that the
25 evidence in the exercise of reasonable diligence could not have

1 been produced, or was improperly excluded at the hearing before
2 the planning or zoning commission. The county commission may in
3 any case hear and consider evidence of alleged irregularities in
4 procedure, or of unfairness by the planning or zoning commission,
5 not shown in the record. The county commission in determining
6 the result reached by the planning or zoning commission shall
7 give due weight to the opportunity of the planning or zoning
8 commission to observe the witnesses and to the expertness and
9 experience of the planning or zoning commission. Whenever the
10 county commission finds there is competent and material evidence,
11 which in the exercise of reasonable diligence could not have been
12 produced, or was improperly excluded at the hearing before the
13 planning or zoning commission, the county commission may remand
14 the case to the planning or zoning commission with directions to
15 reconsider the same in the light of the evidence. The report
16 shall consist of a complete transcript of the entire record,
17 proceedings and evidence before the planning or zoning
18 commission. The county commission before deciding the case shall
19 personally consider the whole record, or such portions thereof as
20 may be cited by the parties, and shall personally consider any
21 oral or written arguments presented by all interested parties.

22 64.825. The county planning commission may also prepare,
23 with the approval of the county commission, as parts of the
24 official master plan or otherwise, sets of regulations governing
25 subdivisions of land in unincorporated areas, and amend or change

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

24 64.940. 1. The authority shall have the following powers:

25 (1) To acquire by gift, bequest, purchase or lease from

1 public or private sources and to plan, construct, operate and
2 maintain, or to lease to others for construction, operation and
3 maintenance a sports stadium, field house, indoor and outdoor
4 recreational facilities, centers, playing fields, parking
5 facilities and other suitable concessions, and all things
6 incidental or necessary to a complex suitable for all types of
7 sports and recreation, either professional or amateur, commercial
8 or private, either upon, above or below the ground;

9 (2) To charge and collect fees and rents for use of the
10 facilities owned or operated by it or leased from or to others;

11 (3) To adopt a common seal, to contract and to be
12 contracted with, including, but without limitation, the authority
13 to enter into contracts with counties and other political
14 subdivisions under sections 70.210 to 70.320, RSMo, and to sue
15 and to be sued;

16 (4) To receive for its lawful activities any contributions
17 or moneys appropriated by municipalities, counties, state or
18 other political subdivisions or agencies or by the federal
19 government or any agency or officer thereof or from any other
20 source;

21 (5) To disburse funds for its lawful activities and fix
22 salaries and wages of its officers and employees;

23 (6) To borrow money for the acquisition, planning,
24 construction, equipping, operation, maintenance, repair,
25 extension and improvement of any facility, or any part or parts

1 thereof, which it has the power to own or to operate, and to
2 issue negotiable notes, bonds, or other instruments in writing as
3 evidence of sums borrowed, as hereinafter provided in this
4 section:

5 (a) Bonds or notes issued hereunder shall be issued
6 pursuant to a resolution adopted by the commissioners of the
7 authority which shall set out the estimated cost to the authority
8 of the proposed facility or facilities, and shall further set out
9 the amount of bonds or notes to be issued, their purpose or
10 purposes, their date or dates, denomination or denominations,
11 rate or rates of interest, time or times of payment, both of
12 principal and of interest, place or places of payment and all
13 other details in connection therewith. Any such bonds or notes
14 may be subject to such provision for redemption prior to
15 maturity, with or without premium, and at such times and upon
16 such conditions as may be provided by the resolution.

17 (b) Such bonds or notes shall bear interest at a rate not
18 exceeding eight percent per annum and shall mature within a
19 period not exceeding fifty years and may be sold at public or
20 private sale for not less than ninety-five percent of the
21 principal amount thereof. Bonds or notes issued by an authority
22 shall possess all of the qualities of negotiable instruments
23 under the laws of this state.

24 (c) Such bonds or notes may be payable to bearer, may be
25 registered or coupon bonds or notes and if payable to bearer, may

1 contain such registration provisions as to either principal and
2 interest, or principal only, as may be provided in the resolution
3 authorizing the same which resolution may also provide for the
4 exchange of registered and coupon bonds or notes. Such bonds or
5 notes and any coupons attached thereto shall be signed in such
6 manner and by such officers of the authority as may be provided
7 for by the resolution authorizing the same. The authority may
8 provide for the replacement of any bond or note which shall
9 become mutilated, destroyed or lost.

10 (d) Bonds or notes issued by an authority shall be payable
11 as to principal, interest and redemption premium, if any, out of
12 the general funds of the authority, including any contributed
13 funds and any rents, revenues, receipts and income derived and to
14 be derived for the use of any facility or combination of
15 facilities, or any part or parts thereof, acquired, constructed,
16 improved or extended in whole or in part from the proceeds of
17 such bonds or notes, including but not limited to stadium
18 rentals, concessions, parking facilities and from funds derived
19 from any other facilities or part or parts thereof, owned or
20 operated by the authority, all or any part of which contributed
21 funds, rents, revenues, receipts and income the authority is
22 authorized to pledge for the payment of said principal, interest,
23 and redemption premium, if any. Bonds or notes issued pursuant
24 to this section shall not constitute an indebtedness of the
25 authority within the meaning of any constitutional or statutory

1 restriction, limitation or provision, and such bonds or notes
2 shall not be payable out of any funds raised or to be raised by
3 taxation by the authority. Bonds or notes issued pursuant to
4 this section may be further secured by a mortgage or deed of
5 trust upon the rents, revenues, receipts and income herein
6 referred to or any part thereof or upon any leasehold interest or
7 other property owned by the authority, or any part thereof,
8 whether then owned or thereafter acquired. The proceeds of such
9 bonds or notes shall be disbursed in such manner and under such
10 restrictions as the authority may provide in the resolution
11 authorizing the issuance of such bonds or notes or in any such
12 mortgage or deed of trust.

13 (e) It shall be the duty of the authority to fix and
14 maintain rates and make and collect charges for the use and
15 services of its interest in the facility or facilities or any
16 part thereof operated by the authority which shall be sufficient
17 to pay the cost of operation and maintenance thereof, to pay the
18 principal of and interest on any such bonds or notes and to
19 provide funds sufficient to meet all requirements of the
20 resolution by which such bonds or notes have been issued.

21 (f) The resolution authorizing the issuance of any such
22 bonds or notes may provide for the allocation of contributions
23 and of rents, revenues, receipts and income derived and to be
24 derived by the authority from the use of any facility or part
25 thereof into such separate accounts as shall be deemed to be

1 advisable to assure the proper operation and maintenance of any
2 facility or part thereof and the prompt payment of any bonds or
3 notes issued to finance all or any part of the costs thereof.
4 Such accounts may include reserve accounts necessary for the
5 proper operation and maintenance of any such facility or any part
6 thereof, and for the payment of any such bonds or notes. Such
7 resolution may include such other covenants and agreements by the
8 authority as in its judgment are advisable or necessary properly
9 to secure the payment of such bonds or notes.

10 (g) The authority may issue negotiable refunding bonds or
11 notes for the purpose of refunding, extending or unifying the
12 whole or any part of such bonds or notes then outstanding, which
13 bonds or notes shall not exceed the principal of the outstanding
14 bonds or notes to be refunded and the accrued interest thereon to
15 the date of such refunding, including any redemption premium.
16 The authority may provide for the payment of interest on such
17 refunding bonds or notes at a rate in excess of the bonds or
18 notes to be refunded but such interest rate shall not exceed the
19 maximum rate of interest hereinbefore provided.

20 (7) To condemn any and all rights or property, of any kind
21 or character, necessary for the purposes of the authority,
22 subject, however, to the provisions of sections 64.920 to 64.950
23 and in the manner provided in chapter 523, RSMo; provided,
24 however, that no property now or hereafter vested in or held by
25 the state or by any county, city, village, township or other

1 political subdivisions shall be taken by the authority without
2 the authority or consent of such political subdivisions;

3 (8) To perform all other necessary and incidental
4 functions; and to exercise such additional powers as shall be
5 conferred by the general assembly or by act of congress.

6 2. The authority is authorized and directed to proceed to
7 carry out its duties, functions and powers in accordance with
8 sections 64.920 to 64.950 as rapidly as may be economically
9 practicable and is vested with all necessary and appropriate
10 powers not inconsistent with the constitution or the laws of the
11 United States to effectuate the same, except the power to levy
12 taxes or assessments.

13 64.952. The Kansas and Missouri Metropolitan Kansas City
14 Sports Complex Authority Compact is hereby enacted into law and
15 entered into by the state of Missouri with the state of Kansas
16 legally joining therein, in the form substantially as follows:

17 KANSAS AND MISSOURI

18 METROPOLITAN KANSAS CITY

19 SPORTS COMPLEX AUTHORITY COMPACT

20 ARTICLE I. AGREEMENT AND PLEDGE

21 The states of Kansas and Missouri agree to and pledge, each to
22 the other, faithful cooperation in the conversion of the Jackson
23 County Sports Complex Authority into the Metropolitan Kansas City
24 Sports Complex Authority should the former become a recipient of
25 contributions from a bistate retail sales tax levied by the

1 Metropolitan Culture District heretofore established pursuant to
2 a compact of said states.

3 ARTICLE II. PURPOSE

4 The party states, having heretofore entered into a compact
5 authorizing the creation of a Metropolitan Culture District that
6 may make contributions from a bistate retail sales tax levied by
7 the District for or in aid of cultural facilities, including
8 those operated or used for sports, in counties which are part of
9 the District, and desiring to provide Kansas counties in which
10 such tax is levied a governance and oversight role should
11 contributions from such tax be made for or in aid of the sports
12 stadium facilities owned and operated by the Jackson County
13 Sports Complex Authority, the purpose of this compact is to
14 provide such a governance and oversight role.

15 ARTICLE III. CONVERSION

16 If the Jackson County Sports Complex Authority becomes a
17 recipient of contributions to be made by the Kansas and Missouri
18 Metropolitan Culture District created pursuant to section 70.500,
19 RSMo, from a bistate retail sales tax levied by such District in
20 at least Johnson County, Kansas and Jackson County, Missouri for
21 the purposes of planning, constructing, equipping, repairing,
22 extending or improving sports stadium facilities then owned and
23 operated by the Authority or for the payment of principal of or
24 interest on bonds or notes to be issued by the Authority for such
25 purposes, the Authority shall, effective upon the later of (i)

1 the first day of the calendar quarter following the authorization
2 of the levy of such tax in both Johnson County, Kansas and
3 Jackson County, Missouri or (ii) the effective date of this
4 compact pursuant to Article VI, become the Metropolitan Kansas
5 City Sports Complex Authority, and the Jackson County Legislature
6 and Executive shall issue such orders and make such filings in
7 the offices of the governor of Missouri, the secretary of state
8 of Missouri and elsewhere as may be necessary or appropriate to
9 evidence such name change and the other changes made by this
10 compact.

11 ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

12 The Metropolitan Kansas City Sports Complex Authority shall
13 continue to be a body corporate and politic and a political
14 subdivision of the state of Missouri and shall be governed by,
15 have all the powers provided in, and be subject to all of the
16 provisions of sections 64.920 to 64.950, and other applicable
17 Missouri law in effect upon the effective date of this compact
18 that are not inconsistent with this compact, including those of
19 section 64.930, respecting the commissioners from Jackson County,
20 Missouri who shall continue in office pursuant to the terms of
21 their appointments. In addition, however, to those
22 commissioners, there shall be appointed to the Metropolitan
23 Kansas City Sports Complex Authority one commissioner from each
24 county in which such bistate retail sales tax is levied having a
25 population less than three hundred thousand and two commissioners

1 from each such county (other than Jackson County, Missouri)
2 having a population greater than three hundred thousand, provided
3 that there shall be three commissioners from Johnson County,
4 Kansas if such bistate retail sales tax is not levied in any
5 other county in Kansas. Each additional commissioner shall be
6 appointed by the governing body of the county for which such
7 commissioner is appointed, shall be a qualified voter and a
8 resident of such county, shall not be an elected or appointed
9 official of such county, any political subdivision or state,
10 shall hold office for a term of five years or the unexpired term
11 of any predecessor and until any successor has been appointed and
12 qualified, and shall be compensated and reimbursed as provided in
13 subsection 5 of section 64.930. Any vacancy that exists with
14 respect to an additional commissioner shall be filled in the same
15 manner and within thirty days from the date thereof. No action
16 of the Metropolitan Kansas City Sports Complex Authority shall be
17 binding unless taken at a meeting of which at least a majority of
18 commissioners are present and unless a majority of the
19 commissioners present at such meeting shall vote in favor
20 thereof.

21 ARTICLE V. EXISTENCE

22 A Metropolitan Kansas City Sports Complex Authority created
23 pursuant to this compact shall exist for as long as any sports
24 stadium facilities constructed, equipped, repaired, extended or
25 improved with contributions from the bistate retail sales tax are

1 owned by it or any bonds or notes issued by it, the principal of
2 or interest on which is paid from such contributions, are
3 outstanding.

4 ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

5 This compact shall enter into force and become effective and
6 binding upon the states of Kansas and Missouri upon its enactment
7 by the legislatures of the respective states. Amendments to this
8 compact shall become effective upon enactment by the legislatures
9 of the respective states. This compact shall continue in force
10 and remain binding upon each of the party states until a
11 legislature of a party state shall have entered a statute
12 repealing it and sent formal written notice of such enactment to
13 the legislature of the other party state.

14 67.402. 1. The governing body of any county of the first
15 classification with more than one hundred thirty-five thousand
16 four hundred but less than one hundred thirty-five thousand five
17 hundred inhabitants, any county of the first classification with
18 more than seventy-one thousand three hundred but less than
19 seventy-one thousand four hundred inhabitants, and any county of
20 the first classification without a charter form of government and
21 with more than one hundred ninety-eight thousand but less than
22 one hundred ninety-nine thousand two hundred inhabitants may
23 enact ordinances to provide for the abatement of a condition of
24 any lot or land that has the presence of rubbish and trash,
25 lumber, bricks, tin, steel, parts of derelict motorcycles,

1 derelict cars, derelict trucks, derelict construction equipment,
2 derelict appliances [and], broken furniture, or overgrown or
3 noxious weeds in residential subdivisions or districts which may
4 endanger public safety or which is unhealthy or unsafe and
5 declared to be a public nuisance.

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

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

10 (2) Provide for duties of inspectors with regard to those
11 conditions which may be declared a nuisance, and shall provide
12 for duties of the building commissioner or designated officer or
13 officers to supervise all inspectors and to hold hearings
14 regarding such property;

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

1 shall be made parties;

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

21 3. Any ordinance authorized by this section may provide
22 that if the owner fails to begin abating the nuisance within a
23 specific time which shall not be longer than seven days of
24 receiving notice that the nuisance has been ordered removed, the
25 building commissioner or designated officer shall cause the

1 condition which constitutes the nuisance to be removed. If the
2 building commissioner or designated officer causes such condition
3 to be removed or abated, the cost of such removal shall be
4 certified to the county clerk or officer in charge of finance who
5 shall cause the certified cost to be included in a special tax
6 bill or added to the annual real estate tax bill, at the county
7 collector's option, for the property and the certified cost shall
8 be collected by the county collector in the same manner and
9 procedure for collecting real estate taxes. If the certified
10 cost is not paid, the tax bill shall be considered delinquent,
11 and the collection of the delinquent bill shall be governed by
12 the laws governing delinquent and back taxes. The tax bill from
13 the date of its issuance shall be deemed a personal debt against
14 the owner and shall also be a lien on the property until paid.

15 4. The provisions of this section shall not apply to lands
16 owned by a public utility, rights-of-way, and easements
17 appurtenant or incidental to lands controlled by any railroad.

18 67.793. 1. Whenever the creation of a regional
19 recreational district is desired, one hundred or more persons
20 residing in the proposed district may file with the county clerk
21 in which the greater part of the proposed district's population
22 resides a petition requesting the creation of the regional
23 recreational district. In case the proposed district is situated
24 in two or more counties, the petition shall be filed in the
25 office of the county clerk of the county in which the greater

1 part of the proposed district's population resides, and the
2 governing body of that county shall set the petition for public
3 hearing and conduct such hearing. The petition shall set forth:

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

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

8 (3) The name of the proposed district;

9 (4) The population of the proposed district;

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

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

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

20 2. Whenever one hundred or more persons residing in an area
21 contiguous to an existing regional recreational district desire
22 to become part of that contiguous district, such persons may file
23 a petition with the county clerk of the county in which the
24 greater part of the population within the proposed addition to
25 the district resides, and the governing body of that county shall

1 set the petition for public hearing and conduct such hearing.

2 The petition for the addition to a district shall set forth the
3 same facts required for the creation of such a district pursuant
4 to subdivisions (1) to (7) of subsection 1 of this section,
5 except that:

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

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

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

21 4. The governing body of any county otherwise eligible to
22 participate in a regional recreational district may directly
23 authorize, by ordinance, the creation of a regional recreational
24 district or an addition to an existing regional recreational
25 district without the submission of a petition. The governing

1 body of each such county shall, upon the enactment of such
2 ordinance, submit the question of its approval to the voters in
3 such county. If less than an entire county is proposed to
4 participate in such a regional recreational district, the
5 question may be submitted to the registered and qualified voters
6 residing in the proposed [area, provided, that any regional
7 recreational district which is supported by a sales tax shall be
8 approved by the voters of the entire county] district, or if no
9 registered and qualified voters reside in the proposed district,
10 to the owners of the real property located within the proposed
11 district. Any ordinance adopted by the governing body creating a
12 regional recreational district supported by a sales tax but with
13 no registered and qualified voters residing within the proposed
14 district boundaries shall be unanimously approved by the owners
15 of real property within the proposed district. The proposed
16 district shall consist only of those counties, or portions of
17 counties, where the governing body has approved an ordinance to
18 create a district.

19 67.797. 1. When a regional recreational district is
20 organized in only one county, the executive, as that term is
21 defined in subdivision (4) of section 67.750, with the advice and
22 consent of the governing body of the county shall appoint a board
23 of directors for the district consisting of seven persons, chosen
24 from the residents of the district. Where the district is in
25 more than one county, the executives, as defined in subdivision

1 (4) of section 67.750, of the counties in the district shall,
2 with the advice and consent of the governing bodies of each
3 county shall, as nearly as practicable, evenly appoint such
4 members and allocate staggered terms pursuant to subsection 2 of
5 this section, with the county having the largest area within the
6 district appointing a greater number of directors if the
7 directors cannot be appointed evenly. No member of the governing
8 body of the county or official of any municipal government
9 located within the district shall be a member of the board and no
10 director shall receive compensation for performance of duties as
11 a director. Members of the board of directors shall be citizens
12 of the United States and they shall reside within the district.
13 No board member shall be interested directly or indirectly in any
14 contract entered into pursuant to sections 67.792 to 67.799.

15 2. The directors appointed to the regional recreation
16 district shall hold office for three-year terms, except that of
17 the members first appointed, two shall hold office for one year,
18 two shall hold office for two years and three shall hold office
19 for three years. The executives of the counties within the
20 regional recreational district shall meet to determine and
21 implement a fair allocation of the staggered terms among the
22 counties, provided that counties eligible to appoint more than
23 one board member may not appoint board members with identical
24 initial terms until each of a one-year, two-year and three-year
25 initial term has been applied to such county. On the expiration

1 of such initial terms of appointment and on the expiration of any
2 subsequent term, the resulting vacancies shall be filled by the
3 executives of the respective counties, with the advice and
4 consent of the respective governing bodies. All vacancies on the
5 board shall be filled in the same manner for the duration of the
6 term being filled. Board members shall serve until their
7 successors are named and such successors have commenced their
8 terms as board members. Board members shall be eligible for
9 reappointment. Upon the petition of the county executive of the
10 county from which the board member received his or her
11 appointment, the governing body of the county may remove any
12 board member for misconduct or neglect of duties.

13 3. Notwithstanding any other provision of sections 67.750
14 to 67.799, to the contrary, after August 28, 2004, in any
15 district located in whole or in part in any county of the first
16 classification with more than one hundred eighty-four thousand
17 but less than one hundred eighty-eight thousand inhabitants, upon
18 the expiration of such initial terms of appointment and on the
19 expiration of any subsequent term, the resulting vacancies shall
20 be filled by election at the next regularly scheduled election
21 date throughout the district. In the event that a vacancy exists
22 before the expiration of a term, the governing body of the county
23 shall appoint a member for the remainder of the unexpired term.
24 Board members shall be elected for terms of three years. Such
25 elections shall be held according to this section and the

1 applicable laws of this state. If no person files as a candidate
2 for election to the vacant office within the applicable deadline
3 for filing as a candidate, then the governing body of any such
4 county shall appoint a person to be a member of the board for a
5 term of three years. Any appointed board members shall be
6 eligible to run for office.

7 4. Directors shall immediately after their appointment meet
8 and organize by the election of one of their number president,
9 and by the election of such other officers as they may deem
10 necessary. The directors shall make and adopt such bylaws, rules
11 and regulations for their guidance and for the government of the
12 parks, neighborhood trails and recreational grounds and
13 facilities as may be expedient, not inconsistent with sections
14 67.792 to 67.799. They shall have the exclusive control of the
15 expenditures of all money collected to the credit of the regional
16 recreational fund and of the supervision, improvement, care and
17 custody of public parks, neighborhood trails, recreational
18 facilities and grounds owned, maintained or managed by the
19 district. All moneys received for such purposes shall be
20 deposited in the treasury of the county containing the largest
21 portion of the district to the credit of the regional
22 recreational fund and shall be kept separate and apart from the
23 other moneys of such county. Such board shall have power to
24 purchase or otherwise secure ground to be used for such parks,
25 neighborhood trails, recreational grounds and facilities, shall

1 have power to appoint suitable persons to maintain such parks,
2 neighborhood trails and recreational facilities and administer
3 recreational programs and fix their compensation, and shall have
4 power to remove such appointees.

5 [4.] 5. The board of directors may issue debt for the
6 district pursuant to section 67.798.

7 [5.] 6. If a county, or a portion of a county, not
8 previously part of any district, shall enter a district, the
9 executives of the new member county and any previous member
10 counties shall promptly meet to apportion the board seats among
11 the counties participating in the enlarged district. All
12 purchases in excess of ten thousand dollars used in the
13 construction or maintenance of any public park, neighborhood
14 trail or recreational facility in the regional recreation
15 district shall be made pursuant to the lowest and best bid
16 standard as provided in section 34.040, RSMo, or pursuant to the
17 lowest and best proposal standard as provided in section 34.042,
18 RSMo. The board of the district shall have the same discretion,
19 powers and duties as the commissioner of administration has in
20 sections 34.040 and 34.042, RSMo.

21 67.799. 1. A regional recreational district may, by a
22 majority vote of its board of directors, impose an annual
23 property tax for the establishment and maintenance of public
24 parks and recreational facilities and grounds within the
25 boundaries of the regional recreational district not to exceed

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

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

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

11 ☐ YES ☐ NO

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

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

23 4. (1) A regional recreational district may, by a majority
24 vote of its board of directors, impose a tax not to exceed

1 one-half of one cent on all retail sales subject to taxation
2 pursuant to sections 144.010 to 144.525, RSMo, for the purpose of
3 funding the creation, operation and maintenance of public parks,
4 recreational facilities and grounds within the boundaries of a
5 regional recreational district. The tax authorized by this
6 subsection shall be in addition to all other sales taxes allowed
7 by law. No tax pursuant to this subsection shall become
8 effective unless the board of directors submits to the voters of
9 the district, at a county or state general, primary or special
10 election, a proposal to authorize the tax, and such tax shall
11 become effective only after the majority of the voters voting on
12 such tax approve such tax. [Only whole counties participating in
13 a regional recreational district shall be able to impose a sales
14 tax pursuant to this subsection.]

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

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

20 ☐ YES ☐ NO

21 If a majority of the votes cast on the proposal by the qualified
22 voters voting thereon are in favor of the proposal, then the tax
23 shall become effective. If a majority of the votes cast by the
24 qualified voters voting are opposed to the proposal, then the

1 board of directors shall have no power to impose the tax unless
2 and until another proposal to authorize the tax is submitted to
3 the voters of the district and such proposal is approved by a
4 majority of the qualified voters voting thereon. The provisions
5 of sections 32.085 and 32.087, RSMo, shall apply to any tax
6 approved pursuant to this subsection.

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

20 67.1360. The governing body of:

21 (1) A city with a population of more than seven thousand
22 and less than seven thousand five hundred;

23 (2) A county with a population of over nine thousand six
24 hundred and less than twelve thousand which has a total assessed
25 valuation of at least sixty-three million dollars, if the county

1 submits the issue to the voters of such county prior to January
2 1, 2003;

3 (3) A third class city which is the county seat of a county
4 of the third classification without a township form of government
5 with a population of at least twenty-five thousand but not more
6 than thirty thousand inhabitants;

7 (4) Any fourth class city having, according to the last
8 federal decennial census, a population of more than one thousand
9 eight hundred fifty inhabitants but less than one thousand nine
10 hundred fifty inhabitants in a county of the first classification
11 with a charter form of government and having a population of
12 greater than six hundred thousand but less than nine hundred
13 thousand inhabitants;

14 (5) Any city having a population of more than three
15 thousand but less than eight thousand inhabitants in a county of
16 the fourth classification having a population of greater than
17 forty-eight thousand inhabitants;

18 (6) Any city having a population of less than two hundred
19 fifty inhabitants in a county of the fourth classification having
20 a population of greater than forty-eight thousand inhabitants;

21 (7) Any fourth class city having a population of more than
22 two thousand five hundred but less than three thousand
23 inhabitants in a county of the third classification having a
24 population of more than twenty-five thousand but less than
25 twenty-seven thousand inhabitants;

1 (8) Any third class city with a population of more than
2 three thousand two hundred but less than three thousand three
3 hundred located in a county of the third classification having a
4 population of more than thirty-five thousand but less than
5 thirty-six thousand;

6 (9) Any county of the second classification without a
7 township form of government and a population of less than thirty
8 thousand;

9 (10) Any city of the fourth class in a county of the second
10 classification without a township form of government and a
11 population of less than thirty thousand;

12 (11) Any county of the third classification with a township
13 form of government and a population of at least twenty-eight
14 thousand but not more than thirty thousand;

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

20 (13) Any city of the third class with a population of more
21 than seven thousand two hundred but less than seven thousand five
22 hundred within a county of the third classification with a
23 population of more than twenty-one thousand but less than
24 twenty-three thousand;

25 (14) Any fourth class city having a population of more than

1 two thousand eight hundred but less than three thousand one
2 hundred inhabitants in a county of the third classification with
3 a township form of government having a population of more than
4 eight thousand four hundred but less than nine thousand
5 inhabitants;

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

11 (16) Any third class city with a population of more than
12 three thousand eight hundred but less than four thousand
13 inhabitants located in a county of the third classification with
14 a population of more than fifteen thousand nine hundred but less
15 than sixteen thousand inhabitants;

16 (17) Any fourth class city with a population of more than
17 four thousand three hundred but less than four thousand five
18 hundred inhabitants located in a county of the third
19 classification without a township form of government with a
20 population greater than sixteen thousand but less than sixteen
21 thousand two hundred inhabitants;

22 (18) Any fourth class city with a population of more than
23 two thousand four hundred but less than two thousand six hundred
24 inhabitants located in a county of the first classification
25 without a charter form of government with a population of more

1 than fifty-five thousand but less than sixty thousand
2 inhabitants;

3 (19) Any fourth class city with a population of more than
4 two thousand five hundred but less than two thousand six hundred
5 inhabitants located in a county of the third classification with
6 a population of more than nineteen thousand one hundred but less
7 than nineteen thousand two hundred inhabitants;

8 (20) Any county of the third classification without a
9 township form of government with a population greater than
10 sixteen thousand but less than sixteen thousand two hundred
11 inhabitants;

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

15 (22) Any third class city with a population of more than
16 nine thousand five hundred but less than nine thousand seven
17 hundred inhabitants located in a county of the first
18 classification without a charter form of government and with a
19 population of more than one hundred ninety-eight thousand but
20 less than one hundred ninety-eight thousand two hundred
21 inhabitants;

22 (23) Any city of the fourth classification with more than
23 five thousand two hundred but less than five thousand three
24 hundred inhabitants located in a county of the third
25 classification without a township form of government and with

1 more than twenty-four thousand five hundred but less than
2 twenty-four thousand six hundred inhabitants; [or]

3 (24) Any third class city with a population of more than
4 nineteen thousand nine hundred but less than twenty thousand in a
5 county of the first classification without a charter form of
6 government and with a population of more than one hundred
7 ninety-eight thousand but less than one hundred ninety-eight
8 thousand two hundred inhabitants; or

9 (25) Any county of the third classification without a
10 township form of government and with more than fourteen thousand
11 nine hundred but less than fifteen thousand inhabitants;

12 may impose a tax on the charges for all sleeping rooms paid by
13 the transient guests of hotels, motels, bed and breakfast inns
14 and campgrounds and any docking facility which rents slips to
15 recreational boats which are used by transients for sleeping,
16 which shall be at least two percent, but not more than five
17 percent per occupied room per night, except that such tax shall
18 not become effective unless the governing body of the city or
19 county submits to the voters of the city or county at a state
20 general, primary or special election, a proposal to authorize the
21 governing body of the city or county to impose a tax pursuant to
22 the provisions of this section and section 67.1362. The tax
23 authorized by this section and section 67.1362 shall be in
24 addition to any charge paid to the owner or operator and shall be
25 in addition to any and all taxes imposed by law and the proceeds

1 of such tax shall be used by the city or county solely for
2 funding the promotion of tourism. Such tax shall be stated
3 separately from all other charges and taxes.

4 67.1401. 1. Sections 67.1401 to 67.1571 shall be known and
5 may be cited as the "Community Improvement District Act".

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

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

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

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

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

1 (b) Has been declared blighted or found to be a blighted
2 area pursuant to Missouri law including, but not limited to,
3 chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
4 99.300 to 99.715, RSMo;

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

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

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

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

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

17 (9) "Municipality", any city [located in a county of the
18 first classification or second classification, any city not
19 within a county and any], village, incorporated town, or county
20 of this state;

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

25 (11) "Owner", for real property, the individual or

1 individuals or entity or entities who own the fee of real
2 property or their legally authorized representative; for business
3 organizations and other entities, the owner shall be deemed to be
4 the individual which is legally authorized to represent the
5 entity in regard to the district;

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

12 (13) "Petition", a petition to establish a district as it
13 may be amended in accordance with the requirements of section
14 67.1421;

15 (14) "Qualified voters",

16 (a) For purposes of elections for approval of real property
17 taxes:

18 a. Registered voters; or

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

1 (b) For purposes of elections for approval of business
2 license taxes or sales taxes:

3 a. Registered voters; or

4 b. If no registered voters reside in the district, the
5 owners of one or more parcels of real property located within the
6 district per the tax records for real property of the county
7 clerk as of the thirtieth day before the date of the applicable
8 election; and

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

16 (15) "Registered voters", persons who reside within the
17 district and who are qualified and registered to vote pursuant to
18 chapter 115, RSMo, pursuant to the records of the election
19 authority as of the thirtieth day prior to the date of the
20 applicable election.

21 67.1461. 1. Each district shall have all the powers,
22 except to the extent any such power has been limited by the
23 petition approved by the governing body of the municipality to
24 establish the district, necessary to carry out and effectuate the
25 purposes and provisions of sections 67.1401 to 67.1571 including,

1 but not limited to, the following:

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

5 (2) To sue and be sued;

6 (3) To make and enter into contracts and other instruments,
7 with public and private entities, necessary or convenient to
8 exercise its powers and carry out its duties pursuant to sections
9 67.1401 to 67.1571;

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

13 (5) To employ or contract for such managerial, engineering,
14 legal, technical, clerical, accounting, or other assistance as it
15 deems advisable;

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

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

22 (8) To levy and collect special assessments and taxes as
23 provided in sections 67.1401 to 67.1571. However, no such
24 assessments or taxes shall be levied on any property exempt from
25 taxation pursuant to subdivision (5) of section 137.100, RSMo.

1 Those exempt pursuant to subdivision (5) of section 137.100,
2 RSMo, may voluntarily participate in the provisions of sections
3 67.1401 to 67.1571;

4 (9) If the district is a political subdivision, to levy
5 real property taxes and business license taxes in the county seat
6 of a county of the first classification containing a population
7 of at least two hundred thousand, as provided in sections 67.1401
8 to 67.1571. However, no such assessments or taxes shall be
9 levied on any property exempt from taxation pursuant to
10 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt
11 pursuant to subdivisions (2) and (5) of section 137.100, RSMo,
12 may voluntarily participate in the provisions of sections 67.1401
13 to 67.1571;

14 (10) If the district is a political subdivision [in a city
15 with a population of at least four hundred thousand located in
16 more than one county], to levy sales taxes pursuant to sections
17 67.1401 to 67.1571;

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

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

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

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

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

4 (13) To loan money as provided in sections 67.1401 to
5 67.1571;

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

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

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

18 (a) Pedestrian or shopping malls and plazas;

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

20 (c) Convention centers, arenas, aquariums, aviaries, and
21 meeting facilities;

22 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels,
23 overpasses and underpasses, traffic signs and signals, utilities,
24 drainage, water, storm and sewer systems, and other site
25 improvements;

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

2 (f) Lakes, dams, and waterways;

3 (g) Streetscape, lighting, benches or other seating
4 furniture, trash receptacles, marquees, awnings, canopies, walls,
5 and barriers;

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

8 (i) Paintings, murals, display cases, sculptures, and
9 fountains;

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

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

12 (17) To dedicate to the municipality, with the
13 municipality's consent, streets, sidewalks, parks, and other real
14 property and improvements located within its boundaries for
15 public use;

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

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

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

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

4 (22) Within its boundaries, to provide or contract for
5 cleaning, maintenance, and other services to public and private
6 property;

7 (23) To produce and promote any tourism, recreational or
8 cultural activity or special event in the district by, but not
9 limited to, advertising, decoration of any public place in the
10 district, promotion of such activity and special events, and
11 furnishing music in any public place;

12 (24) To support business activity and economic development
13 in the district including, but not limited to, the promotion of
14 business activity, development and retention, and the recruitment
15 of developers and businesses;

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

18 (26) To provide refuse collection and disposal services
19 within the district;

20 (27) To contract for or conduct economic, planning,
21 marketing or other studies;

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

24 (29) To carry out any other powers set forth in sections
25 67.1401 to 67.1571.

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

4 (1) Within its blighted area, to contract with any private
5 property owner to demolish and remove, renovate, reconstruct, or
6 rehabilitate any building or structure owned by such private
7 property owner; and

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

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

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

1 67.1571.

2 5. The governing body of the municipality establishing the
3 district shall not decrease the level of publicly funded services
4 in the district existing prior to the creation of the district or
5 transfer the financial burden of providing the services to the
6 district unless the services at the same time are decreased
7 throughout the municipality, nor shall the governing body
8 discriminate in the provision of the publicly funded services
9 between areas included in such district and areas not so
10 included.

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

1 voters of the district, by mail-in ballot, a proposal to
2 authorize a sales and use tax pursuant to this section. If a
3 majority of the votes cast by the qualified voters on the
4 proposed sales tax are in favor of the sales tax, then the
5 resolution is adopted. If a majority of the votes cast by the
6 qualified voters are opposed to the sales tax, then the
7 resolution is void.

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

9 Shall the (insert name
10 of district) Community Improvement District impose a community
11 improvement districtwide sales and use tax at the maximum rate of
12 (insert amount) for a period of
13 (insert number) years from the date on which such tax is first
14 imposed for the purpose of providing revenue for
15
16 (insert general description of the purpose)?

17 ☐ YES ☐ NO

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

21 3. Within ten days after the qualified voters have approved
22 the imposition of the sales and use tax, the district shall, in
23 accordance with section 32.097, RSMo, notify the director of the
24 department of revenue. The sales and use tax authorized by this
25 section shall become effective on the first day of the second

1 calendar quarter after the director of the department of revenue
2 receives notice of the adoption of such tax.

3 4. The director of the department of revenue shall collect
4 any tax adopted pursuant to this section pursuant to section
5 32.087, RSMo.

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

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

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

22 8. All revenue received by the district from a sales and
23 use tax imposed pursuant to this section which is designated for
24 a specific purpose shall be deposited into a special trust fund
25 and expended solely for such purpose. Upon the expiration of any

1 sales and use tax adopted pursuant to this section, all funds
2 remaining in the special trust fund shall continue to be used
3 solely for the specific purpose designated in the resolution
4 adopted by the qualified voters. Any funds in such special trust
5 fund which are not needed for current expenditures may be
6 invested by the board of directors pursuant to applicable laws
7 relating to the investment of other district funds.

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

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

1 well as with other public and private entities. Nothing in this
2 section shall give the metropolitan district authority to
3 regulate water quality, watershed, or land use issues in the
4 counties comprising the district.

5 67.1754. The sales tax authorized in sections 67.1712 to
6 67.1721 shall be collected and allocated as follows:

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

17 (2) Fifty percent of the sales taxes collected from each
18 county shall be returned to the source county for park purposes,
19 except that forty percent of such fifty percent amount shall be
20 reserved for distribution to municipalities within the county in
21 the form of grant revenue sharing funds. Each county in the
22 district shall establish its own process for awarding the grant
23 proceeds to its municipalities for park purposes provided the
24 purposes of such grants are consistent with the purpose of the
25 district. In the case of a county of the first classification

1 with a charter form of government having a population of at least
2 nine hundred thousand inhabitants, such grant proceeds shall be
3 awarded to municipalities by a municipal grant commission as
4 described in section 67.1757.

5 67.2000. 1. This section shall be known as the "Exhibition
6 Center and Recreational Facility District Act".

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

1 of the third classification without a township form of government
2 and with more than nineteen thousand three hundred but less than
3 nineteen thousand four hundred inhabitants, or in any county of
4 the first classification with more than two hundred forty
5 thousand three hundred but less than two hundred forty thousand
6 four hundred inhabitants, or in any county of the first
7 classification with more than seventy-one thousand three hundred
8 but less than seventy-one thousand four hundred inhabitants
9 desire to create an exhibition center and recreational facility
10 district, the property owners shall file a petition with the
11 governing body of each county located within the boundaries of
12 the proposed district requesting the creation of the district.
13 The district boundaries may include all or part of the counties
14 described in this section. The petition shall contain the
15 following information:

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

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

20 (3) The name of the proposed district.

21 3. Upon the filing of a petition pursuant to this section,
22 the governing body of any county described in this section may,
23 by resolution, approve the creation of a district. Any
24 resolution to establish such a district shall be adopted by the
25 governing body of each county located within the proposed

1 district, and shall contain the following information:

2 (1) A description of the boundaries of the proposed
3 district;

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

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

8 (4) The proposed uses for the revenue generated by the new
9 sales tax.

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

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

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

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

23 5. Following the hearing, if the governing body of each
24 county located within the proposed district decides to establish
25 the proposed district, it shall adopt an order to that effect; if

1 the governing body of any county located within the proposed
2 district decides to not establish the proposed district, the
3 boundaries of the proposed district shall not include that
4 county. The order shall contain the following:

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

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

8 (3) The name of the district;

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

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

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

23 Shall the (name of district) impose a sales tax
24 of one-fourth of one percent to fund the acquisition,
25 construction, maintenance, operation, improvement, and promotion

1 of an exhibition center and recreational facilities, for a period
2 of (insert number of years)?

3 ☐ YES

☐ NO

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

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

1 combine to become one district.

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

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

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

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

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

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

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

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

1 participation in hobbies or athletic activities;

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

1 provide, notwithstanding section 108.170, RSMo. The bonds,
2 notes, or other obligations may be sold at either public or
3 private sale, at such interest rates, and at such price or prices
4 as the district shall determine;

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

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

15 (7) To have the management, control and supervision of all
16 the business and affairs of the district, and the construction,
17 installation, operation, and maintenance of district improvements
18 therein; to collect rentals, fees, and other charges in
19 connection with its services or for the use of any of its
20 facilities;

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

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

25 (10) To adopt and amend bylaws and any other rules and

1 regulations not in conflict with the constitution and laws of
2 this state, necessary for the carrying on of the business,
3 objects, and affairs of the board and of the district; and

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

7 9. There is hereby created the "Exhibition Center and
8 Recreational Facility District Sales Tax Trust Fund", which shall
9 consist of all sales tax revenue collected pursuant to this
10 section. The director of revenue shall be custodian of the trust
11 fund, and moneys in the trust fund shall be used solely for the
12 purposes authorized in this section. Moneys in the trust fund
13 shall be considered nonstate funds pursuant to section 15,
14 article IV, Constitution of Missouri. The director of revenue
15 shall invest moneys in the trust fund in the same manner as other
16 funds are invested. Any interest and moneys earned on such
17 investments shall be credited to the trust fund. All sales taxes
18 collected by the director of revenue pursuant to this section on
19 behalf of the district, less one percent for the cost of
20 collection which shall be deposited in the state's general
21 revenue fund after payment of premiums for surety bonds as
22 provided in section 32.087, RSMo, shall be deposited in the trust
23 fund. The director of revenue shall keep accurate records of the
24 amount of moneys in the trust fund which was collected in the
25 district imposing a sales tax pursuant to this section, and the

1 records shall be open to the inspection of the officers of each
2 district and the general public. Not later than the tenth day of
3 each month, the director of revenue shall distribute all moneys
4 deposited in the trust fund during the preceding month to the
5 district. The director of revenue may authorize refunds from the
6 amounts in the trust fund and credited to the district for
7 erroneous payments and overpayments made, and may redeem
8 dishonored checks and drafts deposited to the credit of the
9 district.

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

14 11. Any sales tax imposed pursuant to this section shall
15 not extend past the initial term approved by the voters unless an
16 extension of the sales tax is submitted to and approved by the
17 qualified voters in each county in the manner provided in this
18 section. Each extension of the sales tax shall be for a period
19 not to exceed twenty years. The ballot of submission for the
20 extension shall be in substantially the following form:

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

☐ 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".

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

12. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or

1 other obligations outstanding to be extended. Any funds in the
2 trust fund which are not needed for current expenditures may be
3 invested by the district in the securities described in
4 subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo,
5 or repurchase agreements secured by such securities. If the
6 district abolishes the sales tax, the district shall notify the
7 director of revenue of the action at least ninety days before the
8 effective date of the repeal, and the director of revenue may
9 order retention in the trust fund, for a period of one year, of
10 two percent of the amount collected after receipt of such notice
11 to cover possible refunds or overpayment of the sales tax and to
12 redeem dishonored checks and drafts deposited to the credit of
13 such accounts. After one year has elapsed after the effective
14 date of abolition of the sales tax in the district, the director
15 of revenue shall remit the balance in the account to the district
16 and close the account of the district. The director of revenue
17 shall notify the district of each instance of any amount refunded
18 or any check redeemed from receipts due the district.

19 13. In the event that the district is dissolved or
20 terminated by any means, the governing bodies of the counties in
21 the district shall appoint a person to act as trustee for the
22 district so dissolved or terminated. Before beginning the
23 discharge of duties, the trustee shall take and subscribe an oath
24 to faithfully discharge the duties of the office, and shall give
25 bond with sufficient security, approved by the governing bodies

1 of the counties, to the use of the dissolved or terminated
2 district, for the faithful discharge of duties. The trustee
3 shall have and exercise all powers necessary to liquidate the
4 district, and upon satisfaction of all remaining obligations of
5 the district, shall pay over to the county treasurer of each
6 county in the district and take receipt for all remaining moneys
7 in amounts based on the ratio the levy of each county bears to
8 the total levy for the district in the previous three years or
9 since the establishment of the district, whichever time period is
10 shorter. Upon payment to the county treasurers, the trustee
11 shall deliver to the clerk of the governing body of any county in
12 the district all books, papers, records, and deeds belonging to
13 the dissolved district.

14 67.2500. 1. The governing body of any city, town, or
15 village located within any county with a charter form of
16 government and with more than two hundred fifty thousand but less
17 than three hundred fifty thousand inhabitants, may establish a
18 theater, cultural arts, and entertainment district in the manner
19 provided in section 67.2505.

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

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

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

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

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

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

14 67.2505. 1. A district may be created to fund, promote,
15 and provide educational, civic, musical, theatrical, cultural,
16 concerts, lecture series, and related or similar entertainment
17 events or activities, and to fund, promote, plan, design,
18 construct, improve, maintain, and operate public improvements,
19 transportation projects, and related facilities in the district.

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

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

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

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

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

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

17 (2) The name of the proposed district;

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

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

1 fifteen;

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

3 (6) A general description of the activities that are
4 planned for the district;

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

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

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

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

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

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

22 (1) A description of the boundaries of the proposed
23 district and each subdistrict;

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

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

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

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

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

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

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

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

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

24 The costs of printing and publication of the notice shall be paid

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

4 9. Following the hearing, the governing body of any city,
5 town, or village within which the proposed district will be
6 located may order an election on the questions of the district
7 creation and sales tax funding for voter approval and certify the
8 questions to the municipal clerk. The election order shall
9 include the date on which the ballots will be mailed to qualified
10 electors, which shall be not sooner than the eighth Tuesday from
11 the issuance of the order. The election regarding the
12 incorporation of the district and the imposing of the sales tax
13 shall follow the procedure set forth in section 67.2520, and
14 shall be held pursuant to the order and certification by the
15 governing body. Only those subdistricts approving the question
16 of creating the district and imposing the sales tax shall become
17 part of the district.

18 10. If the results of the election conducted in accordance
19 with section 67.2520 show that a majority of the votes cast were
20 in favor of organizing the district and imposing the sales tax,
21 the governing body may establish the proposed district in those
22 subdistricts approving the question of creating the district and
23 imposing the sales tax, by adopting an ordinance to that effect.
24 The ordinance establishing the district shall contain the
25 following:

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

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

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

7 (4) The name of the district;

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

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

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

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

17 11. Any subdistrict that does not approve the creation of
18 the district and imposing the sales tax shall not be a part of
19 the district and the sales tax shall not be imposed until after
20 the district board of directors has submitted another proposal
21 for the inclusion of the area into the district and such proposal
22 and the sales tax proposal are approved by a majority of the
23 qualified voters in the subdistrict voting thereon. Such
24 subsequent elections shall be conducted in accordance with
25 section 67.2520; provided, however, that the district board of

1 directors may place the question of the inclusion of a
2 subdistrict within a district and the question of imposing a
3 sales tax before the voters of a proposed subdistrict, and the
4 municipal clerk, or circuit clerk if the district is formed by
5 the circuit court, shall conduct the election. In subsequent
6 elections, the election judges shall certify the election results
7 to the district board of directors.

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

17 67.2515. 1. Whenever the creation of a theater, cultural
18 arts, and entertainment district is desired, one or more
19 registered voters from each subdistrict of the proposed district,
20 or if there are no registered voters in a subdistrict, one or
21 more property owners who collectively own one or more parcels of
22 real estate comprising at least a majority of the land situated
23 in the proposed subdistricts within the proposed district may
24 file a petition with the circuit court requesting the creation of
25 a theater, cultural arts, and entertainment district. The

petition shall contain the following information:

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

(2) The name of the proposed district;

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

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

(5) A request that the district be established;

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

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

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

(9) A request that the question of the establishment of the

1 district be submitted to the qualified voters of the district;

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

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

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

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

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

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

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

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

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

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

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

13 4. The court shall hear the case without a jury. If the
14 court determines the petition is defective or the proposed
15 district or its plan of operation is unconstitutional, it shall
16 enter its judgment to that effect and shall refuse to incorporate
17 the district as requested in the pleadings. If the court
18 determines the petition is not legally defective and the proposed
19 district and plan of operation are not unconstitutional, the
20 court shall order an election on the questions of the district
21 creation and sales tax funding for voter approval and certify the
22 questions to the circuit clerk. The election order shall include
23 the date on which the ballots will be mailed to qualified
24 electors, which shall be not sooner than the eighth Tuesday from

1 the issuance of the order. The election regarding the
2 incorporation of the district and the imposing the sales tax
3 shall follow the procedure set forth in section 67.2520, and
4 shall be held pursuant to the order and certification by the
5 circuit judge. Only those subdistricts approving the question of
6 creating the district and imposing the sales tax shall become
7 part of the district.

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

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

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

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

22 (4) The name of the district;

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

25 (6) The uses for any revenue generated by a sales tax

1 imposed pursuant to this section;

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

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

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

23 7. Any party having filed a petition or answer to a
24 petition may appeal the circuit court's order or judgment in the
25 same manner as provided for other appeals. Any order either

1 refusing to incorporate the district or incorporating the
2 district shall be a final judgment for purposes of appeal.

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

1 paid by the petitioners. If the district is organized pursuant
2 to sections 67.2500 to 67.2530, the petitioners may be reimbursed
3 for such costs out of the revenues received by the district.

4 2. For elections held in subdistricts pursuant to this
5 section, if all the owners of property in a subdistrict joined in
6 the petition for formation of the district, such owners may cast
7 their ballot by unanimous petition approving any measure
8 submitted to them as subdistrict voters pursuant to this section.
9 Each owner shall receive one vote per acre owned. Fractional
10 votes shall be allowed. The petition shall be submitted to the
11 municipal clerk, or the circuit court clerk if the district is
12 being formed by the circuit court, who shall verify the
13 authenticity of all signatures thereon. The filing of a
14 unanimous petition shall constitute an election in the
15 subdistrict under this section and the results of said election
16 shall be entered pursuant to this section.

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

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

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

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

6 (b) If there are no registered voters in a subdistrict, a
7 person, including a corporation or other entity, which owns real
8 property within the subdistrict. Each voter which is not an
9 individual shall determine how to cast its vote as provided for
10 in its articles of incorporation, articles of organization,
11 articles of partnership, bylaws, or other document which sets
12 forth an appropriate mechanism for the determination of the
13 entity's vote. If a voter has no such mechanism, then its vote
14 shall be cast as determined by a majority of the persons who run
15 the day-to-day affairs of the voter. Each property owner shall
16 receive one vote;

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

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

24 (b) An authorized signature; and

25 (c) Evidence that such person is entitled to vote. Such

evidence shall be a copy of:

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

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

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

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

1 Shall the (name of district) impose a sales tax
2 of (insert rate) to fund, promote, and provide
3 educational, civic, musical, theatrical, cultural, concerts,
4 lecture series, and related or similar entertainment events or
5 activities, and to fund, promote, plan, design, construct,
6 improve, maintain, and operate public improvements,
7 transportation projects, and related facilities in the district?

8 [] YES

[] NO

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

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

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

24 Authorized Signature

1 Printed Name of Voter Signature of notary or other officer
2 authorized to administer oaths.
3 Mailing Address of Voter (if different)
4 Subscribed and sworn to before me this day
5 of....., 20.."

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

10 (6) Voted ballots shall be returned to the municipal clerk,
11 or the clerk of the circuit court if the district is being formed
12 by the circuit court, by mail or hand delivery no later than 5:00
13 p.m. on the fourth Tuesday after the date for mailing the
14 ballots. The municipal clerk, or circuit clerk if the district
15 is being formed by the circuit court, shall transmit all voted
16 ballots to a team of judges of not less than four, with an equal
17 number from each of the two major political parties. The judges
18 shall be selected by the city, town, or village, or the circuit
19 clerk, from lists compiled by the county election authority.
20 Upon receipt of the voted ballots the judges shall verify the
21 authenticity of the ballots, canvass the votes, and certify the
22 results. Certification by the election judges shall be final and
23 shall be immediately transmitted to the governing body of the
24 city, town, or village for further action, or the circuit judge
25 for further action if the district is being formed by the circuit

1 court. Any voter who applied for such election may contest the
2 result in the same manner as provided in chapter 115, RSMo.

3 67.2525. 1. Each member of the board of directors shall
4 have the following qualifications:

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

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

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

22 3. For those subdistricts which contain one or more
23 registered voters, the mayor or chairman of the city, town, or
24 village shall, with the consent of the governing body, appoint a
25 registered voter residing in the subdistrict to the board of

1 directors.

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

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

1 shall determine how to cast its vote as provided for in its
2 articles of incorporation, articles of organization, articles of
3 partnership, bylaws, or other document which sets forth an
4 appropriate mechanism for the determination of the entity's vote.
5 If a voter has no such mechanism, then its vote shall be cast as
6 determined by a majority of the persons who run the day-to-day
7 affairs of the voter. The results of the meeting shall be
8 certified by the temporary chairman and secretary to the
9 municipal clerk if the district is established by a municipality
10 described in this section, or to the circuit clerk if the
11 district is established by a circuit court.

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

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

1 director to complete any unexpired term of a director caused by
2 resignation or disqualification.

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

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

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

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

14 9. Within thirty days after the selection of the initial
15 directors, the board shall meet. At its first meeting and
16 annually thereafter the board shall elect a chairman from its
17 members.

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

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

24 12. A simple majority of the board shall constitute a
25 quorum. If a quorum exists, a majority of those voting shall

1 have the authority to act in the name of the board, and approve
2 any board resolution.

3 13. At the first meeting, the board, by resolution, shall
4 receive the certification of the election regarding the sales
5 tax, and may impose the sales tax in all subdistricts approving
6 the imposing sales tax. In those subdistricts that approve the
7 sales tax, the sales tax shall become effective on the first day
8 of the first calendar quarter immediately following the action by
9 the district board of directors imposing the tax.

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

16 15. In addition to all other powers granted by sections
17 67.2500 to 67.2530, the district shall have the following general
18 powers:

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

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

23 (3) To enter into contracts, franchises, and agreements
24 with any person or entity, public or private, affecting the
25 affairs of the district, including contracts with any

1 municipality, district, or state, or the United States,
2 and any of their agencies, political subdivisions, or
3 instrumentalities, for the funding, including without limitation,
4 interest rate exchange or swap agreements, planning, development,
5 construction, acquisition, maintenance, or operation of a
6 district facility or to assist in such activity;

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

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

11 (6) To collect taxes and other revenues;

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

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

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

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

1 (11) To enter into entertainment contracts binding the
2 district and artists, agencies, or performers, management
3 contracts, contracts relating to the booking of entertainment and
4 the sale of tickets, and all other contracts which relate to the
5 purposes of the district;

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

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

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

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

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

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

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

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

5 (5) Shall be in such denomination, bear interest at such
6 rates, be in such form, be issued as current interest bonds,
7 compound interest bonds, variable rate bonds, convertible bonds,
8 or zero coupon bonds, be issued in such manner, be payable in
9 such place or places and subject to redemption as such resolution
10 may provide; and

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

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

16 67.2530. 1. Any note, bond, or other indebtedness of the
17 district may be refunded at any time by the district by issuing
18 refunding bonds in such amount as the district may deem
19 necessary. Such bonds shall be subject to, and shall have the
20 benefit of the foregoing provisions regarding notes, bonds, and
21 other obligations. Without limiting the generality of the
22 foregoing, refunding bonds may include amounts necessary to
23 finance any premium, unpaid interest, and costs of issuance in
24 connection with the refunding bonds. Any such refunding may be
25 effected whether the bonds to be refunded then shall have matured

1 or thereafter shall mature, either by sale of the refunding bonds
2 and the application of the proceeds thereof to the payment of the
3 obligations being refunded or the exchange of the refunding bonds
4 for the obligations being refunded with the consent of the
5 holders of the obligations being refunded.

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

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

1 approve the sales tax on the first day of the first calendar
2 quarter immediately following the passage of a resolution by the
3 board of directors imposing the sales tax.

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

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

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

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

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

19 9. (1) On and after the effective date of any sales tax
20 imposed pursuant to this section, the district shall perform all
21 functions incident to the administration, collection,
22 enforcement, and operation of the tax. The sales tax imposed
23 pursuant to this section shall be collected and reported upon
24 such forms and under such administrative rules and regulations as
25 may be prescribed by the district.

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

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

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

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

1 tax imposed by this section.

2 (3) The same sales tax permit, exemption certificate, and
3 retail certificate required by sections 144.010 to 144.525, RSMo,
4 for the administration and collection of the state sales tax
5 shall satisfy the requirements of this section, and no additional
6 permit or exemption certificate or retail certificate shall be
7 required; except that the district may prescribe a form of
8 exemption certificate for an exemption from the tax imposed by
9 this section.

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

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

19 (6) For the purpose of a sales tax imposed by a resolution
20 pursuant to this section, all retail sales shall be deemed to be
21 consummated at the place of business of the retailer unless the
22 tangible personal property sold is delivered by the retailer or
23 the retailer's agent to an out-of-state destination or to a
24 common carrier for delivery to an out-of-state destination. In
25 the event a retailer has more than one place of business in this

1 state which participates in the sale, the sale shall be deemed to
2 be consummated at the place of business of the retailer where the
3 initial order for the tangible personal property is taken, even
4 though the order must be forwarded elsewhere for acceptance,
5 approval of credit, shipment, or billing. A sale by a retailer's
6 employee shall be deemed to be consummated at the place of
7 business from which the employee works.

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

23 "Shall (name of district) increase the
24 (insert amount) percent district sales tax now
25 in effect to..... (insert amount) in the

..... (name of 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".

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

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

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

"Shall (name of district) dissolve and repeal the (insert amount) percent district

1 sales tax now in effect in the (name of
2 district)?

3 [] YES

[] NO

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

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

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

23 12. (1) At such time as the board of directors of the

1 district determines that further operation of the district is not
2 in the best interests of the inhabitants of the district, and
3 that the district should dissolve, the board shall submit for a
4 vote in an election held throughout the district the question of
5 whether the district should be abolished. The question shall be
6 submitted in substantially the following form:

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

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 (2) The district board shall not propose the question to
14 abolish the district while there are outstanding claims or causes
15 of action pending against the district, while the district
16 liabilities exceed its assets, while indebtedness of the district
17 is outstanding, or while the district is insolvent, in
18 receivership or under the jurisdiction of the bankruptcy court.
19 Prior to submitting the question to abolish the district to a
20 vote of the entire district, the state auditor shall audit the
21 district to determine the financial status of the district, and
22 whether the district may be abolished pursuant to law. The vote
23 on the abolition of the district shall be conducted by the
24 municipal clerk of the city, town, or village in which the

1 district is located. The procedure shall be the same as in
2 section 67.2520, except that the question shall be determined by
3 the qualified voters of the entire district. No individual
4 subdistrict may be abolished, except at such time as the district
5 is abolished.

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

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

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

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

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

25 (d) Cause copies of that resolution under seal to be filed

1 with the secretary of state and the city, town, or village in
2 which the district is located. Upon the completion of the final
3 act specified in this subsection, the legal existence of the
4 district shall cease.

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

7 70.225. 1. Notwithstanding the provisions of section
8 70.600 to the contrary, a centralized emergency dispatching
9 system created by a joint municipal agreement under section
10 70.220 existing within any county with a charter form of
11 government and with more than one million inhabitants, may be
12 considered a political subdivision for the purposes of sections
13 70.600 to 70.755, and employees of the centralized emergency
14 dispatching system shall be eligible for membership in the
15 Missouri local government employee's retirement system upon the
16 centralized emergency dispatching system becoming an employer as
17 defined in subdivision (11) of section 70.600.

18 2. Any political subdivision participating in a centralized
19 emergency dispatching system granted membership under subsection
20 1 of this section, shall be subject to the delinquent recovery
21 procedures under section 70.735 for any contribution payments due
22 the system. Any political subdivision withdrawing from
23 membership shall be subject to payments for any unfunded
24 liabilities existing for its past and current employees. Any
25 political subdivision becoming a new member shall be subject to

1 the same terms and conditions then existing including liabilities
2 in proportion to all participating political subdivisions.

3 89.410. 1. The planning commission shall recommend and the
4 council may by ordinance adopt regulations governing the
5 subdivision of land within its jurisdiction. The regulations, in
6 addition to the requirements provided by law for the approval of
7 plats, may provide requirements for the coordinated development
8 of the city, town or village; for the coordination of streets
9 within subdivisions with other existing or planned streets or
10 with other features of the city plan or official map of the city,
11 town or village; for adequate open spaces for traffic,
12 recreation, light and air; and for a distribution of population
13 and traffic; provided that, the city, town or village may only
14 impose requirements [and] for the posting of bonds [regarding],
15 letters of credit or escrows for subdivision-related
16 [regulations] improvements as provided for in subsections 2 to
17 [4] 5 of this section.

18 2. The regulation may include requirements as to the extent
19 and the manner in which the streets of the subdivision or any
20 designated portions thereto shall be graded and improved as well
21 as including requirements as to the extent and manner of the
22 installation of all utility facilities. Compliance with all of
23 these requirements is a condition precedent to the approval of
24 the plat. The regulations or practice of the council may provide
25 for the tentative approval of the plat previous to the

1 improvements and utility installations; but any tentative
2 approval shall not be entered on the plat. The regulations may
3 provide that, in lieu of the completion of the work and
4 installations previous to the final approval of a plat, the
5 council [may] shall accept [a],at the option of the developer, an
6 escrow secured with cash or an irrevocable letter of credit
7 deposited with the city, town, or village. The city, town, or
8 village may accept a surety bond [or escrow], and such bond shall
9 be in an amount and with surety and other reasonable conditions,
10 providing for and securing the actual construction and
11 installation of the improvements and utilities within a period
12 specified by the council and expressed in the bond[; provided
13 that,]. The release of any such escrow, letter of credit, or
14 bond by the city, town or village shall be as specified in this
15 section. The council may enforce the escrow or bond by all
16 appropriate legal and equitable remedies. The regulations may
17 provide, in lieu of the completion of the work and installations
18 previous to the final approval of a plat, for an assessment or
19 other method whereby the council is put in an assured position to
20 do the work and make the installations at the cost of the owners
21 of the property within the subdivision. The regulations may
22 provide for the dedication, reservation or acquisition of lands
23 and open spaces necessary for public uses indicated on the city
24 plan and for appropriate means of providing for the compensation,
25 including reasonable charges against the subdivision, if any, and

1 over a period of time and in a manner as is in the public
2 interest.

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

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

21 [4.] 5. If the city, town or village has not released the
22 escrow funds or bond amount within thirty days as provided in
23 this section or provided a timely inspection of the improvements
24 or utility work after request for such inspection, the city, town
25 or village shall pay the owner or developer in addition to the

1 escrow funds due the owner or developer, interest at the rate of
2 one and one-half percent per month calculated from the expiration
3 of the thirty-day period until the escrow funds or bond amount
4 have been released. Any owner or developer aggrieved by the
5 city's, town's or village's failure to observe the requirements
6 of this section may bring a civil action to enforce the
7 provisions of this section. In any civil action or part of a
8 civil action brought pursuant to this section, the court may
9 award the prevailing party or the city, town or village the
10 amount of all costs attributable to the action, including
11 reasonable attorneys' fees.

12 [5.] 6. Nothing in this section shall apply to performance,
13 maintenance and payment bonds required by cities, towns or
14 villages.

15 [6.] 7. Before adoption of its subdivision regulations or
16 any amendment thereof, a duly advertised public hearing thereon
17 shall be held by the council.

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

1 than one county.

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

7 94.700. The following words, as used in sections 94.700 to
8 94.755, shall have the following meaning unless a different
9 meaning clearly appears from the context:

10 (1) "City" shall mean any incorporated city, town, or
11 village in the state of Missouri with a population of [two] one
12 hundred or more, but the term "city" does not include any city
13 not within a county or any city of over four hundred thousand
14 inhabitants wholly or partially within a first class county;

15 (2) "City transit authority" shall mean a commission or
16 board created by city charter provision or by ordinance of a
17 city, and which operates a public mass transportation system;

18 (3) "City utilities board" shall mean a board or commission
19 created by city charter provision or by ordinance of a city,
20 which controls and operates city-owned utilities including a
21 public mass transportation system;

22 (4) "Director of revenue" shall mean the director of
23 revenue of the state of Missouri;

24 (5) "Interstate transportation authority" shall mean any
25 political subdivision created by compact between this state and

1 another state, which is a body corporate and politic and a
2 political subdivision of both contracting states, and which
3 operates a public mass transportation system;

4 (6) "Interstate transportation district" shall mean that
5 geographical area set forth and defined in the particular compact
6 between this state and another state;

7 (7) "Person" shall mean an individual, corporation,
8 partnership, or other entity;

9 (8) "Public mass transportation system" shall mean a
10 transportation system or systems owned and operated by an
11 interstate transportation authority, a municipality, a city
12 transit authority, or a city utilities board, employing motor
13 buses, rails or any other means of conveyance, by whatsoever type
14 or power, operated for public use in the conveyance of persons,
15 mainly providing local transportation service within an
16 interstate transportation district or municipality;

17 (9) "Transportation purposes" shall mean financial support
18 of a "public mass transportation system"; the construction,
19 reconstruction, repair and maintenance of streets, roads and
20 bridges within a municipality; the construction, reconstruction,
21 repair and maintenance of airports owned and operated by
22 municipalities; the acquisition of lands and rights-of-way for
23 streets, roads, bridges and airports; and planning and
24 feasibility studies for streets, roads, bridges, and airports.
25 "Bridges" shall include bridges connecting a municipality with

1 another municipality either within or without the state, with an
2 unincorporated area of the state, or with another state or an
3 unincorporated area thereof.

4 94.902. 1. The governing body of any city of the third
5 classification with more than twenty-six thousand three hundred
6 but less than twenty-six thousand seven hundred inhabitants may
7 impose, by order or ordinance, a sales tax on all retail sales
8 made in the city which are subject to taxation under chapter 144,
9 RSMo. The tax authorized in this section may be imposed in an
10 amount of up to one-half of one percent, and shall be imposed
11 solely for the purpose of improving the public safety for such
12 city, including but not limited to expenditures on equipment,
13 city employee salaries and benefits, and facilities for police,
14 fire and emergency medical providers. The tax authorized in this
15 section shall be in addition to all other sales taxes imposed by
16 law, and shall be stated separately from all other charges and
17 taxes. The order or ordinance imposing a sales tax under this
18 section shall not become effective unless the governing body of
19 the city submits to the voters residing within the city, at a
20 county or state general, primary, or special election, a proposal
21 to authorize the governing body of the city to impose a tax under
22 this section.

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

25 Shall the city of (city's name) impose a citywide

sales tax at a rate of (insert rate of percent) percent
for the purpose of improving the public safety of the city?

[] 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".

If a majority of the votes cast on the proposal by the qualified
voters voting thereon are in favor of the proposal, then the
ordinance or order and any amendments to the order or ordinance
shall become effective on the first day of the second calendar
quarter after the director of revenue receives notice of the
adoption of the sales tax. If a majority of the votes cast on
the proposal by the qualified voters voting thereon are opposed
to the proposal, then the tax shall not become effective unless
the proposal is resubmitted under this section to the qualified
voters and such proposal is approved by a majority of the
qualified voters voting on the proposal. However, in no event
shall a proposal under this section be submitted to the voters
sooner than twelve months from the date of the last proposal
under this section.

3. Any sales tax imposed under this section shall be
administered, collected, enforced, and operated as required in
section 32.087, RSMo. All sales taxes collected by the director

1 of the department of revenue under this section on behalf of any
2 city, less one percent for cost of collection which shall be
3 deposited in the state's general revenue fund after payment of
4 premiums for surety bonds as provided in section 32.087, RSMo,
5 shall be deposited in a special trust fund, which is hereby
6 created in the state treasury, to be known as the "City Public
7 Safety Sales Tax Trust Fund". The moneys in the trust fund shall
8 not be deemed to be state funds and shall not be commingled with
9 any funds of the state. The provisions of section 33.080, RSMo,
10 to the contrary notwithstanding, money in this fund shall not be
11 transferred and placed to the credit of the general revenue fund.
12 The director shall keep accurate records of the amount of money
13 in the trust and which was collected in each city imposing a
14 sales tax under this section, and the records shall be open to
15 the inspection of officers of the city and the public. Not later
16 than the tenth day of each month the director shall distribute
17 all moneys deposited in the trust fund during the preceding month
18 to the city which levied the tax. Such funds shall be deposited
19 with the city treasurer of each such city, and all expenditures
20 of funds arising from the trust fund shall be by an appropriation
21 act to be enacted by the governing body of each such city.
22 Expenditures may be made from the fund for any functions
23 authorized in the ordinance or order adopted by the governing
24 body submitting the tax to the voters. If the tax is repealed,
25 all funds remaining in the special trust fund shall continue to

1 be used solely for the designated purposes. Any funds in the
2 special trust fund which are not needed for current expenditures
3 shall be invested in the same manner as other funds are invested.
4 Any interest and moneys earned on such investments shall be
5 credited to the fund.

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

23 5. The governing body of any city that has adopted the
24 sales tax authorized in this section may submit the question of
25 repeal of the tax to the voters on any date available for

1 elections for the city. The ballot of submission shall be in
2 substantially the following form:

3 Shall (insert the name of the city) repeal the sales
4 tax imposed at a rate of (insert rate of percent) percent
5 for the purpose of improving the public safety of the city?

6 [] YES

[] NO

7 If a majority of the votes cast on the proposal are in favor of
8 repeal, that repeal shall become effective on December
9 thirty-first of the calendar year in which such repeal was
10 approved. If a majority of the votes cast on the question by the
11 qualified voters voting thereon are opposed to the repeal, then
12 the sales tax authorized in this section shall remain effective
13 until the question is resubmitted under this section to the
14 qualified voters, and the repeal is approved by a majority of the
15 qualified voters voting on the question.

16 6. Whenever the governing body of any city that has adopted
17 the sales tax authorized in this section receives a petition,
18 signed by ten percent of the registered voters of the city voting
19 in the last gubernatorial election, calling for an election to
20 repeal the sales tax imposed under this section, the governing
21 body shall submit to the voters of the city a proposal to repeal
22 the tax. If a majority of the votes cast on the question by the
23 qualified voters voting thereon are in favor of the repeal, that
24 repeal shall become effective on December thirty-first of the

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

7 7. Except as modified in this section, all provisions of
8 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
9 under this section.

10 137.298. 1. Other provisions of law to the contrary
11 notwithstanding, any city may by ordinance include as a charge on
12 bills issued for personal property taxes any outstanding parking
13 violations issued on any vehicle for which personal property tax
14 is to be paid and, if required by ordinance, such charge shall be
15 collected with and in the same payment as personal property taxes
16 are collected by the collector of revenue of such city. No
17 personal property tax bill shall be considered paid unless all
18 charges for parking violations are also paid in full and the
19 collector of revenue shall not issue a paid personal property
20 receipt until all such charges are paid.

21 2. Any city or city not within a county may enter into a
22 contract or cooperative agreement with the county governing body
23 and county collector of any county with a charter form of
24 government or any county of the first classification to include
25 as a charge on bills issued for personal property taxes any

1 outstanding vehicle-related fees and fines, including traffic
2 violations, assessed or issued on any vehicle for which personal
3 property tax is to be paid. For the purpose of this section,
4 vehicle-related fees and fines shall include, but not be limited
5 to, traffic violation fines, parking violation fines, towing and
6 vehicle immobilization fees, and any late payment penalties and
7 court costs associated with adjudication or collection of those
8 fines. No personal property tax bill shall be considered paid
9 unless all charges for parking violations and other vehicle-
10 related fees and fines are also paid in full, and the county
11 collector shall not issue a paid personal property tax receipt
12 until all such charges are paid. Any contract or cooperative
13 agreement shall be in writing, signed by the city, county
14 governing body, and county collector, and shall set forth the
15 provisions and terms agreed to by the parties.

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

24 2. For counties of the first classification and counties
25 with a charter form of government and any city not within a

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

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

1 state reimbursement funds shall be withheld until the amount due
2 is properly deposited in such fund.

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

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

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

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

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

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

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

1 by persons whose purchases from out-of-state vendors do not in
2 total exceed two thousand dollars in any calendar year.

3 [] YES [] NO

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

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

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

1 services. The county shall be required to [submit] make
2 available to the public [a] an audited comprehensive financial
3 report detailing the management and use of economic development
4 funds each year.

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

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

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

[] 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".

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

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

[] 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) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue

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

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

1 repealing, reducing or raising the local sales tax.

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

9 144.759. 1. All local use taxes collected by the director
10 of revenue pursuant to sections 144.757 to 144.761 on behalf of
11 any county or municipality, less one percent for 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 32.087, RSMo, shall be deposited with the
15 state treasurer in a local use tax trust fund, which fund shall
16 be separate and apart from the local sales tax trust funds. The
17 moneys in such local use tax trust fund shall not be deemed to be
18 state funds and shall not be commingled with any funds of the
19 state. The director of revenue shall keep accurate records of
20 the amount of money in the trust fund which was collected in each
21 county or municipality imposing a local use tax, and the records
22 shall be open to the inspection of officers of the county or
23 municipality and to the public. No later than the tenth day of
24 each month, the director of revenue shall distribute all moneys
25 deposited in the trust fund during the preceding month, except as

1 provided in subsection 2 of this section, to the county or
2 municipality treasurer, or such other officer as may be
3 designated by the county or municipality ordinance or order, of
4 each county or municipality imposing the tax authorized by
5 sections 144.757 to 144.761, the sum due the county or
6 municipality as certified by the director of revenue.

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

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

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

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

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

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

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

3 (2) Purchase, assembly, clearance, demolition,
4 environmental remediation, planning, redesign, reconstruction,
5 rehabilitation, construction, modification or expansion of land,
6 structures and facilities, public or private, either in
7 connection with a reinvestment project in areas with underused,
8 derelict, economically challenged, or environmentally troubled
9 sites, or in connection with business attraction, retention,
10 creation, or expansion;

11 (3) Expenditures related to business district activities
12 such as facade improvements, landscaping, street lighting,
13 sidewalk construction, trash receptacles, park benches, and other
14 public improvements;

15 (4) Expenditures for the provision of workforce training
16 and educational support in connection with job creation,
17 retention, attraction, and expansion;

18 (5) Development and operation of business incubator
19 facilities, and related entrepreneurship support programs;

20 (6) Capitalization or guarantee of small business loan or
21 equity funds;

22 (7) Expenditures for business development activities
23 including attraction, creation, retention, and expansion; and

24 (8) Related administration expenses of economic and
25 community development programs, provided that such expenses shall

1 not exceed five percent of annual revenues.

2 182.640. 1. A consolidated public library district created
3 under the provisions of sections 182.610 to 182.670 shall be
4 governed by a board of trustees which shall consist of not less
5 than eight trustees to be appointed by the county commission or
6 county executive officers of the counties participating in the
7 consolidated public library district. The county commission or
8 county executive officers of each participating county shall
9 appoint four trustees who are residents of that county and who
10 reside in the district, as representatives of its county. No
11 appointed trustee shall be an elective official.

12 2. The trustees of the existing boards of a county public
13 district shall remain as the representatives of their respective
14 county and shall serve the remainder of their respective term as
15 the governing board of a consolidated public library district.
16 Upon expiration of their term the county commission or county
17 executive officer shall appoint a resident of the respective
18 county for a four-year term beginning the first day of July or
19 until a successor shall be appointed.

20 3. Whenever any member of the board of trustees shall,
21 without good cause, fail to attend six consecutive board meetings
22 of the consolidated public library district or whenever any
23 member of the board of trustees is deemed by the majority of the
24 board of trustees to be guilty of conduct prejudicial to the good
25 order and effective operation of the consolidated public library

1 district, or whenever any member is deemed to be guilty of
2 neglect of duty, then such member may be removed by resolution of
3 the board of trustees duly acted upon, after specification of
4 charge and hearing.

5 4. Vacancies in the board occasioned by removals,
6 resignations, or otherwise shall be reported to the county
7 commission or county executive officers and shall be filled in
8 like manner as original appointments; except that, if the vacancy
9 occurs during an unexpired term, the appointment shall be for
10 only the unexpired portion of that term.

11 5. No person shall be employed by the board of library
12 trustees or by the librarian who is related within the third
13 degree by blood or by marriage to any trustee of the board.

14 6. Except as in sections 182.610 to 182.670 otherwise
15 expressly provided, no trustee of a consolidated public library
16 district shall receive any fee, salary, gratuity or other
17 compensation or remuneration for acting as such; except that, the
18 board of trustees may reimburse its members for actual and
19 necessary expenses incurred in the performance of their duties.

20 7. The board of trustees shall have a president, secretary
21 and a treasurer and such other officers as the board may select.
22 All officers of the board shall be selected by the board. All
23 officers of the board of trustees shall serve at the pleasure of
24 the board, and shall not receive any salary, gratuity or other
25 compensation or reimbursement for acting as such, except the

1 treasurer, who may also serve as secretary.

2 8. The board shall provide for regularly scheduled meetings
3 of the board to be held monthly; except that, the board shall not
4 be required to meet more than ten times in any calendar year. The
5 board shall make and adopt bylaws, rules and regulations
6 governing the proceedings of the board, including bylaws
7 prescribing the duties of each officer of the board of trustees.
8 No bylaws, rules or regulations shall be contrary to, or
9 inconsistent with, any provision of law.

10 9. A majority of the full board of trustees shall
11 constitute a quorum for the transaction of business. The act of
12 the majority of the trustees present at a meeting at which a
13 quorum is present shall be the act of the board of trustees,
14 except as hereinafter provided. The affirmative vote of a
15 majority of the full board of trustees shall be required to enter
16 into any contract, employ or dismiss the chief administrative
17 officer of the district, effect a merger or consolidation or
18 approve a budget.

19 10. The board of trustees of a consolidated public library
20 district shall adopt policies for the government of the
21 consolidated public library district that will carry out the
22 spirit and intent of sections 182.610 to 182.670, and the board
23 shall employ a duly qualified graduate librarian as the chief
24 executive and administrative officer of the consolidated public
25 library district charged with the duty of carrying out the

1 policies adopted by the board. The librarian shall serve at the
2 pleasure of the board. The librarian shall have the authority to
3 employ professional library assistants and other employees to
4 fill the positions that are created by the board. The assistants
5 and employees may be dismissed by the librarian.

6 190.092. 1. [For purposes of this section, "first
7 responder" shall be defined as a person who has successfully
8 completed an emergency first response course meeting or exceeding
9 the national curriculum of the United States Department of
10 Transportation and any modifications to such curricula specified
11 by the department through rules adopted pursuant to sections
12 190.001 to 190.180 and who provides emergency medical care
13 through employment by, or in association with, an emergency
14 medical response agency. Any rule or portion of a rule, as that
15 term is defined in section 536.010, RSMo, that is promulgated
16 under the authority of this chapter, shall become effective only
17 if the agency has fully complied with all of the requirements of
18 chapter 536, RSMo, including but not limited to, section 536.028,
19 RSMo, if applicable, after August 28, 1998. All rulemaking
20 authority delegated prior to August 28, 1998, is of no force and
21 effect and repealed as of August 28, 1998, however nothing in
22 this section shall be interpreted to repeal or affect the
23 validity of any rule adopted and promulgated prior to August 28,
24 1998. If the provisions of section 536.028, RSMo, apply, the
25 provisions of this section are nonseverable and if any of the

1 powers vested with the general assembly pursuant to section
2 536.028, RSMo, to review, to delay the effective date, or to
3 disapprove and annul a rule or portion of a rule are held
4 unconstitutional or invalid, the purported grant of rulemaking
5 authority and any rule so proposed and contained in the order of
6 rulemaking shall be invalid and void, except that nothing in this
7 section shall affect the validity of any rule adopted and
8 promulgated prior to August 28, 1998.

9 2. Any county, municipality or fire protection district may
10 establish a program to allow the use of automated external
11 defibrillators by any person properly qualified who follows
12 medical protocol for use of the device or member of a fire,
13 police, ambulance service, emergency medical response agency or
14 first responder agency provided that such person has completed a
15 course certified by the American Red Cross or American Heart
16 Association that includes cardiopulmonary resuscitation training
17 and demonstrated proficiency in the use of such automated
18 external defibrillators.

19 3.] A person or entity who acquires an automated external
20 defibrillator shall ensure that:

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

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

3 (3) Any person who renders emergency care or treatment on a
4 person in cardiac arrest by using an automated external
5 defibrillator activates the emergency medical services system as
6 soon as possible; and

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

15 [4.] 2. Any person or entity who acquires an automated
16 external defibrillator shall notify the emergency communications
17 district or the ambulance dispatch center of the primary provider
18 of emergency medical services where the automated external
19 defibrillator is to be located.

20 [5.] 3. Any person who has had appropriate training,
21 including a course in cardiopulmonary resuscitation, has
22 demonstrated a proficiency in the use of an automated external
23 defibrillator, and who gratuitously and in good faith renders
24 emergency care when medically appropriate by use of or provision
25 of an automated external defibrillator, without objection of the

1 injured victim or victims thereof, shall not be held liable for
2 any civil damages as a result of such care or treatment, where
3 the person acts as an ordinarily reasonable, prudent person[, or
4 with regard to a health care professional, as a reasonably
5 prudent and careful health care provider] would have acted[,]
6 under the same or similar circumstances. The person or entity
7 who provides appropriate training to the person using an
8 automated external defibrillator, the person or entity
9 responsible for the site where the automated external
10 defibrillator is located, and the licensed physician who reviews
11 and approves the clinical protocol, shall not be held liable for
12 civil damages resulting from the use of and automated external
13 defibrillator, provided that all other applicable requirements of
14 this section have been met. Nothing in this section shall affect
15 any claims brought pursuant to chapter 537 or 538, RSMo.

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

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

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

1 department pursuant to sections 190.001 to 190.245. The
2 department may promulgate rules relating to the requirements for
3 an emergency medical response agency including, but not limited
4 to:

5 (1) A licensure period of five years;
6 (2) Medical direction;
7 (3) Records and forms; and
8 (4) Memorandum of understanding with local ambulance
9 services.

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

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

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

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

1 upon appropriation, shall be used to automate and improve the
2 state vital records system and allow local registrars to issue
3 computer-generated certificates of birth and death records of
4 persons who are born or who die in Missouri] For the issuance of
5 a certification or copy of a birth, marriage, divorce, or fetal
6 death record, the applicant shall pay a fee of fifteen dollars.
7 All fees shall be deposited to the state department of revenue.
8 Beginning [July 1, 1996] August 28, 2004, for each vital records
9 fee collected, the director of revenue shall credit four dollars
10 to the general revenue fund, five dollars to the children's trust
11 fund [and], one dollar shall be credited to the endowed care
12 cemetery audit fund, and three dollars for the first copy of
13 death records and five dollars for birth, marriage, divorce, and
14 fetal death records shall be credited to the Missouri public
15 services health fund established in section 192.900, RSMo. Money
16 in the endowed care cemetery audit fund shall be available by
17 appropriation to the division of professional registration to pay
18 its expenses in administering sections 214.270 to 214.410, RSMo.
19 All interest earned on money deposited in the endowed care
20 cemetery audit fund shall be credited to the endowed care
21 cemetery fund. Notwithstanding the provisions of section 33.080,
22 RSMo, to the contrary, money placed in the endowed care cemetery
23 audit fund shall not be transferred and placed to the credit of
24 general revenue until the amount in the fund at the end of the
25 biennium exceeds three times the amount of the appropriation from

1 the endowed care cemetery audit fund for the preceding fiscal
2 year. The money deposited in the public health services fund
3 under this section shall be deposited in a separate account in
4 the fund, and moneys in such account, upon appropriation, shall
5 be used to automate and improve the state vital records system,
6 and develop and maintain an electronic birth and death
7 registration system which shall be implemented no later than
8 December 31, 2009. For any search of the files and records, when
9 no record is found, the state shall be entitled to a fee equal to
10 the amount for a certification of a vital record for a five-year
11 search to be paid by the applicant. For the processing of each
12 legitimation, adoption, court order or recording after the
13 registrant's twelfth birthday, the state shall be entitled to a
14 fee equal to the amount for a certification of a vital record.
15 Except whenever a certified copy or copies of a vital record is
16 required to perfect any claim of any person on relief, or any
17 dependent of any person who was on relief for any claim upon the
18 government of the state or United States, the state registrar
19 shall, upon request, furnish a certified copy or so many
20 certified copies as are necessary, without any fee or
21 compensation therefor.

22 2. For the issuance of a certification of a [birth or]
23 death record by the local registrar, the applicant shall pay a
24 fee of [ten] thirteen dollars [to the official county health
25 agency] for the first certification or copy and a fee of ten

1 dollars for each additional copy ordered at that time. For the
2 issuance of a certification or copy of a birth, marriage,
3 divorce, or fetal death record, the applicant shall pay a fee of
4 fifteen dollars. All fees shall be deposited to the official
5 city or county health agency. A certified copy of a death
6 record by the local registrar can only be issued within
7 twenty-four hours of receipt of the record by the local
8 registrar. Computer-generated certifications of death records
9 may be issued by the local registrar after twenty-four hours of
10 receipt of the records. The fees paid to the official county
11 health agency shall be retained by the local agency for local
12 public health purposes.

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

23 2. The special use permit fees imposed by the county shall
24 be calculated and administered using the criteria outlined in
25 sections 67.1840 and 67.1842, RSMo, for the imposition of right-

1 of-way permit fees. The special use permit fee shall not be
2 imposed on a public utility right-of-way user for uses governed
3 by the provisions of sections 67.1830 to 67.1846, RSMo.

4 231.280. The township board of directors in all counties
5 under township organization shall keep, or cause to be kept, a
6 full, true and correct record of all moneys received and
7 disbursed on account of roads and bridges and all other receipts
8 and disbursements of every nature in such township, [showing in
9 detail from whom and on what account such money was received, and
10 to whom and for what purpose disbursed,] together with a
11 [complete inventory] report of all tools, road machinery and
12 other property belonging to the township, together with such
13 other information as to the condition of roads and bridges and
14 the needs of same as may be deemed of value, and within thirty
15 days after the end of the fiscal year of said township board of
16 directors, which fiscal year shall begin and end on the same date
17 as the fiscal year of the county in which such township is
18 located, shall cause to be published [an itemized statement] a
19 report of such receipts and expenditures, inventory of tools,
20 machinery and other property in some newspaper published in such
21 township, and if there be no newspaper published in the township,
22 then such publication may be made in any newspaper of general
23 circulation within such township published in the county. Such
24 [statement] report shall be made by the township clerk under the
25 direction of the township board, and shall be sworn to by such

1 clerk, and it shall be the duty of the township clerk within
2 thirty days after the end of the fiscal year of said township
3 board to file one copy of such [detailed statement] report with
4 the county clerk of such county, and the county clerk shall lay
5 the same before the county commission at its next regular
6 meeting.

7 231.290. For the purpose of carrying out the provisions of
8 section 231.280, it shall be the duty of the county clerk in
9 counties having township organization to prepare, at the expense
10 of the county, forms for the publication of the [detailed
11 statement] report of the township's receipts and disbursements,
12 on or before the twentieth day of February of each year, and
13 submit the same to the township clerk of each township, together
14 with any other information [he may deem] deemed necessary, and
15 the county clerk shall require each township board to make such
16 publication according to the form submitted, and also require a
17 certified copy of such [statement] report to be filed in [his]
18 the clerk's office on or before the twentieth day of March of
19 each year.

20 247.040. 1. Proceedings for the formation of a public
21 water supply district shall be substantially as follows: a
22 petition in duplicate describing the proposed boundaries of the
23 district sought to be formed, accompanied by a plat of the
24 proposed district, shall be filed with the clerk of the circuit
25 court of the county wherein the proposed district is situate, or

1 with the clerk of the circuit court of the county having the
2 largest acreage proposed to be included in the proposed district,
3 in the event that the proposed district embraces lands in more
4 than one county. Such petition, in addition to such boundary
5 description, shall set forth an estimate of the number of
6 customers of the proposed district, the necessity for the
7 formation of the district, the probable cost of the improvement,
8 an approximation of the assessed valuation of taxable property
9 within the district and such other information as may be useful
10 to the court in determining whether or not the petition should be
11 granted and a decree of incorporation entered. Such petition
12 shall be accompanied by a cash deposit of fifty dollars as an
13 advancement of the costs of the proceeding, and the petition
14 shall be signed by not less than fifty voters or owners of real
15 property within the proposed district and shall pray for the
16 incorporation of the territory therein described into a public
17 water supply district. The petition shall be verified by at
18 least one of the signers thereof.

19 2. Upon the filing of the petition, the same shall be
20 presented to the circuit court, and such court shall fix a date
21 for a hearing on such petition, as herein provided for.

22 Thereupon the clerk of the court shall give notice of the filing
23 of the petition in some newspaper of general circulation in the
24 county in which the proceedings are pending, and if the district
25 extends into any other county or counties, such notice shall also

1 be published in some newspaper of general circulation in such
2 other county or counties. The notice shall contain a description
3 of the proposed boundary lines of the district and the general
4 purposes of the petition, and shall set forth the date fixed for
5 the hearing on the petition, which shall not be less than seven
6 nor more than twenty-one days after the date of the last
7 publication of the notice and shall be on some regular judicial
8 day of the court wherein the petition is pending. Such notice
9 shall be signed by the clerk of the circuit court and shall be
10 published in three successive issues of a weekly newspaper or in
11 a daily newspaper once a week for three consecutive weeks.

12 3. The court, for good cause shown, may continue the case
13 or the hearing thereon from time to time until final disposition
14 thereof.

15 4. Exceptions to the formation of a district, or to the
16 boundaries outlined in the petition for the incorporation
17 thereof, may be made by any voter or owner of real property in
18 the proposed district; provided, such exceptions are filed not
19 less than five days prior to the date set for the hearing on the
20 petition. Such exceptions shall specify the grounds upon which
21 the exceptions are being made. If any such exceptions be filed,
22 the court shall take them into consideration in passing upon the
23 petition and shall also consider the evidence in support of the
24 petition and in support of the exceptions made. Should the court
25 find that the petition should be granted but that changes should

1 be made in the boundary lines, it shall make such changes in the
2 boundary lines as set forth in the petition as to the court may
3 seem meet and proper, and thereupon enter its decree of
4 incorporation, with such boundaries as changed.

5 5. Should the court find that it would not be to the public
6 interest to form such a district, the petition shall be dismissed
7 at the costs of the petitioners. If, however, the court should
8 find in favor of the formation of such district, the court shall
9 enter its decree of incorporation, setting forth the boundaries
10 of the proposed district as determined by the court pursuant to
11 the aforesaid hearing. The decree of incorporation shall also
12 divide the district into five subdistricts and shall fix their
13 boundary lines, all of which subdistricts shall have
14 approximately the same area and shall be numbered. The decree
15 shall further contain an appointment of one voter from each of
16 such subdistricts, to constitute the first board of directors of
17 the district. No two members of such board so appointed or
18 hereafter elected or appointed shall reside in the same
19 subdistrict, except as provided in section 247.060. If no
20 qualified person who lives in the subdistrict is willing to serve
21 on the board, the court may appoint, or the voters may elect, an
22 otherwise qualified person who lives in the district but not in
23 the subdistrict. The court shall designate two of such directors
24 so appointed to serve for a term of two years and one to serve
25 for a term of one year. And the directors thus appointed by the

1 court shall serve for the terms thus designated and until their
2 successors shall have been appointed or elected as herein
3 provided. The decree shall further designate the name and number
4 of the district by which it shall hereafter be officially known.

5 6. The decree of incorporation shall not become final and
6 conclusive until it shall have been submitted to the voters
7 residing within the boundaries described in such decree and until
8 it shall have been assented to by a majority of the voters as
9 provided in subsection 9 of this section or by two-thirds of the
10 voters of the district voting on the proposition. The decree
11 shall provide for the submission of the question and shall fix
12 the date thereof. The returns shall be certified by the judges
13 and clerks of election to the circuit court having jurisdiction
14 in the case and the court shall thereupon enter its order
15 canvassing the returns and declaring the result of such election.

16 7. If, upon canvass and declaration, it is found and
17 determined that the question shall have been assented to by a
18 majority of two-thirds of the voters of the district voting on
19 such proposition, then the court shall, in such order declaring
20 the result of the election, enter a further order declaring the
21 decree of incorporation to be final and conclusive. In the
22 event, however, that the court should find that the question had
23 not been assented to by the majority above required, the court
24 shall enter a further order declaring such decree of
25 incorporation to be void and of no effect. No appeal shall lie

1 from any such decree of incorporation nor from any of the
2 aforesaid orders. In the event that the court declares the
3 decree of incorporation to be final, as herein provided for, the
4 clerk of the circuit court shall file certified copies of such
5 decree of incorporation and of such final order with the
6 secretary of state of the state of Missouri, and with the
7 recorder of deeds of the county or counties in which the district
8 is situate and with the clerk of the county commission of the
9 county or counties in which the district is situate.

10 8. The costs incurred in the formation of the district
11 shall be taxed to the district, if the district be incorporated
12 otherwise against the petitioners.

13 9. If petitioners seeking formation of a public water
14 supply district specify in their petition that the district to be
15 organized shall be organized without authority to issue general
16 obligation bonds, then the decrees relating to the formation of
17 the district shall recite that the district shall not have
18 authority to issue general obligation bonds and the vote required
19 for such a decree of incorporation to become final and conclusive
20 shall be a simple majority of the voters of the district voting
21 on such proposition.

22 10. All initial easement recording fees necessary to
23 establish a water district created after the effective date of
24 this section shall be payable at such time when the district is
25 awarded grants or loans necessary for the construction of such

1 district.

2 247.085. 1. The board of directors of any public water
3 supply district [which is dependent upon purchases of water to
4 supply its needs] shall have power to sell and convey part or all
5 of the property of the district to any city, owning and operating
6 a waterworks system, in consideration whereof the city shall
7 obligate itself to pay or assume the payment of all outstanding
8 bond obligations of the district, and to provide reasonable and
9 adequate water service and furnish water ample in quantity for
10 all needful purposes, and pure and wholesome in quality, to the
11 inhabitants of the territory lying within the district, during
12 such period of time and under such terms and conditions as may be
13 agreed upon by the city and the board of directors of the
14 district; provided, however, that no action shall be taken as
15 provided herein until said city and public water supply district
16 shall cause a printed notice of their intention to act under this
17 section to be published in a manner prescribed for by law in a
18 newspaper having a general circulation in said city and public
19 water supply district, and a statement of the time and manner of
20 said publication shall be recited in any agreement or contract
21 executed hereunder.

22 2. Thereafter the board of directors may sell and convey
23 any remaining property of the district and after payment of the
24 debts of the district, other than bond obligations, the board of
25 directors may use the funds of the district for the purpose of

1 providing fire protection or for any other public purpose which
2 in the opinion of the board will be beneficial to the inhabitants
3 of the district.

4 250.055. All initial easement recording fees necessary to
5 establish a sewer district created after the effective date of
6 this section shall be payable at such time when the district is
7 awarded grants or loans necessary for the construction of such
8 district.

9 250.140. 1. Sewerage services, water services, or water
10 and sewerage services combined shall be deemed to be furnished to
11 [both] the occupant [and owner] of the premises receiving such
12 service and the city, town [or], village, or sewer district or
13 water supply district organized and incorporated under chapter
14 247, RSMo, rendering such services shall have power to sue the
15 occupant [or owner, or both,] of such real estate in a civil
16 action to recover any sums due for such services less any deposit
17 that is held by the city, town, village, or sewer district or
18 water supply district organized and incorporated under chapter
19 247, RSMo, for such services, plus a reasonable attorney's fee to
20 be fixed by the court.

21 2. [If the occupant of the premises receives the billing,]
22 Any notice of termination of service shall be sent to both the
23 occupant and owner of the premises receiving such service[, if
24 such owner has requested in writing to receive any notice of
25 termination and has provided the entity rendering such service

1 with the owner's business addresses].

2 251.160. 1. For the purpose of sections 251.010 to
3 251.440, the following terms mean:

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

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

8 (3) "Local governmental units" or "local units" includes
9 cities, villages, towns, unincorporated areas of counties
10 adopting a plan, and counties;

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

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

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

20 2. A regional planning commission may be created by the
21 governor upon petition in the form of a resolution by the
22 governing body of a local governmental unit and the holding of a
23 public hearing on such petition. If the petition shall be joined
24 in by the governing bodies of all the local units in the proposed
25 region, including the county commission of any county, part or

1 all of which is in the proposed region, the governor may dispense
2 with the hearing. Notice of any public hearing shall be given by
3 the governor by mail at least ten days in advance to the clerk of
4 each local unit in the proposed region. If the governor finds
5 that there is a need for a regional planning commission, and if
6 the governing bodies of local units within the proposed region
7 which include over fifty percent of the population as determined
8 by the last decennial census of the United States shall consent
9 to the formation of such regional planning commission, the
10 governor may create the regional planning commission by order and
11 designate the area and boundaries of the commission's
12 jurisdiction, taking into account the elements of homogeneity
13 based upon, but not limited to, such consideration as topographic
14 and geographic conformations, extent of urban development, the
15 existence of special or acute agricultural, forestry,
16 conservation or other rural problems, uniformity of social or
17 economic interests and values, park and recreational needs, civil
18 defense, or the existence of physical, social and economic
19 problems of a regional character.

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

1 4. No provision of sections 251.010 to 251.440 shall be
2 construed to impair or affect in any way the legal existence,
3 powers, or functions of any planning commission or other
4 organization, public or private, in such areas which heretofore
5 has been constituted or designated by resolutions approved by the
6 governing bodies of the local units containing the majority of
7 the population of such area for the purpose of conducting
8 comprehensive planning, including transportation planning under
9 or in conformity with the requirements of any statute of the
10 United States or any regulation issued thereunder; and any such
11 previously constituted planning commission or organization shall
12 be governed in all respects by the resolutions of the governing
13 bodies of the local units which constitute such planning
14 commissions or organizations, by the provisions of this section,
15 or by other applicable law.

16 5. A regional planning commission within a metropolitan
17 statistical area of more than five hundred thousand in
18 population, which area does not contain a city not within a
19 county, and which commission is acting as a metropolitan planning
20 organization pursuant to state and federal law, may only change
21 its transportation planning boundary with the concurrence of the
22 governor.

23 251.170. 1. The office of administration is hereby
24 designated as the official state planning agency for the purpose
25 of providing planning assistance to counties, unincorporated

1 areas within counties, municipalities, metropolitan planning
2 areas, and regional planning commissions herein created when
3 requested by such local governmental unit or planning commission
4 to do so, and for such purposes is authorized to:

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

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

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

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

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

23 (6) Prepare and distribute model ordinances, manuals, and
24 other technical publications that promote and encourage
25 comprehensive planning. The office of administration shall make

1 all possible use of existing model ordinances, manuals, and other
2 technical publications that promote and encourage comprehensive
3 planning and that were prepared by regional planning commissions,
4 local government entities, and other organizations;

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

7 (8) Support local planning efforts in communities with
8 limited financial means;

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

11 (10) Make grants to units of local government to develop,
12 update, administer, and implement plans, land development
13 regulations, development incentives, market feasibility studies,
14 and environmental assessments that promote and encourage the
15 principles of comprehensive planning.

16 2. From all regional planning commissions to which it
17 provides planning assistance pursuant to this section, the office
18 of administration shall gather information to identify
19 expenditures of such commissions which are or would be eligible
20 to be used to generate matching funds under block grant programs,
21 including but not limited to community development block grant
22 programs. The office of administration shall report any such
23 expenditures which are so eligible to the department of economic
24 development within thirty days of determining that such
25 expenditures are so eligible. The department of economic

1 development shall provide the office of administration with
2 information deemed necessary by the commissioner of
3 administration to implement the provisions of this subsection.
4 For any fiscal year in which a regional planning commission which
5 receives planning assistance from the office of administration
6 does not provide the office of administration with information
7 necessary to implement the provisions of this subsection, the
8 office of administration shall not distribute general revenue
9 funds to that regional planning commission in the following
10 fiscal year. Any regional planning authority shall have thirty
11 days to cure any alleged defect prior to the withholding of any
12 funds.

13 3. The office of administration may promulgate rules
14 establishing standards and procedures for determining eligibility
15 for the grants, regulating the use of funds under the grants, and
16 requiring periodic reporting of the results and impact of
17 activities funded by the grants. No rule or portion of a rule
18 promulgated pursuant to the authority of this section shall
19 become effective unless it has been promulgated pursuant to
20 chapter 536, RSMo.

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

1 5. In any county, unincorporated area within a county, or
2 municipality receiving assistance under the state and regional
3 planning and community development act to write or revise a plan,
4 any land-use arrangements for residential, commercial,
5 industrial, public, or other purposes made within five years
6 after such plan is adopted shall be consistent with the new or
7 revised plan.

8 251.180. 1. Comprehensive planning, state and regional,
9 shall include[, but not be limited to,] the planning for the
10 following:

- 11 (1) [Public water systems] Issues and opportunities;
12 (2) [Storm water drainage and flood control systems]
13 Community facilities;
14 (3) [Sanitary sewerage systems] Housing;
15 (4) Integrated transportation systems;
16 (5) Orderly land-use arrangements for residential,
17 commercial, industrial and public and other purposes; and
18 (6) Implementation.

19 For purposes of this section, "issues and opportunities" and
20 implementation" may include, but shall not be limited to, a
21 source of direction for the rest of the plan, guiding principles,
22 priorities, goals, time frames, benchmarks, and guidelines.

23 2. In addition to the items in subsection 1 of this
24 section, the following items may be included in a comprehensive

1 plan, if directed by the governing body:

2 (1) Local, area-wide and state governmental services
3 coordinated with federal governmental services insofar as may be
4 feasible;

5 ~~[(7)]~~ (2) Solid waste disposal systems or facilities;

6 ~~[(8)]~~ (3) Educational facilities;

7 ~~[(9)]~~ (4) Open space, park and recreational areas;

8 ~~[(10)]~~ (5) Improved standards of community aesthetics and
9 facilities design;

10 ~~[(11)]~~ (6) General living conditions and environmental
11 health;

12 ~~[(12)]~~ (7) Community health and hospital needs and related
13 facilities; [and]

14 ~~[(13)]~~ (8) The coordination of planning activities for all
15 federal assistance and grant-in-aid programs, which require
16 comprehensive planning as prerequisites for eligibility;

17 (9) Natural resources;

18 (10) Community goals and standards;

19 (11) Police and fire facilities;

20 (12) Public water facilities;

21 (13) Telecommunications infrastructure;

22 (14) Economic development;

23 (15) Public participation in the community;

24 (16) Natural hazards;

25 (17) Agriculture and forest preservation;

1 (18) Human services;

2 (19) Community design;

3 (20) Storm water drainage and flood control systems;

4 (21) Sanitary sewer systems; and

5 (22) Historic preservation.

6 251.190. The state office shall have the following
7 functions and powers:

8 (1) To provide general planning assistance to and for any
9 county, municipality, or regional planning commission when
10 requested by such local governmental unit or planning commission
11 to do so;

12 (2) To contract for, receive and utilize grants or other
13 financial assistance made available by the state or federal
14 government or from any other source, public or private, for
15 performing the functions of the state office. Nothing in this
16 section shall prevent or impair the powers of the regional
17 commissions or other state agencies or local governmental units
18 to contract for, receive or utilize grants directly from the
19 federal or local governments or from any other source, public or
20 private;

21 (3) To provide assistance and coordination upon request in
22 matters relating to planning to state agencies and to local and
23 regional planning units. All present governmental units who
24 engage in planning activities, including but not limited to state
25 agencies, other than the planning activities of the division of

1 commerce and industrial development, which are transferred to the
2 state office created herein, planning agencies or commissions of
3 local governmental units who are supported by local, state or
4 federal funds, shall in no way be affected, prevented or impaired
5 in such planning activities;

6 (4) To develop a comprehensive state plan;

7 (5) To employ or retain private not-for-profit entities,
8 regional planning commissions, local government entities, and
9 universities to advise, prepare, or conduct the preparation of
10 the model ordinances, manuals, and other technical publications;

11 (6) To distribute any model ordinances, manuals, and other
12 technical publications prepared under the state and regional
13 planning and community development act to all counties and
14 municipalities, regional planning commissions, the Missouri state
15 library, all public libraries in this state, and to other
16 organizations and libraries at the office of administration's
17 discretion;

18 (7) To perform such other functions and activities
19 consistent with the general purposes of sections 251.150 to
20 251.440.

21 260.831. 1. Each operator of a solid waste sanitary or
22 demolition landfill in any county wherein a landfill fee has been
23 approved by the voters pursuant to section 260.830 shall collect
24 a charge equal to the charge authorized by the voters in such
25 election, not to exceed one dollar and fifty cents per ton or its

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

22 2. The charges established in this section shall be
23 enumerated separately from any disposal fee charged by the
24 landfill. After January 1, 1994, the fee authorized under
25 section 260.830 and this section shall be stated as a separate

1 surcharge on each individual solid waste collection customer's
2 invoice and shall also [name the] indicate whether the county
3 commission or economic development authority [which] receives the
4 funds. Moneys transmitted to the governing body of the county
5 shall be no less than the amount collected less collection costs
6 and in a form, manner and frequency as the governing body may
7 prescribe. Failure to collect such charge shall not relieve the
8 operator from responsibility for transmitting an amount equal to
9 the charge to the governing body.

10 304.010. 1. As used in this section, the following terms
11 mean:

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

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

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

25 (4) "Urbanized area", an area of fifty thousand population

1 at a density at or greater than one thousand persons per square
2 mile.

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

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

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

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

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

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

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

25 3. On any state road or highway where the speed limit is

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

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

- 21 (1) Not primarily designed to expedite traffic flow; and
22 (2) Primarily designed to produce revenue for the city,
23 town or village which enacted such ordinance.

24 If an ordinance is declared void, the city, town or village shall

1 have any future proposed ordinance approved by the highways and
2 transportation commission before such ordinance may take effect.

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

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

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

1 [6.] 7. All road signs indicating speed limits or weight
2 limits shall be uniform in size, shape, lettering and coloring
3 and shall conform to standards established by the department of
4 transportation.

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

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

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

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

21 319.022. 1. [Owners and operators of underground pipeline
22 facilities in compliance with federal law shall, and owners and
23 operators of other underground facilities may, participate in a
24 notification center. The provisions of this subsection shall
25 expire on December 31, 2002.

1 2.] All owners and operators of underground facilities
2 which are located in a county of the first classification or
3 second classification within the state who are not members of a
4 notification center on August 28, 2001, shall become participants
5 in the notification center prior to January 1, 2003. Any person
6 who installs or otherwise becomes an owner or operator of an
7 underground facility which is located within a county of the
8 first classification or second classification on or after January
9 1, 2003, shall become a participant in the notification center
10 within thirty days of acquiring or operating such underground
11 facility. Beginning January 1, 2003, all owners and operators of
12 underground facilities which are located in a county of the first
13 classification or second classification within the state shall
14 maintain participation in the notification center.

15 [3.] 2. All owners and operators of underground facilities
16 which are located in a county of the third classification or
17 fourth classification within the state who are not members of a
18 notification center on August 28, 2001, shall become participants
19 in the notification center prior to January 1, 2005. Any person
20 who installs or otherwise becomes an owner or operator of an
21 underground facility which is located within a county of the
22 third classification or fourth classification on or after January
23 1, 2005, shall become a participant in the notification center
24 within thirty days of acquiring or operating such underground
25 facility. Beginning January 1, 2005, all owners and operators of

1 underground facilities which are located in a county of the third
2 classification or fourth classification within the state shall
3 maintain participation in the notification center.

4 [4.] 3. The notification center shall maintain in its
5 offices and make available to any person upon request a current
6 list of the names and addresses of each owner and operator
7 participating in the notification center, including the county or
8 counties wherein each owner or operator has underground
9 facilities. The notification center may charge a reasonable fee
10 to persons requesting such list as is necessary to recover the
11 actual costs of printing and mailing.

12 [5.] 4. Excavators shall be informed of the availability of
13 the list of participants in the notification center required in
14 subsection 3 of this section in the manner provided for in
15 section 319.024.

16 [6.] 5. An annual audit or review of the notification
17 center shall be performed by a certified public accountant and a
18 report of the findings submitted to the speaker of the house of
19 representatives and the president pro tem of the senate.

20 6. Any entity, including cities and counties, responsible
21 for building or maintaining roads, bridges, safety equipment, or
22 traffic signals, shall become a member in a statewide
23 notification center.

24 319.108. No county, city, or other political subdivision of
25 the state of Missouri shall impose any requirement for financial

1 responsibility on the ownership, operation, or closure of
2 underground and aboveground petroleum storage tanks. The
3 requirements of this section shall preempt any such requirements
4 enacted after December 31, 2003.

5 321.130. 1. A person, to be qualified to serve as a
6 director, shall be a voter of the district at least two years
7 before the election or appointment and be over the age of
8 twenty-four years; except as provided in subsections 2 and 3 of
9 this section. Nominations and declarations of candidacy shall be
10 filed at the headquarters of the fire protection district by
11 paying a ten dollar filing fee and filing a statement under oath
12 that such person possesses the required qualifications.

13 2. In any fire protection district located in more than one
14 county one of which is a first class county without a charter
15 form of government having a population of more than one hundred
16 ninety-eight thousand and not adjoining any other first class
17 county or located wholly within a first class county as described
18 herein, a resident shall have been a resident of the district for
19 more than one year to be qualified to serve as a director.

20 3. In any fire protection district located in a county of
21 the third or fourth classification, a person to be qualified to
22 serve as a director shall be over the age of twenty-four years
23 and shall be a voter of the district for more than two years
24 before the election or appointment, except that for the first
25 board of directors in such district, a person need only be a

1 voter of the district for one year before the election or
2 appointment.

3 4. A person desiring to become a candidate for the first
4 board of directors of the proposed district shall pay the sum of
5 five dollars as a filing fee to the treasurer of the county and
6 shall file with the election authority a statement under oath
7 that such person possesses all of the qualifications set out in
8 this chapter for a director of a fire protection district.
9 Thereafter, such candidate shall have the candidate's name placed
10 on the ballot as a candidate for director.

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

13 321.180. The treasurer shall keep strict and accurate
14 accounts of all money received by and disbursed for and on behalf
15 of the district in permanent records. He shall file with the
16 clerk of the court, at the expense of the district, a corporate
17 fidelity bond in an amount to be determined by the board for not
18 less than five thousand dollars, conditioned on the faithful
19 performance of the duties of his office. He shall file in the
20 office of the county clerk of each county in which all or part of
21 the district lies a detailed financial statement for the
22 preceding fiscal year of the district on behalf of the board, on
23 or before April first of the following year.

24 321.552. 1. Except in any county of the first
25 classification with over two hundred thousand inhabitants, or any

1 county of the first classification without a charter form of
2 government and with more than seventy-three thousand seven
3 hundred but less than seventy-three thousand eight hundred
4 inhabitants; or any county of the first classification without a
5 charter form of government and with more than one hundred
6 eighty-four thousand but less than one hundred eighty-eight
7 thousand inhabitants; or any county with a charter form of
8 government with over one million inhabitants[; or any county with
9 a charter form of government with over two hundred eighty
10 thousand inhabitants but less than three hundred thousand
11 inhabitants], the governing body of any ambulance or fire
12 protection district may impose a sales tax in an amount up to
13 one-half of one percent on all retail sales made in such
14 ambulance or fire protection district which are subject to
15 taxation pursuant to the provisions of sections 144.010 to
16 144.525, RSMo, provided that such sales tax shall be accompanied
17 by a reduction in the district's tax rate as defined in section
18 137.073, RSMo. The tax authorized by this section shall be in
19 addition to any and all other sales taxes allowed by law, except
20 that no sales tax imposed pursuant to the provisions of this
21 section shall be effective unless the governing body of the
22 ambulance or fire protection district submits to the voters of
23 such ambulance or fire protection district, at a municipal or
24 state general, primary or special election, a proposal to
25 authorize the governing body of the ambulance or fire protection

1 district to impose a tax pursuant to this section.

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

4 "Shall
5 (insert name of ambulance or fire protection district) impose a
6 sales tax of (insert amount up to one-half)
7 of one percent for the purpose of providing revenues for the
8 operation of the
9 (insert name of ambulance or fire protection district) and the
10 total property tax levy on properties in the
11 (insert name of
12 the ambulance or fire protection district) shall be reduced
13 annually by an amount which reduces property tax revenues by an
14 amount equal to fifty percent of the previous year's revenue
15 collected from this sales tax?

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 3. If a majority of the votes cast on the proposal by the
21 qualified voters voting thereon are in favor of the proposal,
22 then the sales tax authorized in this section shall be in effect
23 and the governing body of the ambulance or fire protection
24 district shall lower the level of its tax rate by an amount which

1 reduces property tax revenues by an amount equal to fifty percent
2 of the amount of sales tax collected in the preceding year. If a
3 majority of the votes cast by the qualified voters voting are
4 opposed to the proposal, then the governing body of the ambulance
5 or fire protection district shall not impose the sales tax
6 authorized in this section unless and until the governing body of
7 such ambulance or fire protection district resubmits a proposal
8 to authorize the governing body of the ambulance or fire
9 protection district to impose the sales tax authorized by this
10 section and such proposal is approved by a majority of the
11 qualified voters voting thereon.

12 4. All revenue received by a district from the tax
13 authorized pursuant to this section shall be deposited in a
14 special trust fund, and be used solely for the purposes specified
15 in the proposal submitted pursuant to this section for so long as
16 the tax shall remain in effect.

17 5. All sales taxes collected by the director of revenue
18 pursuant to this section, less one percent for cost of collection
19 which shall be deposited in the state's general revenue fund
20 after payment of premiums for surety bonds as provided in section
21 32.087, RSMo, shall be deposited in a special trust fund, which
22 is hereby created, to be known as the "Ambulance or Fire
23 Protection District Sales Tax Trust Fund". The moneys in the
24 ambulance or fire protection district sales tax trust fund shall
25 not be deemed to be state funds and shall not be commingled with

1 any funds of the state. The director of revenue shall keep
2 accurate records of the amount of money in the trust and the
3 amount collected in each district imposing a sales tax pursuant
4 to this section, and the records shall be open to inspection by
5 officers of the county and to the public. Not later than the
6 tenth day of each month the director of revenue shall distribute
7 all moneys deposited in the trust fund during the preceding month
8 to the governing body of the district which levied the tax; such
9 funds shall be deposited with the board treasurer of each such
10 district.

11 6. The director of revenue may make refunds from the
12 amounts in the trust fund and credit any district for erroneous
13 payments and overpayments made, and may redeem dishonored checks
14 and drafts deposited to the credit of such district. If any
15 district abolishes the tax, the district shall notify the
16 director of revenue of the action at least ninety days prior to
17 the effective date of the repeal and the director of revenue may
18 order retention in the trust fund, for a period of one year, of
19 two percent of the amount collected after receipt of such notice
20 to cover possible refunds or overpayment of the tax and to redeem
21 dishonored checks and drafts deposited to the credit of such
22 accounts. After one year has elapsed after the effective date of
23 abolition of the tax in such district, the director of revenue
24 shall remit the balance in the account to the district and close
25 the account of that district. The director of revenue shall

1 notify each district of each instance of any amount refunded or
2 any check redeemed from receipts due the district.

3 7. Except as modified in this section, all provisions of
4 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
5 pursuant to this section.

6 321.554. 1. Except in any county of the first
7 classification with over two hundred thousand inhabitants, or any
8 county of the first classification without a charter form of
9 government and with more than seventy-three thousand seven
10 hundred but less than seventy-three thousand eight hundred
11 inhabitants; or any county of the first classification without a
12 charter form of government and with more than one hundred
13 eighty-four thousand but less than one hundred eighty-eight
14 thousand inhabitants; or any county with a charter form of
15 government with over one million inhabitants, when the revenue
16 from the ambulance or fire protection district sales tax is
17 collected for distribution pursuant to section 321.552, the board
18 of the ambulance or fire protection district, after determining
19 its budget for the year pursuant to section 67.010, RSMo, and the
20 rate of levy needed to produce the required revenue and after
21 making any other adjustments to the levy that may be required by
22 any other law, shall reduce the total operating levy of the
23 district in an amount sufficient to decrease the revenue it would
24 have received therefrom by an amount equal to fifty percent of
25 the previous fiscal year's sales tax receipts. Loss of revenue,

1 due to a decrease in the assessed valuation of real property
2 located within the ambulance or fire protection district as a
3 result of general reassessment, and from state-assessed railroad
4 and utility distributable property based upon the previous fiscal
5 year's receipts shall be considered in lowering the rate of levy
6 to comply with this section in the year of general reassessment
7 and in each subsequent year. In the event that in the
8 immediately preceding year the ambulance or fire protection
9 district actually received more or less sales tax revenue than
10 estimated, the ambulance or fire protection district board may
11 adjust its operating levy for the current year to reflect such
12 increase or decrease. The director of revenue shall certify the
13 amount payable from the ambulance or fire protection district
14 sales tax trust fund to the general revenue fund to the state
15 treasurer.

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

19 3. In a year of general reassessment, as defined by section
20 137.073, RSMo, or assessment maintenance as defined by section
21 137.115, RSMo, in which an ambulance or fire protection district
22 in reliance upon the information then available to it relating to
23 the total assessed valuation of such ambulance or fire protection
24 district revises its property tax levy pursuant to section
25 137.073 or 137.115, RSMo, and it is subsequently determined by

1 decisions of the state tax commission or a court pursuant to
2 sections 138.430 to 138.433, RSMo, or due to clerical errors or
3 corrections in the calculation or recordation of assessed
4 valuations that the assessed valuation of such ambulance or fire
5 protection district has been changed, and but for such change the
6 ambulance or fire protection district would have adopted a
7 different levy on the date of its original action, then the
8 ambulance or fire protection district may adjust its levy to an
9 amount to reflect such change in assessed valuation, including,
10 if necessary, a change in the levy reduction required by this
11 section to the amount it would have levied had the correct
12 assessed valuation been known to it on the date of its original
13 action, provided:

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

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

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

24 321.556. 1. Except in any county of the first
25 classification with over two hundred thousand inhabitants, or any

1 county of the first classification without a charter form of
2 government and with more than seventy-three thousand seven
3 hundred but less than seventy-three thousand eight hundred
4 inhabitants; or any county of the first classification without a
5 charter form of government and with more than one hundred
6 eighty-four thousand but less than one hundred eighty-eight
7 thousand inhabitants; or any county with a charter form of
8 government with over one million inhabitants, the governing body
9 of any ambulance or fire protection district, when presented with
10 a petition signed by at least twenty percent of the registered
11 voters in the ambulance or fire protection district that voted in
12 the last gubernatorial election, calling for an election to
13 repeal the tax pursuant to section 321.552, shall submit the
14 question to the voters using the same procedure by which the
15 imposition of the tax was voted. The ballot of submission shall
16 be in substantially the following form:

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

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

8 393.760. 1. The commission shall, in accordance with the
9 provisions of chapter 115, RSMo, order an election to be held
10 whereby the qualified electors in each contracting municipality
11 participating in the project shall approve or disapprove the
12 issuance of the bonds as provided for in the resolution of the
13 commission. The commission may not order such an election until
14 it has engaged and received a report from an independent
15 consulting engineer as defined in section 327.181, RSMo, for the
16 purpose of determining the economic and engineering feasibility
17 of any proposed project the costs of which are to be financed
18 through the issuance of bonds. The report of the consulting
19 engineer shall be provided to and approved by the legislative
20 body and executive of each contracting municipality participating
21 in the project and such report shall be open to public inspection
22 and shall be the subject of a public hearing in each municipality
23 participating in the project. Notice of the time and place of
24 each such hearing shall be published in a daily newspaper of
25 general circulation within each municipality. Interested parties

1 may appear and fully participate in such hearings.

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

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

8 OFFICIAL BALLOT

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

13 ☐ Yes ☐ No

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

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

22 5. The municipalities participating in the project shall
23 bear all expenses associated with the elections in such
24 contracting municipalities.

1 6. In lieu of the public voting procedure set forth in
2 subsections 1 to 5 of this section, in the case of purchasing or
3 leasing, constructing, installing, and operating reservoirs,
4 pipelines, wells, check dams, pumping stations, water
5 purification plants, and other facilities for the production,
6 wholesale distribution, and utilization of water, the commission
7 may provide for a vote by the governing body of each contracting
8 municipality. Such vote shall require the approval of three-
9 quarters of all governing bodies of the contracting
10 municipalities. The commission may not order such a vote until
11 it has engaged and received a report from an independent
12 consulting engineer as defined in section 327.181, RSMo, for the
13 purpose of determining the economic and engineering feasibility
14 of any proposed project the costs of which are to be financed
15 through the issuance of bonds. The report of the consulting
16 engineer shall be provided to and approved by the legislative
17 body and executive of each contracting municipality participating
18 in the project and such report shall be open to public inspection
19 and shall be the subject of a public hearing in each municipality
20 participating in the project. Notice of the time and place of
21 each such hearing shall be published in a daily newspaper of
22 general circulation within each municipality. Interested parties
23 may appear and fully participate in such hearings. Each
24 contracting municipality shall vote by ordinance or resolution
25 and such ordinance or resolution shall approve the issuance of

1 revenue bonds by the joint municipal water commission in an
2 amount not to exceed a specified amount.

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

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

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

24 4. Notwithstanding any other statute, a municipal judge
25 need not be a resident of the municipality or of the circuit in

1 which the municipal judge serves except where ordinance or
2 charter provides otherwise. Municipal judges shall be residents
3 of Missouri.

4 5. Judges selected under the provisions of this section
5 shall be municipal judges of the circuit court and shall be
6 divisions of the circuit court of the circuit in which the
7 municipality, or major geographical portion thereof, is located.
8 The judges of these municipal divisions shall be subject to the
9 rules of the circuit court which are not inconsistent with the
10 rules of the supreme court. The presiding judge of the circuit
11 shall have general administrative authority over the judges and
12 court personnel of the municipal divisions within the circuit.

13 [Notwithstanding the foregoing provisions of this subsection, in
14 any city with a population of over four hundred thousand with
15 full-time municipal judges who are subject to a plan of merit
16 selection and retention, such municipal judges and court
17 personnel of the municipal divisions shall not be subject to
18 court management and case docketing in the municipal divisions by
19 the presiding judge or the rules of the circuit court of which
20 the municipal divisions are a part.]

21 6. No municipal judge shall hold any other office in the
22 municipality which the municipal judge serves as judge. The
23 compensation of any municipal judge and other court personnel
24 shall not be dependent in any way upon the number of cases tried,
25 the number of guilty verdicts reached or the amount of fines

1 imposed or collected.

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

5 8. Within six months after selection for the position, each
6 municipal judge who is not licensed to practice law in this state
7 shall satisfactorily complete the course of instruction for
8 municipal judges prescribed by the supreme court. The state
9 courts administrator shall certify to the supreme court the names
10 of those judges who satisfactorily complete the prescribed
11 course. If a municipal judge fails to complete satisfactorily
12 the prescribed course within six months after the municipal
13 judge's selection as municipal judge, the municipal judge's
14 office shall be deemed vacant and such person shall not
15 thereafter be permitted to serve as a municipal judge, nor shall
16 any compensation thereafter be paid to such person for serving as
17 municipal judge.

18 488.429. 1. Moneys collected pursuant to section 488.426
19 shall be payable to the judges of the circuit court, en banc, of
20 the county from which such surcharges were collected, or to such
21 person as is designated by local circuit court rule as treasurer
22 of said fund, and said fund shall be applied and expended under
23 the direction and order of the judges of the circuit court, en
24 banc, of any such county for the maintenance and upkeep of the
25 law library maintained by the bar association in any such county,

1 or such other law library in any such county as may be designated
2 by the judges of the circuit court, en banc, of any such county;
3 provided, that the judges of the circuit court, en banc, of any
4 such county, and the officers of all courts of record of any such
5 county, shall be entitled at all reasonable times to use the
6 library to the support of which said funds are applied.

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

12 3. In any county [of the third classification without a
13 township form of government and with more than forty thousand
14 eight hundred but less than forty thousand nine hundred
15 inhabitants, in any county of the third classification without a
16 township form of government and with more than forty thousand
17 four hundred but less than forty thousand five hundred
18 inhabitants, in any county of the third classification without a
19 township form of government and with more than thirteen thousand
20 four hundred but less than thirteen thousand five hundred
21 inhabitants, in any county of the third classification without a
22 township form of government and with more than thirteen thousand
23 five hundred but less than thirteen thousand six hundred
24 inhabitants, in any county of the third classification without a
25 township form of government and with more than twenty-three

1 thousand two hundred fifty but less than twenty-three thousand
2 three hundred fifty inhabitants, in any county of the third
3 classification without a township form of government and with
4 more than eleven thousand seven hundred fifty but less than
5 eleven thousand eight hundred fifty inhabitants, in any county of
6 the third classification without a township form of government
7 and with more than thirty-seven thousand two hundred but less
8 than thirty- seven thousand three hundred inhabitants, in any
9 county of the fourth classification with more than fifty-five
10 thousand six hundred but less than fifty-five thousand seven
11 hundred inhabitants, or in any county of the first classification
12 with more than ninety-three thousand eight hundred but less than
13 ninety-three thousand nine hundred inhabitants] other than a
14 county on the nonpartisan court plan, such fund may also be
15 applied and expended for courtroom renovation and technology
16 enhancement [in those counties], or for debt service on county
17 bonds for such renovation or enhancement projects.

18 488.5026. 1. Upon approval of the governing body of a
19 city, county, or a city not within a county, a surcharge of two
20 dollars shall be assessed as costs in each court proceeding filed
21 in any court in any city, county, or city not within a county
22 adopting such a surcharge, in all criminal cases including
23 violations of any county ordinance or any violation of criminal
24 or traffic laws of the state, including an infraction and
25 violation of a municipal ordinance; except that no such fee shall

1 be collected in any proceeding in any court when the proceeding
2 or the defendant has been dismissed by the court or when costs
3 are to be paid by the state, county, or municipality. A
4 surcharge of two dollars shall be assessed as costs in a juvenile
5 court proceeding in which a child is found by the court to come
6 within the applicable provisions of subdivision (3) of subsection
7 1 of section 211.031, RSMo.

8 2. Notwithstanding any other provision of law, the moneys
9 collected by clerks of the courts pursuant to the provisions of
10 subsection 1 of this section shall be collected and disbursed in
11 accordance with sections 488.010 to 488.020, and shall be payable
12 to the treasurer of the governmental unit authorizing such
13 surcharge.

14 3. The treasurer shall deposit funds generated by the
15 surcharge into the "Inmate Security Fund". Funds deposited shall
16 be utilized to develop biometric [identification] verification
17 systems to ensure that inmates can be properly identified and
18 tracked within the local jail system. Upon the installation of
19 the biometric verification system, funds in the inmate security
20 fund may be used for the maintenance of the biometric
21 verification system, and to pay for any expenses related to
22 custody and housing and other expenses for prisoners.

23 493.050. 1. All public advertisements and orders of
24 publication required by law to be made and all legal publications
25 affecting the title to real estate, shall be published in some

1 daily, triweekly, semiweekly or weekly newspaper of general
2 circulation in the county where located and which shall have been
3 admitted to the post office as periodicals class matter in the
4 city of publication; shall have been published regularly and
5 consecutively for a period of three years, except that a
6 newspaper of general circulation may be deemed to be the
7 successor to a defunct newspaper of general circulation, and
8 subject to all of the rights and privileges of said prior
9 newspaper under this statute, if the successor newspaper shall
10 begin publication no later than thirty consecutive days after the
11 termination of publication of the prior newspaper; shall have a
12 list of bona fide subscribers voluntarily engaged as such, who
13 have paid or agreed to pay a stated price for a subscription for
14 a definite period of time; provided, that when a public notice,
15 required by law, to be published once a week for a given number
16 of weeks, shall be published in a daily, triweekly, semiweekly or
17 weekly newspaper, the notice shall appear once a week, on the
18 same day of each week, and further provided, that every affidavit
19 to proof of publication shall state that the newspaper in which
20 such notice was published has complied with the provisions of
21 this section; provided further, that the duration of consecutive
22 publication provided for in this section shall not affect
23 newspapers which have become legal publications prior to
24 September 6, 1937; provided, however, that when any newspaper
25 shall be forced to suspend publication in any time of war, due to

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

16 2. If a county is served by only one newspaper that has
17 been published regularly and consecutively for a period of two
18 years and that meets all other publication, postal, and
19 subscription requirements under subsection 1 of this section,
20 that newspaper shall be qualified to publish all public
21 advertisements and orders of publication required by law, and all
22 legal publications affecting the title to real estate. This
23 subsection shall expire on June 30, 2006.

24 535.020. Whenever any rent has become due and payable, and
25 payment has been demanded by the landlord or the landlord's agent

1 from the lessee or person occupying the premises, and payment
2 thereof has not been made, the landlord or agent may file a
3 statement, verified by affidavit, with any associate circuit
4 judge in the county in which the property is situated, setting
5 forth the terms on which such property was rented, and the amount
6 of rent actually due to such landlord; that the rent has been
7 demanded from the tenant, lessee or person occupying the
8 premises, and that payment has not been made, and substantially
9 describing the property rented or leased. Giving the notice
10 provided in section 441.060, RSMo, is not required before filing
11 a statement or obtaining the relief provided in this chapter. In
12 such case, the clerk of the court shall immediately issue a
13 summons directed to such tenant or lessee and to all persons
14 occupying the premises, by name, requiring them to appear before
15 the judge upon a day to be therein named, and show cause why
16 possession of the property should not be restored to the
17 plaintiff. The landlord or agent may, in such an action for
18 unpaid rent, join a claim for any other unpaid sums, other than
19 property damages, regardless of how denominated or defined in the
20 lease, to be paid by or on behalf of a tenant to a landlord for
21 any purpose set forth in the lease; provided that such other sums
22 shall not be considered rent for purposes of this chapter, and
23 judgment for the landlord for recovery of such other sums shall
24 not by itself entitle the landlord to an order for recovery of
25 possession of the premises. The provisions of this section

1 providing for the filing of a statement before an associate
2 circuit judge shall not preclude adoption of a local circuit
3 court rule providing for the centralized filing of such cases,
4 nor the assignment of such cases to particular circuit or
5 associate circuit judges pursuant to local circuit court rule or
6 action by the presiding judge of the circuit. The case shall be
7 heard and determined under the practice and procedure provided in
8 the Missouri rules of civil procedure, except where otherwise
9 provided by this chapter.

10 535.040. Upon the return of the summons executed, the judge
11 shall set the case on the first available court date to be heard
12 by the court without a jury and shall proceed to hear the cause,
13 and if it shall appear that the rent which is due has been
14 demanded of the tenant, lessee or persons occupying the property,
15 and that payment has not been made, and if the payment of such
16 rent, with all costs, shall not be tendered before the judge, on
17 the hearing of the cause, the judge shall render judgment that
18 the landlord recover the possession of the premises so rented or
19 leased, and also the debt for the amount of the rent then due,
20 with all court costs and shall issue an execution upon such
21 judgment, commanding the officer to put the landlord into
22 immediate possession of the property leased or rented, and to
23 make the debt and costs of the goods and chattels of the
24 defendant. No money judgment shall be granted to the plaintiff
25 if the defendant is in default and service was by the posting

1 procedure provided in section 535.030 unless the defendant
2 otherwise enters an appearance. The officer shall deliver
3 possession of the property to the landlord within five days from
4 the time of receiving the execution, and the officer shall
5 proceed upon the execution to collect the debt and costs, and
6 return the writ, as in the case of other executions. If the
7 plaintiff so elects, the plaintiff may sue for possession alone,
8 without asking for recovery of the rent due.

9 558.019. 1. This section shall not be construed to affect
10 the powers of the governor under article IV, section 7, of the
11 Missouri Constitution. This statute shall not affect those
12 provisions of section 565.020, RSMo, section 558.018 or section
13 571.015, RSMo, which set minimum terms of sentences, or the
14 provisions of section 559.115, RSMo, relating to probation.

15 2. The provisions of subsections 2 to 5 of this section
16 shall be applicable to all classes of felonies except those set
17 forth in chapter 195, RSMo, and those otherwise excluded in
18 subsection 1 of this section. For the purposes of this section,
19 "prison commitment" means and is the receipt by the department of
20 corrections of an offender after sentencing. For purposes of
21 this section, prior prison commitments to the department of
22 corrections shall not include commitment to a regimented
23 discipline program established pursuant to section 217.378, RSMo.
24 Other provisions of the law to the contrary notwithstanding, any
25 offender who has pleaded guilty to or has been found guilty of a

1 felony other than a dangerous felony as defined in section
2 556.061, RSMo, and is committed to the department of corrections
3 shall be required to serve the following minimum prison terms:

4 (1) If the offender has one previous prison commitment to
5 the department of corrections for a felony offense, the minimum
6 prison term which the offender must serve shall be forty percent
7 of his or her sentence or until the offender attains seventy
8 years of age, and has served at least thirty percent of the
9 sentence imposed, whichever occurs first;

10 (2) If the offender has two previous prison commitments to
11 the department of corrections for felonies unrelated to the
12 present offense, the minimum prison term which the offender must
13 serve shall be fifty percent of his or her sentence or until the
14 offender attains seventy years of age, and has served at least
15 forty percent of the sentence imposed, whichever occurs first;

16 (3) If the offender has three or more previous prison
17 commitments to the department of corrections for felonies
18 unrelated to the present offense, the minimum prison term which
19 the offender must serve shall be eighty percent of his or her
20 sentence or until the offender attains seventy years of age, and
21 has served at least forty percent of the sentence imposed,
22 whichever occurs first.

23 3. Other provisions of the law to the contrary
24 notwithstanding, any offender who has pleaded guilty to or has
25 been found guilty of a dangerous felony as defined in section

1 556.061, RSMo, and is committed to the department of corrections
2 shall be required to serve a minimum prison term of eighty-five
3 percent of the sentence imposed by the court or until the
4 offender attains seventy years of age, and has served at least
5 forty percent of the sentence imposed, whichever occurs first.

6 4. For the purpose of determining the minimum prison term
7 to be served, the following calculations shall apply:

8 (1) A sentence of life shall be calculated to be thirty
9 years;

10 (2) Any sentence either alone or in the aggregate with
11 other consecutive sentences for crimes committed at or near the
12 same time which is over seventy-five years shall be calculated to
13 be seventy-five years.

14 5. For purposes of this section, the term "minimum prison
15 term" shall mean time required to be served by the offender
16 before he or she is eligible for parole, conditional release or
17 other early release by the department of corrections. [Except
18 that the board of probation and parole, in the case of
19 consecutive sentences imposed at the same time pursuant to a
20 course of conduct constituting a common scheme or plan, shall be
21 authorized to convert consecutive sentences to concurrent
22 sentences, when the board finds, after hearing with notice to the
23 prosecuting or circuit attorney, that the sum of the terms
24 results in an unreasonably excessive total term, taking into
25 consideration all factors related to the crime or crimes

1 committed and the sentences received by others similarly
2 situated.]

3 6. (1) A sentencing advisory commission is hereby created
4 to consist of eleven members. One member shall be appointed by
5 the speaker of the house. One member shall be appointed by the
6 president pro tem of the senate. One member shall be the
7 director of the department of corrections. Six members shall be
8 appointed by and serve at the pleasure of the governor from among
9 the following: the public defender commission; private citizens;
10 a private member of the Missouri Bar; the board of probation and
11 parole; and a prosecutor. Two members shall be appointed by the
12 supreme court, one from a metropolitan area and one from a rural
13 area. All members shall be appointed to a four-year term. All
14 members of the sentencing commission appointed prior to August
15 28, 1994, shall continue to serve on the sentencing advisory
16 commission at the pleasure of the governor.

17 (2) The commission shall study sentencing practices in the
18 circuit courts throughout the state for the purpose of
19 determining whether and to what extent disparities exist among
20 the various circuit courts with respect to the length of
21 sentences imposed and the use of probation for offenders
22 convicted of the same or similar crimes and with similar criminal
23 histories. The commission shall also study and examine whether
24 and to what extent sentencing disparity among economic and social
25 classes exists in relation to the sentence of death and if so,

1 the reasons therefor sentences are comparable to other states, if
2 the length of the sentence is appropriate, and the rate of
3 rehabilitation based on sentence. It shall compile statistics,
4 examine cases, draw conclusions, and perform other duties
5 relevant to the research and investigation of disparities in
6 death penalty sentencing among economic and social classes.

7 (3) The commission shall establish a system of recommended
8 sentences, within the statutory minimum and maximum sentences
9 provided by law for each felony committed under the laws of this
10 state. This system of recommended sentences shall be distributed
11 to all sentencing courts within the state of Missouri. The
12 recommended sentence for each crime shall take into account, but
13 not be limited to, the following factors:

14 (a) The nature and severity of each offense;

15 (b) The record of prior offenses by the offender;

16 (c) The data gathered by the commission showing the
17 duration and nature of sentences imposed for each crime; and

18 (d) The resources of the department of corrections and
19 other authorities to carry out the punishments that are imposed.

20 (4) The commission shall study alternative sentences,
21 prison work programs, work release, home-based incarceration,
22 probation and parole options, and any other programs and report
23 the feasibility of these options in Missouri.

24 (5) The commission shall publish and distribute its
25 recommendations on or before July 1, 2004. The commission shall

1 study the implementation and use of the recommendations until
2 July 1, 2005, and return a report to the governor, the speaker of
3 the house of representatives, and the president pro tem of the
4 senate. Following the July 1, 2005, report, the commission shall
5 revise the recommended sentences every two years.

6 (6) The governor shall select a chairperson who shall call
7 meetings of the commission as required or permitted pursuant to
8 the purpose of the sentencing commission.

9 (7) The members of the commission shall not receive
10 compensation for their duties on the commission, but shall be
11 reimbursed for actual and necessary expenses incurred in the
12 performance of these duties and for which they are not reimbursed
13 by reason of their other paid positions.

14 (8) The circuit and associate circuit courts of this state,
15 the office of the state courts administrator, the department of
16 public safety, and the department of corrections shall cooperate
17 with the commission by providing information or access to
18 information needed by the commission. The office of the state
19 courts administrator will provide needed staffing resources.

20 7. Courts shall retain discretion to lower or exceed the
21 sentence recommended by the commission as otherwise allowable by
22 law, and to order restorative justice methods, when applicable.

23 8. If the imposition or execution of a sentence is
24 suspended, the court may order any or all of the following
25 restorative justice methods, or any other method that the court

1 finds just or appropriate:

2 (1) Restitution to any victim or a statutorily created fund
3 for costs incurred as a result of the offender's actions;

4 (2) Offender treatment programs;

5 (3) Mandatory community service;

6 (4) Work release programs in local facilities; and

7 (5) Community-based residential and nonresidential
8 programs.

9 9. The provisions of this section shall apply only to
10 offenses occurring on or after August 28, 2003.

11 10. Under subdivision (1) of subsection 8 of this section,
12 the court may order the assessment and payment of a designated
13 amount of restitution to a county law enforcement restitution
14 fund established by the county commission under section 50.565,
15 RSMo. Such contribution shall not exceed two hundred seventy-
16 five dollars for any charged offense. Any restitution moneys
17 deposited into the county law enforcement restitution fund under
18 this section shall only be expended under section 50.565, RSMo.

19 11. A judge may order payment to a restitution fund only if
20 such fund was created by ordinance or resolution of a county
21 before sentencing. A judge shall not have any direct supervisory
22 authority or administrative control over any fund to which the
23 judge is ordering a defendant to make payment.

24 12. A defendant who fails to make a payment to a county law
25 enforcement restitution fund may not have the defendant's

1 probation revoked solely for failing to make such payment unless
2 the judge, after evidentiary hearing, makes a finding supported
3 by a preponderance of the evidence that the defendant either
4 willfully refused to make the payment or that the defendant
5 willfully, intentionally, and purposefully failed to make
6 sufficient bona fide efforts to acquire the resources to pay.

7 559.021. 1. The conditions of probation shall be such as
8 the court in its discretion deems reasonably necessary to ensure
9 that the defendant will not again violate the law. When a
10 defendant is placed on probation he shall be given a certificate
11 explicitly stating the conditions on which he is being released.

12 2. In addition to such other authority as exists to order
13 conditions of probation, the court may order such conditions as
14 the court believes will serve to compensate the victim, any
15 dependent of the victim, any statutorily created fund for costs
16 incurred as a result of the offender's actions, or society. Such
17 conditions may include restorative justice methods pursuant to
18 section 217.777, RSMo, or any other method that the court finds
19 just or appropriate including, but [shall] not [be] limited to:

20 (1) Restitution to the victim or any dependent of the
21 victim, or statutorily created fund for costs incurred as a
22 result of the offender's actions in an amount to be determined by
23 the judge; [and]

24 (2) The performance of a designated amount of free work for
25 a public or charitable purpose, or purposes, as determined by the

1 judge;

2 (3) Offender treatment programs;

3 (4) Work release programs in local facilities; and

4 (5) Community-based residential and nonresidential
5 programs.

6 3. The defendant may refuse probation conditioned on the
7 performance of free work. If he does so, the court shall decide
8 the extent or duration of sentence or other disposition to be
9 imposed and render judgment accordingly. Any county, city,
10 person, organization, or agency, or employee of a county, city,
11 organization or agency charged with the supervision of such free
12 work or who benefits from its performance shall be immune from
13 any suit by the defendant or any person deriving a cause of
14 action from him if such cause of action arises from such
15 supervision of performance, except for an intentional tort or
16 gross negligence. The services performed by the defendant shall
17 not be deemed employment within the meaning of the provisions of
18 chapter 288, RSMo. A defendant performing services pursuant to
19 this section shall not be deemed an employee within the meaning
20 of the provisions of chapter 287, RSMo.

21 4. In addition to such other authority as exists to order
22 conditions of probation, in the case of a plea of guilty or a
23 finding of guilt, the court may order the assessment and payment
24 of a designated amount of restitution to a county law enforcement
25 restitution fund established by the county commission pursuant to

1 section 50.565, RSMo. Such contribution shall not exceed two
2 hundred seventy-five dollars for any charged offense. Any
3 restitution moneys deposited into the county law enforcement
4 restitution fund pursuant to this section shall only be expended
5 pursuant to the provisions of section 50.565, RSMo.

6 5. A judge may order payment to a restitution fund only if
7 such fund had been created by ordinance or resolution of a county
8 of the state of Missouri prior to sentencing. A judge shall not
9 have any direct supervisory authority or administrative control
10 over any fund to which the judge is ordering a defendant to make
11 payment.

12 6. A defendant who fails to make a payment to a county law
13 enforcement restitution fund may not have his or her probation
14 revoked solely for failing to make such payment unless the judge,
15 after evidentiary hearing, makes a finding supported by a
16 preponderance of the evidence that the defendant either willfully
17 refused to make the payment or that the defendant willfully,
18 intentionally, and purposefully failed to make sufficient bona
19 fide efforts to acquire the resources to pay.

20 7. The court may modify or enlarge the conditions of
21 probation at any time prior to the expiration or termination of
22 the probation term.

23 589.400. 1. Sections 589.400 to 589.425 shall apply to:

24 (1) Any person who, since July 1, 1979, has been or is
25 hereafter convicted of, been found guilty of, or pled guilty to

1 committing, or attempting to commit, a felony offense of chapter
2 566, RSMo, or any offense of chapter 566, RSMo, where the victim
3 is a minor; or

4 (2) Any person who, since July 1, 1979, has been or is
5 hereafter convicted of, been found guilty of, or pled guilty to
6 committing, or attempting to commit one or more of the following
7 offenses: kidnapping, pursuant to section 565.110, RSMo;
8 felonious restraint; promoting prostitution in the first degree;
9 promoting prostitution in the second degree; promoting
10 prostitution in the third degree; incest; abuse of a child,
11 pursuant to section 568.060, RSMo; use of a child in a sexual
12 performance; or promoting sexual performance by a child; and
13 committed or attempted to commit the offense against a victim who
14 is a minor, defined for the purposes of sections 589.400 to
15 589.425 as a person under eighteen years of age; or

16 (3) Any person who, since July 1, 1979, has been committed
17 to the department of mental health as a criminal sexual
18 psychopath; or

19 (4) Any person who, since July 1, 1979, has been found not
20 guilty as a result of mental disease or defect of any offense
21 listed in subdivision (1) or (2) of this subsection; or

22 (5) Any person who is a resident of this state who has,
23 since July 1, 1979, or is hereafter convicted of, been found
24 guilty of, or pled guilty to or nolo contendere in any other
25 state or under federal jurisdiction to committing, or attempting

1 to commit, an offense which, if committed in this state, would be
2 a violation of chapter 566, RSMo, or a felony violation of any
3 offense listed in subdivision (2) of this subsection or has been
4 or is required to register in another state or has been or is
5 required to register under federal or military law; or

6 (6) Any person who has been or is required to register in
7 another state or has been or is required to register under
8 federal or military law and who works or attends school or
9 training on a full-time or on a part-time basis in Missouri.

10 "Part-time" in this subdivision means for more than fourteen days
11 in any twelve-month period.

12 2. Any person to whom sections 589.400 to 589.425 apply
13 shall, within ten days of conviction, release from incarceration,
14 or placement upon probation, register with the chief law
15 enforcement official of the county in which such person resides
16 unless such person has already registered in that county for the
17 same offense. Any person to whom sections 589.400 to 589.425
18 apply if not currently registered in their county of residence
19 shall register with the chief law enforcement official of such
20 county within ten days of August 28, 2003. The chief law
21 enforcement official shall forward a copy of the registration
22 form required by section 589.407 to a city, town, village, or
23 campus law enforcement agency located within the county of the
24 chief law enforcement official, if so requested. Such request
25 may ask the chief law enforcement official to forward copies of

1 all registration forms filed with such official. The chief law
2 enforcement official may forward a copy of such registration form
3 to any city, town, village, or campus law enforcement agency, if
4 so requested.

5 3. The registration requirements of sections 589.400
6 through 589.425 are lifetime registration requirements unless all
7 offenses requiring registration are reversed, vacated or set
8 aside or unless the registrant is pardoned of the offenses
9 requiring registration.

10 4. For processing an initial sex offender registration the
11 chief law enforcement officer of any county of the first
12 classification with more than two hundred forty thousand three
13 hundred but less than two hundred forty thousand four hundred
14 inhabitants, and any county of the first classification with more
15 than one hundred four thousand six hundred but less than one
16 hundred four thousand seven hundred inhabitants, may charge the
17 offender registering a nonrefundable fee of ten dollars.

18 5. For processing any change in registration required
19 pursuant to section 589.414 the chief law enforcement official of
20 any county of the first classification with more than two hundred
21 forty thousand three hundred but less than two hundred forty
22 thousand four hundred inhabitants, and any county of the first
23 classification with more than one hundred four thousand six
24 hundred but less than one hundred four thousand seven hundred
25 inhabitants, may charge the person changing their registration a

1 nonrefundable fee of five dollars for each change made after the
2 initial registration.

3 644.032. 1. The governing body of any municipality or
4 county may impose, by ordinance or order, a sales tax in an
5 amount not to exceed one-half of one percent on all retail sales
6 made in such municipality or county which are subject to taxation
7 under the provisions of sections 144.010 to 144.525, RSMo. The
8 tax authorized by this section and section 644.033 shall be in
9 addition to any and all other sales taxes allowed by law, except
10 that no ordinance or order imposing a sales tax under the
11 provisions of this section and section 644.033 shall be effective
12 unless the governing body of the municipality or county submits
13 to the voters of the municipality or county, at a municipal,
14 county or state general, primary or special election, a proposal
15 to authorize the governing body of the municipality or county to
16 impose a tax, provided, that the tax authorized by this section
17 shall not be imposed on the sales of food, as defined in section
18 144.014, RSMo, when imposed by any county with a charter form of
19 government and with more than one million inhabitants.

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

22 Shall the municipality (county) of impose a
23 sales tax of (insert amount) for the purpose of
24 providing funding for (insert either storm water
25 control, or local parks, or storm water control and local parks)

1 for the municipality (county)?

2 [] YES

[] NO

3 If a majority of the votes cast on the proposal by the qualified
4 voters voting thereon are in favor of the proposal, then the
5 ordinance or order and any amendments thereto shall be in effect
6 on the first day of the second quarter after the director of
7 revenue receives notice of adoption of the tax. If a majority of
8 the votes cast by the qualified voters voting are opposed to the
9 proposal, then the governing body of the municipality or county
10 shall not impose the sales tax authorized in this section and
11 section 644.033 until the governing body of the municipality or
12 county resubmits another proposal to authorize the governing body
13 of the municipality or county to impose the sales tax authorized
14 by this section and section 644.033 and such proposal is approved
15 by a majority of the qualified voters voting thereon; however, in
16 no event shall a proposal pursuant to this section and section
17 644.033 be submitted to the voters sooner than twelve months from
18 the date of the last proposal pursuant to this section and
19 section 644.033.

20 3. All revenue received by a municipality or county from
21 the tax authorized under the provisions of this section and
22 section 644.033 shall be deposited in a special trust fund and
23 shall be used to provide funding for storm water control or for
24 local parks, or both, within such municipality or county,

1 provided that such revenue may be used for local parks outside
2 such municipality or county if the municipality or county is
3 engaged in a cooperative agreement pursuant to section 70.220,
4 RSMo.

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

9 644.581. In addition to those sums authorized prior to
10 August 28, 2004, the board of fund commissioners of the state of
11 Missouri, as authorized by section 37(e) of article III of the
12 Constitution of the state of Missouri, may borrow on the credit
13 of this state the sum of ten million dollars in the manner
14 described, and for the purposes set out, in chapter 640, RSMo,
15 and this chapter.

16 644.582. In addition to those sums authorized prior to
17 August 28, 2004, the board of fund commissioners of the state of
18 Missouri, as authorized by section 37(q) of article III of the
19 Constitution of the state of Missouri, may borrow on the credit
20 of this state the sum of ten million dollars in the manner
21 described, and for the purposes set out, in chapter 640, RSMo,
22 and in this chapter.

23 644.583. In addition to those sums authorized prior to
24 August 28, 2004, the board of fund commissioners of the state of
25 Missouri, as authorized by section 37(h) of article III of the

1 Constitution of the state of Missouri, may borrow on the credit
2 of this state the sum of twenty million dollars in the manner
3 described, and for the purposes set out, in chapter 640, RSMo,
4 and in this chapter.

5 Section 1. If any provision of this act is found by a court
6 of competent jurisdiction to be invalid or unconstitutional it is
7 the stated intent of the legislature that the legislature would
8 have approved the remaining portions of the act, and the
9 remaining portions of the act shall remain in full force and
10 effect.

11 Section 2. After December 31, 2004, no fund shall be
12 created by state statute to be used as a depository for moneys
13 received or collected to fund additional costs and expenses
14 incurred by any county office that are not appropriated by the
15 county commission. Any moneys received or collected to fund
16 additional costs and expenses incurred by any county office,
17 excluding any moneys collected under any section in effect before
18 December 31, 2004, shall be deposited in the general revenue fund
19 of the county.

20 [50.800. 1. On or before the first
21 Monday in March of each year, the county
22 commission of each county of the second,
23 third, or fourth class shall prepare and
24 publish in some newspaper as provided for in
25 section 493.050, RSMo, if there is one, and
26 if not by notices posted in at least ten
27 places in the county, a detailed financial
28 statement of the county for the year ending
29 December thirty-first, preceding.

30 2. The statement shall show the bonded
31 debt of the county, if any, kind of bonds,

1 date of maturity, interest rate, rate of
2 taxation levied for interest and sinking fund
3 and authority for the levy, the total amount
4 of interest and sinking fund that has been
5 collected and interest and sinking fund on
6 hand in cash.

7 3. The statement shall also show
8 separately the total amount of the county and
9 township school funds on hand and loaned out,
10 the amount of penalties, fines, levies,
11 utilities, forfeitures, and any other taxes
12 collected and disbursed or expended during
13 the year and turned into the permanent school
14 fund, the name of each person who has a loan
15 from the permanent school fund, whether
16 county or township, the amount of the loan,
17 date loan was made and date of maturity,
18 description of the security for the loan,
19 amount, if any, of delinquent interest on
20 each loan.

21 4. The statement shall show the total
22 valuation of the county for purposes of
23 taxation, the highest rate of taxation the
24 constitution permits the county commission to
25 levy for purposes of county revenue, the rate
26 levied by the county commission for the year
27 covered by the statement, division of the
28 rate levied among the several funds and total
29 amount of delinquent taxes for all years as
30 of December thirty-first.

31 5. The statement shall show receipts or
32 revenues into each and every fund separately.
33 Each fund shall show the beginning balance of
34 each fund; each source of revenue; the total
35 amount received from each source of revenue;
36 the total amount available in each fund; the
37 total amount of disbursements or expenditures
38 from each fund and the ending balance of each
39 fund as of December thirty-first. The total
40 receipts or revenues for the year into all
41 funds shall be shown in the recapitulation.
42 In counties with the township form of
43 government, each township shall be considered
44 a fund pursuant to this subsection.

45 6. Total disbursements or expenditures
46 shall be shown for warrants issued in each
47 category contained in the forms developed or
48 approved by the state auditor pursuant to
49 section 50.745. Total amount of warrants,
50 person or vendor to whom issued and purpose

1 for which issued shall be shown except as
2 herein provided. Under a separate heading in
3 each fund the statements shall show what
4 warrants are outstanding and unpaid for the
5 lack of funds on that date with appropriate
6 balance or overdraft in each fund as the case
7 may be.

8 7. Warrants issued to pay for the
9 service of election judges and clerks of
10 elections shall be in the following form:
11 Names of judges and clerks of elections
12 at \$..... per day (listing the names run in
13 and not listing each name by lines, and at
14 the end of the list of names giving the total
15 of the amount of all the warrants issued for
16 such election services).

17 8. Warrants issued to pay for the
18 service of jurors shall be in the following
19 form:
20 Names of jurors at \$..... per day
21 (listing the names run in and not listing
22 each name by lines, and at the end of the
23 list of names giving the total of the amount
24 of all the warrants issued for such election
25 service).

26 9. Warrants to Internal Revenue Service
27 for Social Security and withholding taxes
28 shall be brought into one call.

29 10. Warrants to the director of revenue
30 of Missouri for withholding taxes shall be
31 brought into one call.

32 11. Warrants to the division of
33 employment security shall be brought into one
34 call.

35 12. Warrants to Missouri local
36 government employees' retirement system or
37 other retirement funds for each office shall
38 be brought into one call.

39 13. Warrants for utilities such as gas,
40 water, lights and power shall be brought into
41 one call except that the total shall be shown
42 for each vendor.

43 14. Warrants issued to each telephone
44 company shall be brought into one call for
45 each office in the following form:
46 (Name of Telephone Company for
47 office and total amount of
48 warrants issued).

49 15. Warrants issued to the postmaster
50 for postage shall be brought into one call

1 for each office in the following form:
2 (Postmaster for office and
3 total amount of warrants issued).
4 16. Disbursements or expenditures by
5 road districts shall show the warrants, if
6 warrants have been issued in the same manner
7 as provided for in subsection 5 of this
8 section. If money has been disbursed or
9 expended by overseers the financial statement
10 shall show the total paid by the overseer to
11 each person for the year, and the purpose of
12 each payment. Receipts or revenues into the
13 county distributive school fund shall be
14 listed in detail, disbursements or
15 expenditures shall be listed and the amount
16 of each disbursement or expenditure. If any
17 taxes have been levied by virtue of section
18 12(a) of article X of the Constitution of
19 Missouri the financial statement shall
20 contain the following:
21 By virtue and authority of the
22 discretionary power conferred upon the county
23 commissions of the several counties of this
24 state to levy a tax of not to exceed 35 cents
25 on the \$100 assessed valuation the county
26 commission of County did for the year
27 covered by this report levy a tax rate of
28 cents on the \$100 assessed valuation
29 which said tax amounted to \$...... and was
30 disbursed or expended as follows:
31 The statement shall show how the money was
32 disbursed or expended and if any part of the
33 sum has not been accounted for in detail
34 under some previous appropriate heading the
35 portion not previously accounted for shall be
36 shown in detail.
37 17. At the end of the statement the
38 person designated by the county commission to
39 prepare the financial statement herein
40 required shall append the following
41 certificate:
42 I,, the duly authorized agent
43 appointed by the county commission of
44 County, state of Missouri, to prepare for
45 publication the financial statement as
46 required by section 50.800, RSMo, hereby
47 certify that I have diligently checked the
48 records of the county and that the above and
49 foregoing is a complete and correct statement
50 of every item of information required in

1 section 50.800, RSMo, for the year ending
2 December 31,, and especially have I
3 checked every receipt from every source
4 whatsoever and every disbursement or
5 expenditure of every kind and to whom and for
6 what each such disbursement or expenditure
7 was made and that each receipt or revenue and
8 disbursement or expenditure is accurately
9 shown. (If for any reason complete and
10 accurate information is not given the
11 following shall be added to the certificate.)
12 Exceptions: The above report is incomplete
13 because proper information was not available
14 in the following records which are in
15 the keeping of the following officer or
16 officers. The person designated to prepare
17 the financial statement shall give in detail
18 any incomplete data called for by this
19 section.

20
21 Date

22 Officer designated by county commission
23 to prepare financial statement required by
24 section 50.800, RSMo.

25 Or if no one has been designated said
26 statement having been prepared by the county
27 clerk, signature shall be in the following
28 form:

29 Clerk of the county commission and ex
30 officio officer designated to prepare
31 financial statement required by section
32 50.800, RSMo.

33 18. Any person falsely certifying to
34 any fact covered by the certificate is liable
35 on his bond and upon conviction of falsely
36 certifying to any fact covered by the
37 certificate is guilty of a misdemeanor and
38 punishable by a fine of not less than two
39 hundred dollars or more than one thousand
40 dollars or by imprisonment in the county jail
41 for not less than thirty days nor more than
42 six months or by both fine and imprisonment.
43 Any person charged with the responsibility of
44 preparing the financial report who willfully
45 or knowingly makes a false report of any
46 record, is, in addition to the penalty
47 otherwise provided for in this law, deemed
48 guilty of a felony and upon conviction shall
49 be sentenced to the penitentiary for not less
50 than two years nor more than five years.]

1 [50.810. 1. The statement shall be
2 printed in not less than 8-point type, but
3 not more than the smallest point type over
4 8-point type available and in the standard
5 column width measure that will take the least
6 space. The publisher shall file two proofs
7 of publication with the county commission and
8 the commission shall forward one proof to the
9 state auditor and shall file the other in the
10 office of the commission. The county
11 commission shall not pay the publisher until
12 proof of publication is filed with the
13 commission and shall not pay the person
14 designated to prepare the statement for the
15 preparation of the copy for the statement
16 until the state auditor notifies the
17 commission that proof of publication has been
18 received and that it complies with the
19 requirements of this section.

20 2. The statement shall be spread on the
21 record of the commission and for this purpose
22 the publisher shall be required to furnish
23 the commission with at least two copies of
24 the statement that may be pasted on the
25 record. The publisher shall itemize the cost
26 of publishing said statement by column inch
27 as properly chargeable to the several funds
28 and shall submit such costs for payment to
29 the county commission. The county commission
30 shall pay out of each fund in the proportion
31 that each item bears to the total cost of
32 publishing said statement and shall issue
33 warrants therefor; provided any part not
34 properly chargeable to any specific fund
35 shall be paid from the county general revenue
36 fund.

37 3. The state auditor shall notify the
38 county treasurer immediately of the receipt
39 of the proof of publication of the statement.
40 After the first of April of each year the
41 county treasurer shall not pay or enter for
42 protest any warrant for the pay of any
43 commissioner of any county commission until
44 notice is received from the state auditor
45 that the required proof of publication has
46 been filed. Any county treasurer paying or
47 entering for protest any warrant for any
48 commissioner of the county commission prior
49 to the receipt of such notice from the state
50 auditor shall be liable on his official bond

1 therefor.

2 4. The state auditor shall prepare
3 sample forms for financial statements and
4 shall mail the same to the county clerks of
5 the several counties in this state. If the
6 county commission employs any person other
7 than a bonded county officer to prepare the
8 financial statement the county commission
9 shall require such person to give bond with
10 good and sufficient sureties in the penal sum
11 of one thousand dollars for the faithful
12 performance of his duty. If any county
13 officer or other person employed to prepare
14 the financial statement herein provided for
15 shall fail, neglect, or refuse to, in any
16 manner, comply with the provisions of this
17 law he shall, in addition to other penalties
18 herein provided, be liable on his official
19 bond for dereliction of duty.]

20 [67.478. Sections 144.757 to 144.761,
21 RSMo, and sections 67.478 to 67.493 shall be
22 known and may be cited as the "Community
23 Comeback Act".]

24 [67.481. As used in sections 144.757 to
25 144.761, RSMo, and sections 67.478 to 67.493,
26 the following terms mean:

27 (1) "Community comeback plan" and
28 "plan", a comprehensive countywide plan
29 adopted by the community comeback trust board
30 and the governing body of the county that
31 identifies potential areas for reinvestment,
32 projects and strategies to promote
33 neighborhood reinvestment throughout the
34 county, and that clearly identifies on a map
35 the priority comeback communities. The plan
36 shall be a five-year strategic and operating
37 plan, complete with goals, objectives,
38 targets and mechanisms or methods of
39 measuring accomplishments, revised annually;

40 (2) "Community comeback program",
41 "community comeback trust" and "trust", a
42 fund held in the treasury of the county which
43 shall be the repository for all taxes and
44 other moneys raised pursuant to sections
45 144.757 to 144.761, RSMo, and sections 67.478
46 to 67.493, and authorized by the governing
47 body of the county for the purposes of
48 promoting neighborhood reinvestment;

1 (3) "Community comeback program board",
2 "community comeback trust board" and "board",
3 the entity established pursuant to sections
4 67.478 to 67.493 that is responsible for
5 administering the comeback community trust;
6 (4) "Community comeback trust citizen
7 advisory committee" and "advisory committee",
8 an eleven-member committee established
9 pursuant to sections 67.478 to 67.493 that is
10 responsible for advising the community
11 comeback fund board on the best methods of
12 promoting neighborhood reinvestment;
13 (5) "Eligible expenses", costs
14 qualified for funding through the community
15 comeback trust which are:
16 (a) Incurred for the purchase,
17 assembly, clearance, demolition and
18 environmental remediation of land, structures
19 and facilities, public or private, either as
20 part of a neighborhood reinvestment project
21 or to prepare sites for future use in areas
22 with underutilized, derelict, economically
23 challenged or environmentally troubled sites;
24 (b) Related to planning, redesign,
25 clearance, reconstruction, structure
26 rehabilitation, site remediation,
27 construction, modification, expansion,
28 remodeling, structural alteration,
29 replacement or renovation of any structure in
30 a priority comeback community;
31 (c) Expended for capital improvements
32 or infrastructure improvements to facilitate
33 economic development;
34 (d) Expended for residential
35 redevelopment including, but not limited to,
36 buyouts, land-assembly costs, infrastructure
37 improvements and costs associated with
38 preparing sites for housing construction;
39 professional service expenses such as
40 architectural, planning, engineering, design,
41 marketing or other related expenses;
42 (e) Related to community improvement
43 district or special business district
44 expenses such as facade improvements,
45 landscaping, street lighting, sidewalk
46 construction, trash receptacles, park benches
47 and other public improvements;
48 (f) Expenses related to facilitating
49 transit-oriented developments, home
50 improvement and home buyer loan programs; and

1 (g) Expenses eligible for funding
2 through the select neighborhood action
3 program;
4 (6) "Neighborhood reinvestment project"
5 and "project", the planning, development,
6 redesign, clearance, reconstruction or
7 rehabilitation or any combination thereof in
8 order to improve those residential,
9 commercial, industrial, public or other
10 structures or spaces and the infrastructure
11 serving them as may be appropriate or
12 necessary in the interest of the general
13 welfare;
14 (7) "Petition", a petitioner's request
15 for funding made to the community comeback
16 trust;
17 (8) "Petitioner", the governing body of
18 any municipality, the governing body of the
19 county, any land clearance for redevelopment
20 authority within the county organized
21 pursuant to chapter 99, RSMo, or any
22 not-for-profit economic development
23 organization with a governing board not less
24 than two-thirds of the members of which are
25 appointed by the chief elected official of
26 the county or by one or more organizations
27 with governing boards appointed by the chief
28 elected official;
29 (9) "Priority comeback community", an
30 area in a county which encompasses an entire
31 United States census block group and has a
32 median household income below the median
33 household income for such entire county;
34 (10) "Priority comeback project", a
35 funding proposal submitted to a community
36 comeback trust by a petitioner whose area is
37 substantially within a priority comeback
38 community;
39 (11) "Proposal", a petitioner's funding
40 request for the eligible expenses of a
41 neighborhood reinvestment project submitted
42 to a trust by a petitioner;
43 (12) "Select neighborhood action
44 program" and "SNAP", a grant program,
45 administered and funded pursuant to
46 subsection 5 of section 67.490;
47 (13) "Select neighborhood action
48 program applicant" and "SNAP applicant", a
49 neighborhood organization or not-for-profit
50 organization whose mission is consistent with

1 the community comeback plan. The
2 organization shall have a municipal sponsor
3 or a county sponsor if the area is
4 unincorporated. The organization shall have
5 been in existence for at least six months and
6 meet at least once a year in order to be
7 eligible for a SNAP grant;
8 (14) "SNAP grant", an endowment of
9 money by the board to a SNAP applicant
10 pursuant to subsection 5 of section 67.490.]

11 [67.484. 1. A community comeback trust
12 may be created, incorporated and managed
13 pursuant to this section by any county of the
14 first classification with a charter form of
15 government and a population of at least nine
16 hundred thousand inhabitants according to the
17 last decennial census, and may exercise the
18 powers given to such trust pursuant to
19 sections 67.478 to 67.493. A trust may sue
20 and be sued, issue general revenue bonds and
21 receive county use tax revenue pursuant to
22 the limitations of this section. A trust
23 shall have as its primary duties the
24 prevention of neighborhood decline, the
25 demolition of old deteriorating and vacant
26 buildings, rehabilitating historic
27 structures, the cleaning of polluted sites
28 and the promotion of neighborhood
29 reinvestment where such investment is
30 essential to reverse or stabilize a stagnant
31 or declining pattern in household income,
32 assessed values, occupancies and related
33 characteristics.

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

1 ordinance. The question shall be submitted
2 to the voters in the county pursuant to
3 section 144.757, RSMo.

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

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

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

1 continue to serve until the successor is
2 appointed and qualified.

3 (4) Upon the passage of an ordinance by
4 the governing body of the county establishing
5 the community comeback trust, the governing
6 body of the county shall, within ten days,
7 send by United States mail written notice of
8 the passage of the ordinance to the chief
9 elected officials of each municipality wholly
10 in the county.

11 (5) Each of the nominating authorities
12 described in subdivision (2) of this
13 subsection shall, within forty-five days of
14 the passage of the ordinance establishing the
15 board or within fourteen days of being
16 notified of a board vacancy by the county
17 executive, submit its list of nominees to the
18 county executive. The county executive shall
19 appoint members within sixty days of the
20 passage of the ordinance or within thirty
21 days of being notified by the board of a
22 vacancy on the board. If a list of nominees
23 is not submitted by the time specified, the
24 county executive shall appoint the members
25 using the criteria set forth in this section.

26 (6) At the first meeting of the board
27 appointed after the effective date of the
28 ordinance, the members shall choose by lot
29 the length of their terms. Three shall serve
30 for one year, two for two years, and two for
31 three years. All succeeding members shall
32 serve terms of three years. Terms shall end
33 on December thirty-first of the respective
34 year. No member shall serve more than two
35 consecutive full terms. Full terms shall
36 include any term longer than two years.

37 4. The board, its employees and
38 subcontractors shall be subject to the
39 regulation of conflicts of interest as
40 defined in sections 105.450 to 105.498, RSMo,
41 and to the requirements for open meetings and
42 records pursuant to chapter 610, RSMo. The
43 board shall enact and adopt all rules,
44 regulations and procedures that are
45 reasonably necessary to achieve the
46 objectives of sections 67.478 to 67.493, and
47 not inconsistent therewith, no sooner than
48 twenty-seven calendar days after notifying
49 all municipalities and the county of the
50 proposed rule, regulation or procedure

1 enactment or change. Notice may be given by
2 ordinary mail, by electronic mail or by
3 publishing in at least one newspaper of
4 general circulation qualified to publish
5 legal notices. No new or amended rule,
6 regulation or procedure shall apply
7 retroactively to any proposal pending before
8 the trust without the agreement of the
9 petitioner. The board shall have the
10 exclusive control of the expenditures of all
11 money collected to the credit of the trust,
12 subject to annual appropriations by the
13 governing body of the county. The county
14 government shall provide the trust staff. No
15 more than five percent of the trust's annual
16 budget shall be used for the trust's annual
17 administrative expenses.

18 5. The trust is authorized to issue
19 bonds, notes or other obligations for any
20 proposal, and to refund such bonds, notes or
21 obligations, as provided in subsection 3 of
22 this section; and to receive and liquidate
23 property, both real and personal, or money
24 which has been granted, donated, devised or
25 bequeathed to the district. The trust shall
26 not have any power of eminent domain.

27 6. (1) Bonds issued pursuant to this
28 section shall be issued pursuant to a
29 resolution adopted by five-sevenths of the
30 board which shall set out the estimated cost
31 to the trust of the proposed improvements,
32 and shall further set out the amount of the
33 bonds to be issued, their purpose or
34 purposes, their date or dates, denomination
35 or denominations, rate or rates of interest,
36 time or times of payment, both of principal
37 and of interest, place or places of payment
38 and all other details in connection with such
39 bonds. Any such bonds may be subject to such
40 provision for redemption prior to maturity,
41 with or without premium, and at such times
42 and upon such conditions as may be provided
43 by the resolution.

44 (2) Notwithstanding the provisions of
45 section 108.170, RSMo, such bonds shall bear
46 interest at rate or rates determined by the
47 trust, shall mature within a period not
48 exceeding twenty years and may be sold at
49 public or private sale for not less than
50 ninety-five percent of the principal amount

1 of such bonds. Bonds issued by the trust
2 shall possess all of the qualities of
3 negotiable instruments pursuant to the laws
4 of this state.

5 (3) Such bonds may be payable to the
6 bearer, may be registered or coupon bonds,
7 and, if payable to bearer, may contain such
8 registration provisions as to either
9 principal and interest, or principal only, as
10 may be provided in the resolution authorizing
11 such bonds, which resolution may also provide
12 for the exchange of registered and coupon
13 bonds. Such bonds and any coupons attached
14 thereto shall be signed in such manner and by
15 such officers of the district as may be
16 provided by the resolution authorizing the
17 bonds. The trust may provide for the
18 replacement of any bond which has become
19 mutilated, destroyed or lost.

20 (4) Bonds issued by the trust shall be
21 payable as to principal, interest and
22 redemption premium, if any, out of all or any
23 part of the trust fund, including revenues
24 derived from use taxes. Neither the board
25 members nor any person executing the bonds
26 shall be personally liable on such bonds by
27 reason of the issuance of such bonds. Bonds
28 issued pursuant to this section shall not
29 constitute a debt, liability or obligation of
30 this state, or any political subdivision of
31 this state, nor shall any such obligations be
32 a pledge of the faith and credit of this
33 state, but shall be payable solely from the
34 revenues and assets held by the trust. The
35 issuance of bonds pursuant to this section
36 shall not directly, indirectly or
37 contingently obligate this state or any
38 political subdivision of this state to levy
39 any form of taxation for such bonds or to
40 make any appropriation for their payment.
41 Each obligation or bond issued pursuant to
42 this section shall contain on its face a
43 statement to the effect that the trust shall
44 not be obligated to pay such bond nor
45 interest on such bond except from the
46 revenues received by the trust or assets of
47 the trust lawfully pledged for such trust,
48 and that neither the faith or credit nor the
49 taxing power of this state or of any
50 political subdivision of this state is

1 pledged to the payment of the principal of or
2 the interest on such obligation or bond. The
3 proceeds of such bonds shall be disbursed in
4 such manner and pursuant to such restrictions
5 as the trust may provide in the resolution
6 authorizing the issuance of such bonds.

7 (5) The trust may issue negotiable
8 refunding bonds for the purpose of refunding,
9 extending or unifying the whole or any part
10 of such bonds then outstanding, or any bonds,
11 notes or other obligations issued by any
12 other public agency, public body or political
13 subdivision in connection with any facilities
14 or land to be acquired, leased or subleased
15 by the trust, which refunding bonds shall not
16 exceed the amount necessary to refund the
17 principal of the outstanding bonds to be
18 refunded and the accrued interest on such
19 bonds to the date of such refunding, together
20 with any redemption premium, amounts
21 necessary to establish reserve and escrow
22 funds and all costs and expenses incurred in
23 connection with the refunding. The board
24 shall provide for the payment of interest and
25 principal of such refunding bonds in the same
26 manner as was provided for the payment of
27 interest and principal of the bonds refunded.

28 (6) In the event that any of the
29 members or officers of the trust whose names
30 appear on any bonds or coupons shall cease to
31 be on the board or cease to be an officer
32 before the delivery of such bonds, such
33 signatures shall remain valid and sufficient
34 for all purposes, the same as if such board
35 members or officers had remained in office
36 until such delivery.

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

1 commissioner of administration has in
2 sections 34.040 and 34.042, RSMo.]

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

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

27 3. The board and the governing body of
28 the county shall annually revise and adopt a
29 plan.

30 4. Each plan shall include a map of the
31 county, as well as a text enumerating the
32 efforts expected each year in the various
33 subregions of the county. Each plan shall
34 address the factors that are causing or are
35 likely to cause one or more of the following:

36 (1) Assessed values below the county
37 average;

38 (2) Median household incomes below the
39 county median;

40 (3) An unemployment rate above the
41 county average;

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

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

48 (6) A high vacancy rate among
49 residential, commercial and industrial

1 properties.

2 5. Each plan shall include an analysis
3 of the condition of the housing stock in the
4 various subregions of the county, a market
5 analysis of the home-buying market with a
6 focus on the impediments to attracting home
7 buyers to those subregions and an analysis of
8 the physical infrastructure needs that
9 prevent economic growth.

10 6. The board may consider the following
11 factors when determining the appropriate
12 areas and strategies for investment:

13 (1) Buildings that are unsafe or
14 unhealthy for occupancy due to code
15 violations, dilapidation, defective design,
16 faulty utilities or any other negative
17 conditions;

18 (2) Factors that prevent or
19 substantially hinder the economically viable
20 use of buildings or lots, such as substandard
21 design, inadequate size, lack of parking or
22 any other conditions;

23 (3) Incompatible uses that prevent
24 economic development;

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

28 (5) Depreciated or stagnant property
29 values, including properties that contain
30 hazardous wastes;

31 (6) Abnormally high business vacancies,
32 abnormally low lease rates, high turnover
33 rates, abandoned buildings, or excessive
34 vacant lots within an area developed for
35 urban use and served by utilities;

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

38 (8) The lack of necessary commercial
39 facilities normally found in neighborhoods.

40 7. Each plan shall outline specific
41 strategies to address the problems facing the
42 various subregions and neighborhoods within
43 the county. The plan shall also discuss the
44 partnerships that can be made with federal,
45 state and local governments, as well as
46 businesses, labor organizations, nonprofit
47 groups, religious and other groups and
48 citizens to help implement the plan. These
49 strategies shall include estimated costs and
50 time lines for completion.

1 8. The board shall produce an annual
2 report focusing on the accomplishments of the
3 trust relative to the goals set forth in the
4 plan, the goals for the next year and the
5 challenges facing the trust. The annual
6 report shall be given to the chief elected
7 officials of all the municipalities wholly
8 within the county, the chief elected official
9 of the county, the members of the governing
10 board of the county and the public libraries
11 within the county, and shall be posted on the
12 county Internet web site.

13 9. Every year, the board shall
14 commission an independent financial audit,
15 the report of which shall be distributed in
16 the same manner as the annual report pursuant
17 to subsection 8 of this section.

18 10. Every five years, the board shall
19 commission an independent management audit.
20 The management audit shall include a
21 comprehensive analysis of development trends,
22 factors and practices along with specific
23 recommendations to improve the trust's
24 ability to achieve its mission. The
25 management audit shall be reviewed by the
26 advisory committee which may offer
27 constructive advice on enhancing practices in
28 order to achieve the goals of the program.
29 The management audit shall be distributed in
30 the same manner as the annual report pursuant
31 to subsection 8 of this section. The board
32 is authorized to take any necessary and
33 proper steps to address the issues and
34 recommendations contained within the
35 management audit.

36 11. (1) The board shall establish an
37 eleven-member advisory committee that shall
38 meet four times each year and shall advise
39 petitioners, staff and the board. The
40 advisory committee members shall be appointed
41 by the county executive. At least six of the
42 advisory committee's members shall be
43 nominated by the municipal league within the
44 county and at least three shall be nominated
45 by the members of the governing body of the
46 county. No advisory committee member shall
47 receive compensation for performance of
48 duties as a committee member.

49 (2) At least one of the advisory
50 committee members shall be a university

1 professor well-versed in regional development
2 issues. At least two of the advisory
3 committee members shall be municipal
4 officials from communities that have
5 undertaken redevelopment programs as part of
6 larger planning efforts. At least one of the
7 advisory committee members shall be an
8 attorney with experience in redevelopment
9 activities. At least two of the advisory
10 committee members shall be residents of
11 priority comeback communities who have been
12 active in advocating effective redevelopment
13 policies. At least one of the advisory
14 committee members shall be a private
15 professional familiar with the factors
16 influencing business location decisions. At
17 least one of the advisory committee members
18 shall be an individual familiar with
19 education and training practices and
20 workforce needs, with an understanding of how
21 labor availability impacts business location
22 decisions. At least one of the advisory
23 committee members shall be a planner from the
24 private sector knowledgeable in the area of
25 strategic planning and the principles of
26 multiyear rolling plans.

27 (3) The advisory committee shall
28 promptly notify the county executive of the
29 pending expiration of any member's term or
30 any vacancy on the advisory committee. A
31 member whose term has expired shall continue
32 to serve until his or her successor is
33 appointed and qualified.

34 (4) The board shall establish the
35 advisory committee by resolution at the
36 board's first meeting. The board shall,
37 within ten days of the passage of the
38 resolution establishing the advisory
39 committee, send by United States mail written
40 notice of the passage of the resolution to
41 the county's municipal league and the members
42 of the governing body of the county. The
43 municipal league and the members of the
44 governing board of the county shall, within
45 forty-five days of the passage of the
46 resolution establishing the advisory
47 committee or within fourteen days of being
48 notified of a vacancy by the county
49 executive, submit its list of nominees to the
50 county executive. The county executive shall

1 appoint members within sixty days of the
2 passage of the resolution or within thirty
3 days of being notified by the committee of a
4 vacancy on the advisory committee. If a list
5 of nominees is not submitted by the time
6 specified, the county executive shall appoint
7 the members using the criteria set forth in
8 this section before the sixtieth day from the
9 passage of the resolution or before the
10 thirtieth day from being notified of a
11 vacancy on the existing advisory committee.

12 (5) At the advisory committee's first
13 meeting, the members shall choose by lot the
14 length of their terms. Two shall serve for
15 one year, three for two years, three for
16 three years and three for four years. All
17 succeeding committee members shall serve for
18 four years. Terms shall end on December
19 thirty-first of the respective year.

20 (6) The committee members shall be
21 subject to the regulation of conflicts of
22 interest as defined in sections 105.450 to
23 105.498, RSMo, and to the requirements for
24 open meetings and records pursuant to chapter
25 610, RSMo.]

26 [67.490. 1. The board shall in a
27 timely manner adopt rules setting forth basic
28 guidelines for acceptance and evaluation of
29 petitions, including a common understandable
30 format, as well as appropriate supporting
31 material, maps, plans and data. The board
32 shall begin to accept petitions one month
33 after the adoption of the plan by the
34 governing body of the county pursuant to
35 section 67.487. The board shall review all
36 petitions submitted by any petitioner.
37 Review shall begin no later than thirty days
38 after submission of the petition to the
39 commission. In order to qualify as a
40 proposal, a petition shall address the
41 criteria set forth in subsection 4 of this
42 section. For the purposes of this
43 subsection, the term "pending" means any
44 proposal submitted to the board which has not
45 yet been approved by the board.

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

1 addresses a strategy outlined in the plan.

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

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

36 (2) If the board determines that a
37 proposal is a priority comeback project
38 consistent with the strategies and priorities
39 set forth in the community comeback plan and
40 that the project is well-planned, realistic,
41 creative, resourceful, benefits the local
42 community and is cost-effective, then the
43 board shall award funding. If the board
44 determines that a proposal is a priority
45 comeback project, but is inconsistent with
46 the strategies and priorities in the
47 community comeback plan, the board may award
48 funding if it finds that the project is
49 well-planned, realistic, creative,
50 resourceful, benefits the local community, is

1 cost-effective and addresses the reinvestment
2 needs of neighborhoods by one or more of the
3 following:

4 (a) Reducing or removing impediments to
5 attracting home buyers;

6 (b) Providing the necessary physical
7 infrastructure needed to promote significant
8 job growth;

9 (c) Reducing or removing any such
10 factor or factors that constitute an economic
11 or social liability or a menace to the public
12 health, safety, morals, or welfare in its
13 present condition and use.

14 (3) If the board determines that a
15 proposal, which is not a priority comeback
16 project, is consistent with the strategies
17 and priorities set forth in the community
18 comeback plan and is well-planned, realistic,
19 creative, resourceful, benefits the local
20 community and is cost-effective, the board
21 may award funding if the board adds such
22 proposal to the plan. If the board
23 determines that a proposal, which is not a
24 priority comeback project, is inconsistent
25 with the strategies and priorities in the
26 community comeback plan, the board may award
27 funding if it finds that the project is
28 well-planned, realistic, creative,
29 resourceful, benefits the local community, is
30 cost-effective and addresses the reinvestment
31 needs of neighborhoods by one or more of the
32 following:

33 (a) Reducing or removing impediments to
34 attracting home buyers;

35 (b) Providing the necessary physical
36 infrastructure needed to promote significant
37 job growth;

38 (c) Reducing or removing any such
39 factor or factors that constitute an economic
40 or social liability or a menace to the public
41 health, safety, morals or welfare in its
42 present condition and use.

43 (4) The board, the advisory committee
44 and the staff of both may advise petitioners
45 on issues related to petitions or proposals.
46 The board may meet informally, subject to the
47 requirements of chapter 610, RSMo, with
48 representatives of potential petitioners with
49 regard to future petitions and plans.

50 5. The board shall establish a select

1 neighborhood action program. SNAP applicants
2 shall provide a ten-percent cash or in-kind
3 match to be eligible for a SNAP grant.
4 Project categories eligible for SNAP grant
5 funding shall be:

- 6 (1) Neighborhood beautification
7 projects which enhance the appearance of the
8 overall neighborhood. Such projects include,
9 but are not limited to, tree and flower
10 plantings, cleanups, entranceway landscaping,
11 community gardens, public art and
12 neighborhood identification signs/banners;
- 13 (2) Neighborhood organization or
14 capacity projects which create or increase
15 membership in a neighborhood organization
16 promoting community betterment. Such
17 projects include, but are not limited to,
18 neighborhood newsletters, neighborhood
19 marketing brochures, neighborhood meetings
20 and special events, and technology such as
21 web site development;
- 22 (3) Neighborhood-school partnership
23 projects which benefit a school and the
24 adjacent neighborhood. Involvement of both
25 the school and the neighborhood in planning,
26 implementation and maintenance must be
27 substantiated. Partnership projects include,
28 but are not limited to, youth and community
29 programs that promote safety, culture or the
30 environment and that are beneficial to both
31 the school and the neighborhood;
- 32 (4) Capital purchase projects which
33 include the acquisition of equipment or
34 property. Such projects include, but are not
35 limited to, land acquisition, playground
36 equipment, bicycle racks and major supplies;
- 37 (5) Neighborhood improvement projects
38 which benefit the local infrastructure in a
39 neighborhood, and include construction of
40 sidewalks or installation of streetlights.

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

- 43 (1) Projects accomplished in more than
44 twelve months;
- 45 (2) Projects that duplicate existing
46 private or public programs;
- 47 (3) Projects that require ongoing
48 services, or requests to support continual
49 operating budgets; and
- 50 (4) Projects that conflict with the

1 community comeback plan.
2 7. When making SNAP grant funding
3 decisions, the board shall consider the level
4 of neighborhood participation including the
5 percentage of residents who are involved in
6 planning and implementing the idea, the
7 diversity of parties involved or that will
8 benefit, and the amount of neighborhood
9 opposition; the community benefit of the
10 project, including the number of people who
11 will benefit from the project and the overall
12 quality of the project.]

13 [67.493. Of the funds available to the
14 trust, a minimum of five percent of the
15 funds, not to exceed an unallocated balance
16 of five hundred thousand dollars rolled over
17 from the previous fiscal year, shall be set
18 aside annually for the SNAP grant program.
19 Of the remaining funds seventy- five percent
20 calculated on a rolling three-year average
21 shall be set aside for priority comeback
22 projects. The balance of the funds shall be
23 used to indirectly or directly benefit
24 priority comeback communities or residents of
25 those areas by utilizing such funds to:
26 (1) Promote job preparation and job
27 creation in areas easily accessed by
28 residents of priority comeback communities;
29 (2) Improve neighborhoods adjacent to
30 priority comeback communities that are
31 unlikely to be improved without such funding;
32 and
33 (3) Abate through low-interest home
34 improvement loan programs or similar
35 mechanisms the functional or marketable
36 obsolescence of any owner- occupied
37 residential structure over twenty-five years
38 old which is located within a census block
39 group below one hundred ten percent of the
40 median income level for the metropolitan
41 statistical area for this state; provided
42 that, there is a significant threat of
43 economic decline within the area without
44 intervention by the trust.]

45 [190.092. 1. A person or entity who
46 acquires an automated external defibrillator
47 shall ensure that:
48 (1) Expected defibrillator users

1 receive training by the American Red Cross or
2 American Heart Association in cardiopulmonary
3 resuscitation and the use of automated
4 external defibrillators, or an equivalent
5 nationally recognized course in defibrillator
6 use and cardiopulmonary resuscitation;

7 (2) The defibrillator is maintained and
8 tested according to the manufacturer's
9 operational guidelines;

10 (3) Any person who renders emergency
11 care or treatment on a person in cardiac
12 arrest by using an automated external
13 defibrillator activates the emergency medical
14 services system as soon as possible; and

15 (4) Any person or entity that owns an
16 automated external defibrillator that is for
17 use outside of a health care facility shall
18 have a physician review and approve the
19 clinical protocol for the use of the
20 defibrillator, review and advise regarding
21 the training and skill maintenance of the
22 intended users of the defibrillator and
23 assure proper review of all situations when
24 the defibrillator is used to render emergency
25 care.

26 2. Any person or entity who acquires an
27 automated external defibrillator shall notify
28 the emergency communications district or the
29 ambulance dispatch center of the primary
30 provider of emergency medical services where
31 the automated external defibrillator is to be
32 located.

33 3. Any person who has had appropriate
34 training, including a course in
35 cardiopulmonary resuscitation, has
36 demonstrated a proficiency in the use of an
37 automated external defibrillator, and who
38 gratuitously and in good faith renders
39 emergency care when medically appropriate by
40 use of or provision of an automated external
41 defibrillator, without objection of the
42 injured victim or victims thereof, shall not
43 be held liable for any civil damages as a
44 result of such care or treatment, where the
45 person acts as an ordinarily reasonable,
46 prudent person, or with regard to a health
47 care professional, including the licensed
48 physician who reviews and approves the
49 clinical protocol, as a reasonably prudent
50 and careful health care provider would have

1 acted, under the same or similar
2 circumstances. Nothing in this section shall
3 affect any claims brought pursuant to chapter
4 537 or 538, RSMo.]

5 [190.133. 1. The department shall,
6 within a reasonable time after receipt of an
7 application, cause such investigation as the
8 department deems necessary to be made of the
9 applicant for an emergency medical response
10 agency license.

11 2. The department shall issue a license
12 to any emergency medical response agency
13 which provides advanced life support if the
14 applicant meets the requirements established
15 pursuant to sections 190.001 to 190.245, and
16 the rules adopted by the department pursuant
17 to sections 190.001 to 190.245. The
18 department may promulgate rules relating to
19 the requirements for an emergency medical
20 response agency including, but not limited
21 to:

22 (1) A licensure period of five years;
23 (2) Medical direction;
24 (3) Records and forms; and
25 (4) Memorandum of understanding with
26 local ambulance services.

27 3. Application for an emergency medical
28 response agency license shall be made upon
29 such forms as prescribed by the department in
30 rules adopted pursuant to sections 190.001 to
31 190.245. The application form shall contain
32 such information as the department deems
33 necessary to make a determination as to
34 whether the emergency medical response agency
35 meets all the requirements of sections
36 190.001 to 190.245 and rules promulgated
37 pursuant to sections 190.001 to 190.245.

38 4. No person or entity shall hold
39 itself out as an emergency medical response
40 agency that provides advanced life support or
41 provide the services of an emergency medical
42 response agency that provides advanced life
43 support unless such person or entity is
44 licensed by the department.

45 5. Only emergency medical response
46 agencies licensed and serving in any county
47 of the first classification without a charter
48 form of government and with more than one
49 hundred eighty-four thousand but less than

1 one hundred eighty-eight thousand
2 inhabitants, any county with a charter form
3 of government and with more than six hundred
4 thousand but less than seven hundred thousand
5 inhabitants, or any county of the first
6 classification with more than seventy-three
7 thousand seven hundred but less than
8 seventy-three thousand eight hundred
9 inhabitants will be licensed to provide
10 certain ALS services with the services of
11 EMT-Is.

12 6. Emergency medical response agencies
13 functioning with the services of EMT-Is must
14 work in collaboration with an ambulance
15 service providing advanced life support with
16 personnel trained to the emergency medical
17 technician-paramedic level.]

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.