

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 58
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government, March 2, 2005, with recommendation that the House Committee Substitute for House Bill No. 58 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0203L.04C

AN ACT

To repeal sections 49.082, 49.093, 50.343, 50.760, 50.770, 50.780, 55.160, 67.1850, 71.794, 82.1025, 247.060, 247.180, 250.140, 278.240, 321.322, 447.620, 447.622, 447.625, 447.640, and 573.505, RSMo, and to enact in lieu thereof thirty-three new sections relating to political subdivisions, with an emergency clause for a certain section.

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

Section A. Sections 49.082, 49.093, 50.343, 50.760, 50.770, 50.780, 55.160, 67.1850, 71.794, 82.1025, 247.060, 247.180, 250.140, 278.240, 321.322, 447.620, 447.622, 447.625, 447.640, and 573.505, RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 49.082, 49.093, 50.343, 50.760, 50.770, 50.780, 50.783, 50.784, 55.160, 59.044, 67.1850, 71.794, 82.301, 82.302, 82.303, 82.304, 82.305, 82.1025, 94.837, 94.838, 198.345, 247.060, 247.180, 250.140, 278.240, 321.322, 447.620, 447.622, 447.625, 447.640, 573.505, 1, and 2, to read as follows:

49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, 1997.

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

9	Assessed Valuation	Salary
10	\$18,000,000 to 40,999,999	\$19,140
11	41,000,000 to 53,999,999	19,800
12	54,000,000 to 65,999,999	21,120
13	66,000,000 to 85,999,999	22,440
14	86,000,000 to 99,999,999	23,760
15	100,000,000 to 130,999,999	25,080
16	131,000,000 to 159,999,999	26,400
17	160,000,000 to 189,999,999	27,060
18	190,000,000 to 249,999,999	27,390
19	250,000,000 to 299,999,999	28,380
20	300,000,000 or more	29,700

21 2. In addition to any compensation provided pursuant to subsection 1 of this section, the
 22 presiding commissioner of any county not having a charter form of government shall receive two
 23 thousand dollars annual salary.

24 3. **Except in any county of the first classification,** two thousand dollars of the salary
 25 authorized in this section shall be payable to a commissioner only if the commissioner has
 26 completed at least twenty hours of classroom instruction each calendar year relating to the
 27 operations of the commissioner's office when approved by a professional association of the
 28 county commissioners of Missouri unless exempted from the training by the professional
 29 association. The professional association approving the program shall provide a certificate of
 30 completion to each commissioner who completes the training program and shall send a list of
 31 certified commissioners to the treasurer of each county. Expenses incurred for attending the
 32 training session may be reimbursed to a county commissioner in the same manner as other
 33 expenses as may be appropriated for that purpose.

34 4. A county commissioner in any county, other than a first classification charter county
 35 or a first classification county not having a charter form of government and not containing any
 36 part of a city with a population of three hundred thousand or more, shall not, except upon a
 37 two-thirds vote of all the members of the salary commission, receive an annual compensation
 38 in an amount less than the total compensation being received for the office of county
 39 commissioner or presiding commissioner respectively for the particular county for services
 40 rendered or performed on the date the salary commission votes.

49.093. 1. In counties of the third and fourth classification, the county officer or the
 2 county officer's designee of each county department shall, annually, on or before the tenth day
 3 of October, inspect and inventory all office equipment and machines, road machinery, farm
 4 supplies, equipment and produce on hand and all other personal property belonging to the county

5 and used by such department of an individual original value of [two hundred fifty] **one thousand**
 6 dollars or more of whatsoever kind or description [and any property with an aggregate original
 7 value of one thousand dollars or more]. The county officer or the county officer's designee of
 8 each county department shall have the discretion to inspect and inventory any office equipment
 9 or county property used by such department with an original value of less than [two hundred
 10 fifty] **one thousand** dollars. Such inventory shall list such property by keeping a continuous
 11 annual inventory of each item identified by descriptive name, and on manufactured goods the
 12 manufacturer's serial number, model, age and estimated market value, and after the first
 13 inventory taken pursuant to this section, there shall be attached to subsequent inventories a
 14 statement or explanation of any material changes over that of the previous year, showing in
 15 particular the disposition of any county property, the reason for its disposal, to whom disposed
 16 and the amount received therefor.

17 2. All remaining property not inventoried by a particular department of such county shall
 18 be inventoried by the county clerk of such county in the same manner as items are inventoried
 19 pursuant to subsection 1 of this section.

20 3. The reports required by this section shall be signed by the county clerk.

50.343. 1. Other provisions of law to the contrary notwithstanding, in any first
 2 classification nonchartered county, including any county containing any part of a city with a
 3 population of three hundred thousand or more, the annual salary of a county recorder of deeds,
 4 clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator
 5 may be computed on an assessed valuation basis, **without regard to modification due to the**
 6 **existence of enterprise zones or financing under chapter 100, RSMo**, as set forth in the
 7 following schedule except as provided in subsection 2 of this section. The assessed valuation
 8 factor shall be the amount thereof as shown for the year next preceding the computation. The
 9 provisions of this section shall not permit a reduction in the amount of compensation being paid
 10 on January 1, 1997, for any of the offices subject to this section on January 1, 1997.

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

13	Assessed Valuation	Salary
14	\$ 450,000,001 to 600,000,000	\$47,000
15	600,000,001 to 750,000,000	49,000
16	750,000,001 to 900,000,000	51,000
17	900,000,001 to 1,050,000,000	53,000
18	1,050,000,001 to 1,200,000,000	55,000
19	1,200,000,001 to 1,350,000,000	57,000
20	1,350,000,000 and over	59,000

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

23 2. After December 31, 1990, in any county of the second classification which becomes
24 a first classification county without a charter form of government, the annual compensation of
25 county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and
26 the public administrator in counties where the public administrator is paid a salary under the
27 provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or
28 before October first of the year immediately prior to the beginning of the county fiscal year
29 following the general election after the certification by the state equalizing agency that the county
30 possesses an assessed valuation placing it in first classification status, the salary commission
31 shall meet for the purpose of setting compensation for such county officials and such
32 compensation shall be payable immediately except that no compensation of any county official
33 shall be reduced and the compensation of presiding county commissioners in any of such
34 counties shall be two thousand dollars more than the compensation paid to the associate
35 commissioners in that county. Thereafter in all such counties the salary commission shall meet
36 for the purpose of setting the compensation of the officers in this subsection who will be elected
37 at the next general election, and such compensation shall be payable upon the beginning of the
38 next term of office of such officers; except that, no compensation of any officer shall be reduced
39 and the compensation of presiding county commissioners in any of such counties shall be two
40 thousand dollars more than the compensation paid to the associate commissioners in that county.
41 Two thousand dollars of the compensation established under the procedures authorized pursuant
42 to this subsection shall be payable to a county officer only if the officer has completed at least
43 twenty hours of classroom instruction in the operation of the office in the same manner as
44 provided by law for officers subject to the provisions of section 50.333. At the salary
45 commission meeting which establishes the percentage rate to be applied to county officers during
46 the next term of office, the salary commission may authorize the further adjustment of such
47 officers' compensation as a cost-of-living component and effective January first of each year, the
48 compensation for county officers may be adjusted by the county commission, not to exceed the
49 percentage increase given to the other county employees.

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

50.760. 1. It shall be the duty of the commissioners of the county commission in all
2 counties of the second class, and in all counties of the first class not having a charter form of

3 government, if there is no purchasing agent appointed pursuant to section 50.753, on or before
4 the first day of February of each year, to [determine] **estimate** the kind and quantity of supplies,
5 including any advertising or printing which the county may be required to do, required by law
6 to be paid for out of the county funds, which will be necessary for the use of the several officers
7 of such county [during the current] **for the following** year, and to advertise for sealed bids and
8 contract with the lowest and best bidder for such supplies. Before letting any such contract or
9 contracts the commission shall cause notice that it will receive sealed bids for such supplies to
10 be given by advertisement in some [daily] newspaper of general circulation published in the
11 county, such notice to be published [on Thursday of each] **once per** week for three consecutive
12 weeks, the last insertion of which shall not be less than ten days before the date in said
13 advertisement fixed for the letting of such contract or contracts, which shall be let on the first
14 Monday in March, or on such other day and date as the commission may fix between the first
15 Monday of March and the first Saturday after the second Monday in March next following the
16 publication of such notice; except that if by the nature or quantity of any article or thing needed
17 for any county officer in any county of this state to which sections 50.760 to 50.790 apply, the
18 same may not be included in such contract at a saving to such county, then such article or thing
19 may be purchased for such officer upon an order of the county commission first being made and
20 entered as provided in sections 50.760 to 50.790; and except further, that if any supplies not
21 included in such contract are required by any such officer or if the supplies included in such
22 contract are exhausted then such article or thing may be purchased for such officer upon order
23 of the county commission first being made and entered of record as provided in sections 50.760
24 to 50.790.

25 **2. The county commission may authorize the purchase of supplies, not including**
26 **for contractual services, at any public auction held.**

27 **3. No contract for a purchase under this section shall arise until the commission has**
28 **approved a purchase order for the supplies for which the bids were advertised and**
29 **submitted under this section.**

50.770. The word "supplies", as used in sections 50.760 to 50.790, **means materials,**
2 **equipment, contractual services, and** shall be held and construed to include every article or
3 thing, **excluding utility services regulated under chapters 392 and 393, RSMo,** for which
4 payment may by law be required to be made by the county, and including advertising and
5 printing required to be done by the county. **The term "purchase" includes the rental or**
6 **leasing of any equipment, articles, or things.**

50.780. **1.** It shall hereafter be unlawful for any county or township officer in any county
2 to which sections 50.760 to 50.790 apply to purchase any supplies not contracted for as provided
3 in sections 50.760 to 50.790 for [his] **the officer's** official use and for which payment is by law

4 required to be made by the county unless [he] **the officer** shall first apply to and obtain from the
5 county commission an order in writing and under the official seal of the commission for the
6 purchase of such supplies, and in all cases where the supplies requested by such officer have
7 been contracted for by the county commission as provided in sections 50.760 to 50.790, the order
8 shall be in the form of a requisition by said officer addressed to the person, firm, company or
9 corporation with whom or which the county commission has made a contract for such supplies,
10 and presented to the county commission for approval or disapproval; and unless approval be
11 given such requisition shall not be filled and any such requisition filled without such approval
12 shall not be paid for out of county funds. The county shall not be liable for any debts for supplies
13 except debts contracted as provided in sections 50.760 to 50.790. The best price and the quality
14 of supplies shall be considered and supplies of a higher price or quality than is reasonably
15 required for the purposes to which they are to be applied shall not be purchased or contracted for.
16 Preference to merchants and dealers within their counties may be given by such commissioners,
17 provided the price offered is not above that offered elsewhere.

18 **2. The county commission may waive the requirement of competitive bids or**
19 **proposals for supplies when the county commission has determined that there exists a**
20 **threat to life, property, public health, or public safety or when immediate expenditure is**
21 **necessary for repairs to county property in order to protect against further loss of, or**
22 **damage to, county property, to prevent or minimize serious disruption in county services**
23 **or to ensure the integrity of county records. Emergency procurements shall be made with**
24 **as much competition as is practicable under the circumstances. After an emergency**
25 **procurement is made by the county commission, the nature of the emergency and the vote**
26 **approving the procurement shall be noted in the minutes of the next regularly scheduled**
27 **meeting.**

50.783. 1. The county commission may waive the requirement of competitive bids
2 **or proposals for supplies when the commission has determined in writing and entered into**
3 **the commission minutes that there is only a single feasible source for the supplies.**
4 **Immediately upon discovering that other feasible sources exist, the commission shall**
5 **rescind the waiver and proceed to procure the supplies through the competitive processes**
6 **as described in this chapter. A single feasible source exists when:**

7 **(1) Supplies are proprietary and only available from the manufacturer or a single**
8 **distributor; or**

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

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

13 **2. On any single feasible source purchase where the estimated expenditure is three**
14 **thousand dollars or over, the commission shall post notice of the proposed purchase.**
15 **Where the estimated expenditure is five thousand dollars or over, the commission shall also**
16 **advertise the commission's intent to make such purchase in at least one daily and one**
17 **weekly newspaper of general circulation in such places as are most likely to reach**
18 **prospective bidders or offerors and may provide such information through an electronic**
19 **medium available to the general public at least ten days before the contract is to be let.**

50.784. The county commission may, when in the commission's best judgment it is
2 **in the best interests of the county, delegate the commission's procurement authority under**
3 **this chapter to an individual county department; provided, however, that each instance of**
4 **single feasible source purchasing authority in excess of five thousand dollars under section**
5 **50.783 shall be specifically delegated by the commission. The delegation may allow county**
6 **departments to negotiate the purchase of services for patients, residents, or clients with**
7 **funds appropriated for this purpose. In accepting this delegated authority the department**
8 **acknowledges its ability to, and agrees to, fulfill all of the requirements of this chapter in**
9 **making purchases and entering into contracts and keeping records. No claim for payment**
10 **based upon any purchase under this section shall be certified by the commission unless**
11 **accompanied by such documentation of compliance with the provisions of this chapter as**
12 **the commission may require. Any department that fails to fulfill all such requirements**
13 **may have its delegated authority rescinded by the commission. A full and detailed listing**
14 **of vendors, supplies purchased, and warrants issued for single or multiple source payments**
15 **shall be retained by the custodian of records.**

55.160. The auditor of each county of the first class not having a charter form of
2 **government and of each county of the second class shall keep an inventory of all county property**
3 **under the control and management of the various officers and departments and shall annually**
4 **take an inventory of such property at an original value of [two hundred fifty] one thousand**
5 **dollars or more showing the amount, location and estimated value thereof. [He] The auditor**
6 **shall keep accounts of all appropriations and expenditures made by the county commission, and**
7 **no warrant shall be drawn or obligation incurred without [his] the auditor's certification that an**
8 **unencumbered balance, sufficient to pay the same, remain in the appropriate account or in the**
9 **anticipated revenue fund against which such warrant or obligation is to be charged. [He] The**
10 **auditor shall audit the accounts of all officers of the county annually or upon their retirement**
11 **from office. The auditor shall audit, examine and adjust all accounts, demands, and claims of**
12 **every kind and character presented for payment against the county, and shall in [his] the**
13 **auditor's discretion approve to the county commission of the county all lawful, true, just and**
14 **legal accounts, demands and claims of every kind and character payable out of the county**

15 revenue or out of any county funds before the same shall be allowed and a warrant issued
16 therefor by the commission. Whenever the auditor thinks it necessary to the proper examination
17 of any account, demand or claim, [he] **the auditor** may examine the parties, witnesses, and
18 others on oath or affirmation touching any matter or circumstance in the examination of such
19 account, demand or claim before [he] **the auditor** allows same. The auditor shall not be
20 personally liable for any cost for any proceeding instituted against [him] **the auditor** in [his] **the**
21 **auditor's** official capacity. The auditor shall keep a correct account between the county and all
22 county and township officers, and shall examine all records and settlements made by them for
23 and with the county commission or with each other, and the auditor shall, whenever [he] **the**
24 **auditor** desires, have access to all books, county records or papers kept by any county or
25 township officer or road overseer. The auditor shall, during the first four days of each month,
26 strike a balance in the case of each county and township officer, showing the amount of money
27 collected by each, the amount of money due from each to the county, and the amount of money
28 due from any source whatever to such office, and the auditor shall include in such balance any
29 fees that have been returned to the county commission or to the auditor as unpaid and which
30 since having been returned have been collected.

**59.044. In all counties except counties having a charter form of government and
2 counties of the first classification and a city not within a county, where the recorder of
3 deeds is separate from the clerk of the circuit court, each recorder of deeds shall be paid
4 the statutory compensation pursuant to sections 50.333 and 50.334, RSMo.**

67.1850. 1. As used in this section, the following terms mean:

- 2 (1) "Community", any municipality or county as defined in this section;
- 3 (2) "County", any county [of the first classification without a charter form of
4 government] **in the state**;
- 5 (3) "Geographical information system", a computerized, spatial coordinate mapping and
6 relational database technology which:
 - 7 (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records,
8 in the digital mode, all kinds and types of information and data;
 - 9 (b) Transforms such information and data into intelligence and subsequently retrieves,
10 presents and distributes that intelligence to a user for use in making the intelligent decisions
11 necessary for sound management;
- 12 (4) "Municipality", any city [with a population of at least sixty thousand inhabitants and
13 located] in a county [of the first classification without a charter form of government].
- 14 2. The development of geographical information systems has not been undertaken in any
15 large-scale and useful way by private enterprise. The use of modern technology can enhance the
16 planning and decision-making processes of communities. The development of geographical

17 information systems is a time-consuming and expensive activity. In the interest of maintaining
18 community governments open and accessible to the public, information gathered by communities
19 for use in a geographical information system, unless properly made a closed record, should be
20 available to the public. However, access to the information in a way by which a person could
21 render the investment of the public in a geographical information system a special benefit to that
22 person, and not to the public, should not be permitted.

23 3. Any community as defined in this section may create a geographical information
24 system for the community. The scope of the geographical information system shall be
25 determined by the governing body of the community. The method of creation, maintenance, use
26 and distribution of the geographical information system shall be determined by the governing
27 body of the community. A community shall not mandate the use of this system or allocate the
28 costs of the system to nonusers.

29 4. The information collected or assimilated by a community for use in a geographical
30 information system shall not be withheld from the public, unless otherwise properly made a
31 closed record of the community as provided by section 610.021, RSMo. The information
32 collected or assimilated by a community for use in a geographical information system need not
33 be disclosed in a form which may be read or manipulated by computer, absent a license
34 agreement between the community and the person requesting the information.

35 5. Information collected or assimilated by a community for use in a geographical
36 information system and disclosed in any form, other than in a form which may be read or
37 manipulated by computer, shall be provided for a reasonable fee, as established by section
38 610.026, RSMo. A community maintaining a geographical information system shall make maps
39 and other products of the system available to the public. The cost of the map or other product
40 shall not exceed a reasonable fee representing the cost to the community of time, equipment and
41 personnel in the production of the map or other product. A community may license the use of
42 a geographical information system. The total cost of licensing a geographical information system
43 may not exceed the cost, as established by section 610.026, RSMo, of the:

44 (1) Cost to the community of time, equipment and personnel in the production of the
45 information in a geographical information system or the production of the geographical
46 information system; and

47 (2) Cost to the community of the creation, purchase, or other acquisition of the
48 information in a geographical information system or of the geographical information system.

49 6. The provisions of this section shall not hinder the daily or routine collection of data
50 from the geographical information system by real estate brokers and agents, title collectors,
51 developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall
52 the provisions allow for the charging of fees for the collection of such data exceeding that

53 allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow
54 a community maintaining a geographical information system to license and establish costs for
55 the use of the system's computer program and computer software.

56 7. A community distributing information used in a geographical information system or
57 distributing a geographical information system shall not be liable for any damages which may
58 arise from any error which may exist in the information or the geographical information system.

71.794. A special business district may be established, enlarged or decreased in area as
2 provided herein in the following manner:

3 (1) Upon petition by one or more owners of real property on which is paid the ad
4 valorem real property taxes within the proposed district, the governing body of the city may
5 adopt a resolution of intention to establish, enlarge or decrease in area a special business district.
6 The resolution shall contain the following information:

7 (a) Description of the boundaries of the proposed area;

8 (b) The time and place of a hearing to be held by the governing body considering
9 establishment of the district;

10 (c) The proposed uses to which the additional revenue shall be put and the initial tax rate
11 to be levied.

12 (2) Whenever a hearing is held as provided hereunder, the governing body of the city
13 shall publish notice of the hearing on two separate occasions in at least one newspaper of general
14 circulation not more than fifteen days nor less than ten days before the hearing; and shall mail
15 a notice by [registered or certified] United States mail [with a return receipt attached] of the
16 hearing to all owners of record of real property and licensed businesses located in the proposed
17 district; and shall hear all protests and receive evidence for or against the proposed action; rule
18 upon all protests which determination shall be final; and continue the hearing from time to time.

19 (3) If the governing body decides to change the boundaries of the proposed area, the
20 hearing shall be continued to a time at least fifteen days after the decision. Notice shall be given
21 in at least one newspaper of general circulation at least ten days prior to the time of said hearing
22 showing the boundary amendments.

23 (4) If the governing body following the hearing decides to establish the proposed district,
24 it shall adopt an ordinance to that effect. The ordinance shall contain the following:

25 (a) The number, date and time of the resolution of intention pursuant to which it was
26 adopted;

27 (b) The time and place the hearing was held concerning the formation of the area;

28 (c) The description of the boundaries of the district;

29 (d) A statement that the property in the area established by the ordinance shall be subject
30 to the provisions of additional tax as provided herein;

- 31 (e) The initial rate of levy to be imposed upon the property lying within the boundaries
32 of the district;
- 33 (f) A statement that a special business district has been established;
- 34 (g) The uses to which the additional revenue shall be put;
- 35 (h) In any city with a population of less than three hundred fifty thousand, the creation
36 of an advisory board or commission and enumeration of its duties and responsibilities;
- 37 (i) In any city with a population of three hundred fifty thousand or more, provisions for
38 a board of commissioners to administer the special business district, which board shall consist
39 of seven members who shall be appointed by the mayor with the advice and consent of the
40 governing body of the city. Five members shall be owners of real property within the district or
41 their representatives and two members shall be renters of real property within the district or their
42 representatives. The terms of the members shall be structured so that not more than two
43 members' terms shall expire in any one year. Subject to the foregoing, the governing body of the
44 city shall provide in such ordinance for the method of appointment, the qualifications, and terms
45 of the members.

82.301. As used in sections 82.301 to 82.305, the following terms mean:

- 2 (1) "Local code violation", a violation under the provisions of a local code of
3 general ordinances of any home rule city with more than four hundred thousand
4 inhabitants and located in more than one county which regulates fire prevention, animal
5 control, noise control, property maintenance, building construction, health and sanitation,
6 and nuisances;
- 7 (2) "Neighborhood organization", an organization defined in section 32.105,
8 RSMo;
- 9 (3) "Nuisance", within the boundaries of the community represented by the
10 neighborhood organization, an act or condition knowingly created, performed, or
11 maintained on private property that constitutes a local code violation and that:
- 12 (a) Significantly affects the other residents of the neighborhood;
- 13 (b) Diminishes the value of the neighboring property; and
- 14 (c) Is injurious to public health, safety, or welfare of neighboring residents or
15 obstructs the reasonable use of other property in the neighborhood.

**82.302. Sections 82.301 to 82.304 apply to a nuisance located within the boundaries
2 of any home rule city with more than four hundred thousand inhabitants and located in
3 more than one county.**

**82.303. 1. A neighborhood organization representing persons aggrieved by a local
2 code violation may seek injunctive and other equitable relief in the circuit court for
3 abatement of a nuisance upon showing:**

4 (1) The notice requirements of this subsection have been satisfied; and

5 (2) The nuisance exists and has not been abated.

6 2. An action under this section shall not be brought:

7 (1) Until sixty days after the neighborhood organization sends notice of the
8 violation and of the neighborhood organization's intent to bring an action under this
9 section, by certified mail, return receipt requested, to the appropriate municipal code
10 enforcement agency;

11 (2) If the appropriate municipal code enforcement agency has filed an action for
12 equitable relief from the nuisance;

13 (3) Until sixty days after the neighborhood organization sends notice by first class
14 prepaid postage certified mail to the tenant, if any, and the property owner of record that
15 a nuisance exists and that legal action may be taken if the nuisance is not abated. If the
16 notice sent by certified mail is returned unclaimed or refused, designated by the post office
17 to be undeliverable, or signed for by a person other than the addressee, then adequate and
18 sufficient notice may be given to the tenant, if any, and the property owner of record by
19 sending a copy of the notice by regular mail and posting a copy of notice on the property
20 where the nuisance allegedly is occurring. The notice shall specify:

21 (a) The nature of the alleged nuisance;

22 (b) The date and time of day the nuisance was first discovered;

23 (c) The location on the property where the nuisance is allegedly occurring; and

24 (d) The relief sought in the action.

25 3. In filing a suit under this section, an officer of the neighborhood organization
26 shall certify to the court:

27 (1) That the neighborhood organization has taken the required steps to satisfy the
28 notice requirements under this subsection; and

29 (2) That each condition precedent to the filing of the action under this section has
30 been met.

31 4. An action shall not be brought against an owner of residential rental property
32 unless, prior to giving notice under this section, a notice of violation relating to the
33 nuisance first has been issued by an appropriate municipal code enforcement agency and
34 remains outstanding after a period of forty-five days.

35 5. (1) If a violation notice issued by an appropriate municipal code enforcement
36 agency is an essential element of the municipal enforcement action, a copy of the notice
37 signed by an official of the appropriate municipal code enforcement agency shall be prima
38 facie evidence of the facts contained in the notice.

39 (2) A notice of abatement issued by the appropriate municipal code enforcement

40 agency in regard to the violation notice shall be prima facie evidence that the plaintiff is
41 not entitled to the relief requested.

42 6. A proceeding under this section shall:

43 (1) Be heard at the earliest practicable date; and

44 (2) Be expedited in every way.

82.304. A political subdivision of the state or any agency of a political subdivision
2 shall not be subject to any action brought under this section or an action resulting from an
3 action brought under this section against a private property owner.

82.305. 1. Subject to subsection 2 of this section, sections 82.301 to 82.304 shall not
2 be construed as to abrogate any equitable or legal right or remedy otherwise available
3 under the law to abate a nuisance.

4 2. Sections 82.301 to 82.304 shall not be construed as to grant standing for an
5 action:

6 (1) Challenging any zoning application or approval;

7 (2) In which the alleged nuisance consists of an interior physical defect of a
8 property; or

9 (3) Involving any violation of municipal alcoholic beverages law.

82.1025. 1. In any county of the first classification with a charter form of government
2 and a population greater than nine hundred thousand, in any county of the first classification
3 with more than one hundred ninety-eight thousand but fewer than one hundred ninety-
4 nine thousand two hundred inhabitants, in any county of the first classification with more
5 than seventy-three thousand seven hundred but fewer than seventy-three thousand eight
6 hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand
7 five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in
8 any city not within a county and in any city with at least three hundred fifty thousand inhabitants
9 which is located in more than one county, a parcel of property is a nuisance, if such property
10 adversely affects the property values of a neighborhood because the owner of such property
11 allows the property to be in a deteriorated condition, due to neglect, violation of a county or
12 municipal building code or standard, abandonment, failure to repair after a fire, flood or some
13 other damage to the property or because the owner or resident of the property allows clutter on
14 the property such as abandoned automobiles, appliances or similar objects. Any property owner,
15 who owns property within a reasonable distance to a parcel of property which is alleged to be a
16 nuisance may bring a nuisance action against the offending property owner for the amount of
17 damage created by such property to the value of the petitioner's property and court costs,
18 provided that the owner of the property which is alleged to be a nuisance has received
19 notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five

20 days, to correct the alleged nuisance. This section is not intended to abrogate, and shall not be
21 construed as abrogating, any remedy available under the common law of private nuisance.

22 **2. A nuisance action for injunctive relief may be brought by a neighborhood**
23 **organization, as defined in section 32.105, RSMo, representing any person or persons who**
24 **could maintain a nuisance action under this section or under the common law of private**
25 **nuisance.**

94.837. 1. The governing body of any city of the fourth classification with more
2 **than two thousand five hundred but fewer than two thousand six hundred inhabitants and**
3 **located in any county of the third classification without a township form of government**
4 **and with more than ten thousand four hundred but fewer than ten thousand five hundred**
5 **inhabitants, the governing body of any special charter city with more than nine hundred**
6 **fifty but fewer than one thousand fifty inhabitants, and the governing body of any city of**
7 **the fourth classification with more than one thousand two hundred but fewer than one**
8 **thousand three hundred inhabitants and located in any county of the third classification**
9 **without a township form of government and with more than four thousand three hundred**
10 **but fewer than four thousand four hundred inhabitants may impose a tax on the charges**
11 **for all sleeping rooms paid by the transient guests of hotels or motels situated in the city**
12 **or a portion thereof, which shall be not more than five percent per occupied room per**
13 **night, except that such tax shall not become effective unless the governing body of the city**
14 **submits to the voters of the city at a state general or primary election a proposal to**
15 **authorize the governing body of the city to impose a tax under this section. The tax**
16 **authorized in this section shall be in addition to the charge for the sleeping room and all**
17 **other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for**
18 **the promotion of tourism. Such tax shall be stated separately from all other charges and**
19 **taxes.**

20 **2. The ballot of submission for the tax authorized in this section shall be in**
21 **substantially the following form:**

22 **Shall (insert the name of the city) impose a tax on the charges**
23 **for all sleeping rooms paid by the transient guests of hotels and motels situated in**
24 **..... (name of city) at a rate of (insert rate of percent) percent for the**
25 **sole purpose of promoting tourism?**

26 ☐ YES

☐ NO

27
28 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
29 **favor of the question, then the tax shall become effective on the first day of the second**
30 **calendar quarter following the calendar quarter in which the election was held. If a**

31 majority of the votes cast on the question by the qualified voters voting thereon are
32 opposed to the question, then the tax authorized by this section shall not become effective
33 unless and until the question is resubmitted under this section to the qualified voters of the
34 city and such question is approved by a majority of the qualified voters of the city voting
35 on the question.

36 3. As used in this section, "transient guests" means a person or persons who occupy
37 a room or rooms in a hotel or motel for thirty-one days or less during any calendar
38 quarter.

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

2 (1) "Food", all articles commonly used for food or drink, including alcoholic
3 beverages, the provisions of chapter 311, RSMo, notwithstanding;

4 (2) "Food establishment", any café, cafeteria, lunchroom, or restaurant which sells
5 food at retail;

6 (3) "Municipality", any village with more than two hundred but less than three
7 hundred inhabitants and located in any county of the third classification with a township
8 form of government and with more than twelve thousand five hundred but less than twelve
9 thousand six hundred inhabitants;

10 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel
11 or motel for thirty-one days or less during any calendar quarter.

12 2. The governing body of any municipality may impose, by order or ordinance:

13 (1) A tax, not to exceed six percent per room per night, on the charges for all
14 sleeping rooms paid by the transient guests of hotels or motels situated in the municipality
15 or a portion thereof; and

16 (2) A tax, not to exceed two percent, on the gross receipts derived from the retail
17 sales of food by every person operating a food establishment in the municipality.

18

19 The taxes shall be imposed solely for the purpose of funding the construction, maintenance,
20 and operation of capital improvements. The order or ordinance shall not become effective
21 unless the governing body of the municipality submits to the voters of the municipality at
22 a state general or primary election a proposal to authorize the governing body of the
23 municipality to impose taxes under this section. The taxes authorized in this section shall
24 be in addition to the charge for the sleeping room, the retail sales of food at a food
25 establishment, and all other taxes imposed by law, and shall be stated separately from all
26 other charges and taxes.

27 3. The ballot of submission for the taxes authorized in this section shall be in
28 substantially the following form:

29 **Shall (insert the name of the municipality) impose a tax on the charges for all**
30 **retail sales of food at a food establishment situated in (name of municipality) at a rate**
31 **of (insert rate of percent) percent, and for all sleeping rooms paid by the transient**
32 **guests of hotels and motels situated in (name of municipality) at a rate of (insert**
33 **rate of percent) percent, solely for the purpose of funding the construction, maintenance,**
34 **and operation of capital improvements?**

35 ☐ YES

☐ NO

36

37 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
38 **favor of the question, then the taxes shall become effective on the first day of the second**
39 **calendar quarter after the director of revenue receives notice of the adoption of the taxes.**
40 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
41 **opposed to the question, then the taxes shall not become effective unless and until the**
42 **question is resubmitted under this section to the qualified voters and such question is**
43 **approved by a majority of the qualified voters voting on the question.**

44 **4. Any tax on the retail sales of food imposed under this section shall be**
45 **administered, collected, enforced, and operated as required in section 32.087, RSMo, and**
46 **any transient guest tax imposed under this section shall be administered, collected,**
47 **enforced, and operated by the municipality imposing the tax. All revenue generated by the**
48 **tax shall be deposited in a special trust fund and shall be used solely for the designated**
49 **purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue**
50 **to be used solely for the designated purposes. Any funds in the special trust fund which**
51 **are not needed for current expenditures may be invested in the same manner as other**
52 **funds are invested. Any interest and moneys earned on such investments shall be credited**
53 **to the fund.**

54 **5. The governing body of any municipality that has adopted the taxes authorized**
55 **in this section may submit the question of repeal of the taxes to the voters on any date**
56 **available for elections for the municipality. The ballot of submission shall be in**
57 **substantially the following form:**

58 **Shall (insert the name of the municipality) repeal the taxes imposed at the rates**
59 **of (insert rate of percent) and (insert rate of percent) percent for the purpose of**
60 **funding the construction, maintenance, and operation of capital improvements?**

61 ☐ YES

☐ NO

62

63 **If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall**
64 **become effective on December thirty-first of the calendar year in which such repeal was**

65 approved. If a majority of the votes cast on the question by the qualified voters voting
66 thereon are opposed to the repeal, then the tax authorized in this section shall remain
67 effective until the question is resubmitted under this section to the qualified voters, and the
68 repeal is approved by a majority of the qualified voters voting on the question.

69 **6. Whenever the governing body of any municipality that has adopted the taxes**
70 **authorized in this section receives a petition, signed by ten percent of the registered voters**
71 **of the municipality voting in the last gubernatorial election, calling for an election to repeal**
72 **the taxes imposed under this section, the governing body shall submit to the voters of the**
73 **municipality a proposal to repeal the taxes. If a majority of the votes cast on the question**
74 **by the qualified voters voting thereon are in favor of the repeal, that repeal shall become**
75 **effective on December thirty-first of the calendar year in which such repeal was approved.**
76 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
77 **opposed to the repeal, then the tax shall remain effective until the question is resubmitted**
78 **under this section to the qualified voters and the repeal is approved by a majority of the**
79 **qualified voters voting on the question.**

198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home
2 **district from establishing and maintaining assisted living facilities in any county of the**
3 **third classification without a township form of government and with more than**
4 **twenty-eight thousand two hundred but fewer than twenty-eight thousand three hundred**
5 **inhabitants or any county of the third classification without a township form of**
6 **government and with more than nine thousand five hundred fifty but fewer than nine**
7 **thousand six hundred fifty inhabitants. For purposes of this section, "assisted living**
8 **facility" shall mean any premises developed as a social model environment which is utilized**
9 **by its owner, operator, or manager to provide no fewer services than accommodation,**
10 **board, and meals to three or more residents who are not related within the fourth degree**
11 **of consanguinity or affinity to the owner, operator, or manager of the facility, and who are**
12 **not in need of skilled health care in a medical model environment.**

 247.060. 1. The management of the business and affairs of the district is hereby vested
2 in a board of directors, who shall have all the powers conferred upon the district except as herein
3 otherwise provided[, who shall serve without pay]. It shall be composed of five members, each
4 of whom shall be a voter of the district and shall have resided in said district one whole year
5 immediately prior to his election. A member shall be at least twenty-five years of age and shall
6 not be delinquent in the payment of taxes at the time of his election. Except as provided in
7 subsection 2 of this section, the term of office of a member of the board shall be three years. The
8 remaining members of the board shall appoint a qualified person to fill any vacancy on the board.
9 If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve

10 on the board, the board may appoint an otherwise qualified person, who lives in the district but
11 not in the subdistrict in which the vacancy exists to fill such vacancy. **Any member of the**
12 **board failing to attend the meetings of the board for three consecutive regular meetings,**
13 **unless excused by the board for reasons satisfactory to the board, shall be deemed to have**
14 **vacated the seat and the secretary of the board shall certify such fact to the board. The**
15 **vacancy shall be filled as other vacancies occurring in the board.**

16 2. The initial members of the board shall be appointed by the circuit court and one shall
17 serve until the immediately following first Tuesday after the first Monday in June, two shall
18 serve until the first Tuesday after the first Monday in June on the second year following their
19 appointment and the remaining appointees shall serve until the first Tuesday after the first
20 Monday in June on the third year following their appointment. On the expiration of such terms
21 and on the expiration of any subsequent term, elections shall be held as otherwise provided by
22 law, and such elections [may] **shall** be held in April pursuant to section 247.180.

23 **3. Each member of the board may receive an attendance fee, in an amount to be**
24 **determined by the board not to exceed fifty dollars per meeting, for attending each**
25 **regularly called board meeting or special meeting, but shall not be paid for attending more**
26 **than two such meetings in any calendar month; except that, in any county of the first**
27 **classification, a member shall not be paid for attending more than four such meetings in**
28 **any calendar month. Each member of the board shall be reimbursed for such member's**
29 **actual expenditures in the performance of his or her duties on behalf of the district.**

247.180. 1. Regular elections and elections held for the purposes of section 247.130
2 shall be called annually by the board of directors [on the first Tuesday after the first Monday in
3 June or] on the first Tuesday after the first Monday in April. Such elections shall be conducted
4 by the appropriate election authority pursuant to chapter 115, RSMo.

5 2. Notwithstanding any other provision of law, if there is only one candidate for the post
6 of director of any given subdistrict, then no election shall be held, and the candidate or
7 candidates shall assume the responsibilities of their offices at the same time and in the same
8 manner as if elected. If there is no candidate for the post of any given subdistrict, then no
9 election shall be held for that post and it shall be considered vacant, to be filled pursuant to the
10 provisions of section 247.060.

250.140. 1. Sewerage services, **water services**, or water and sewerage services
2 combined shall be deemed to be furnished to both the occupant and owner of the premises
3 receiving such service and, **except as otherwise provided in subsection 2 of this section**, the
4 city, town [or], village or sewer district **or water supply district organized and incorporated**
5 **under chapter 247, RSMo**, rendering such services shall have power to sue the occupant or
6 owner, or both, of such real estate in a civil action to recover any sums due for such services **less**

7 **any deposit that is held by the city, town, village, or sewer district or water supply district**
8 **organized and incorporated under chapter 247, RSMo, for such services, plus a reasonable**
9 **attorney's fee to be fixed by the court.**

10 2. [If the occupant of the premises receives the billing,] **When the occupant is**
11 **delinquent in payment for thirty days, the city, town, village, sewer district, or water**
12 **supply district shall make a good faith effort to notify the owner of the premises receiving**
13 **such service of the delinquency and the amount thereof. Notwithstanding any other**
14 **provision of this section to the contrary, when an occupant is delinquent more than sixty**
15 **days, the owner shall not be liable for sums due for more than sixty days of service. Any**
16 **notice of termination of service shall be sent to both the occupant and owner of the premises**
17 **receiving such service[, if such owner has requested in writing to receive any notice of**
18 **termination and has provided the entity rendering such service with the owner's business**
19 **addresses].**

20 3. **The provisions of this section shall apply only to residences that have their own**
21 **private water and sewer lines. In instances where several residences share a common**
22 **water or sewer line the owner of the real property upon which the residences sit shall be**
23 **liable for water and sewer expenses.**

24 4. **Notwithstanding any other provision of law to the contrary, any water provider**
25 **who terminates service due to delinquency of payment by a consumer shall not be liable**
26 **for any civil or criminal damages.**

278.240. 1. The board of soil and water conservation district supervisors of the soil and
2 water conservation district in which the watershed district is formed shall act in an advisory
3 capacity to the watershed district board. When a watershed district lies in more than one soil and
4 water conservation district, the combined boards of soil and water conservation district
5 supervisors shall act in an advisory capacity to the watershed district board.

6 2. Five landowners [living] within the watershed district shall be elected to serve as
7 trustees of the watershed district. The trustees shall be elected by a vote of landowners
8 participating in the referendum for the establishment of the watershed district, but the date of the
9 election shall not fall upon the date of any regular political election held in the county. The
10 ballot submitting the proposition to form the watershed district shall be so worded as to clearly
11 state that a tax, not to exceed forty cents on one hundred dollars valuation of all real estate within
12 the watershed district, may be authorized if the watershed district is formed. In watershed
13 districts formed after September 28, 1977, two trustees shall be elected for a term of six years,
14 two shall be elected for a term of four years, and one shall be elected for a term of two years.
15 Their successors shall be elected for terms of six years. In any district in existence on September
16 28, 1977, the three trustees holding office shall continue as trustees. At the next scheduled

17 election within the watershed district, two additional trustees shall be elected. One of the
18 additional trustees shall be elected for a term of four years and one shall be elected for a term of
19 six years. Each successor shall be elected for a term of six years. In case of the death, loss of
20 landowner standing within the watershed district, or resignation from office of any elected
21 watershed district trustee, his or her successor to the unexpired term shall be appointed by the
22 trustees of that watershed district. A trustee may succeed himself or herself by reelection in this
23 office. The trustees shall elect one of their members as chairman and one of their members as
24 secretary to serve for terms of two years.

25 3. The trustees shall act in all matters pertaining to the watershed district, except those
26 concerning formation, consolidation, expansion or disestablishment of the watershed district.
27 It shall be the responsibility of the secretary of the trustees to see that each soil and water district
28 board included in the watershed district is provided a copy of the minutes of each meeting held
29 by the trustees. The trustees shall be reimbursed for expenses incurred relating to the business
30 of the watershed district.

321.322. 1. If any property located within the boundaries of a fire protection district
2 shall be included within a city having a population of at least two thousand five hundred but not
3 more than fifty thousand which is not wholly within the fire protection district and which
4 maintains a city fire department, then upon the date of actual inclusion of the property within the
5 city, as determined by the annexation process, the city shall within sixty days assume by contract
6 with the fire protection district all responsibility for payment in a lump sum or in installments
7 an amount mutually agreed upon by the fire protection district and the city for the city to cover
8 all obligations of the fire protection district to the area included within the city, and thereupon
9 the fire protection district shall convey to the city the title, free and clear of all liens or
10 encumbrances of any kind or nature, any such tangible real and personal property of the fire
11 protection district as may be agreed upon, which is located within the part of the fire protection
12 district located within the corporate limits of the city with full power in the city to use and
13 dispose of such tangible real and personal property as the city deems best in the public interest,
14 and the fire protection district shall no longer levy and collect any tax upon the property included
15 within the corporate limits of the city; except that, if the city and the fire protection district
16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire
17 protection in the annexed area on or before January first of the third calendar year following the
18 actual inclusion of the property within the city, as determined by the annexation process, and
19 furthermore the fire protection district shall not levy and collect any tax upon that property
20 included within the corporate limits of the city after the date of inclusion of that property:

21 (1) On or before January first of the second calendar year occurring after the date on
22 which the property was included within the city, the city shall pay to the fire protection district

23 a fee equal to the amount of revenue which would have been generated during the previous
24 calendar year by the fire protection district tax on the property in the area annexed which was
25 formerly a part of the fire protection district;

26 (2) On or before January first of the third calendar year occurring after the date on which
27 the property was included within the city, the city shall pay to the fire protection district a fee
28 equal to four-fifths of the amount of revenue which would have been generated during the
29 previous calendar year by the fire protection district tax on the property in the area annexed
30 which was formerly a part of the fire protection district;

31 (3) On or before January first of the fourth calendar year occurring after the date on
32 which the property was included within the city, the city shall pay to the fire protection district
33 a fee equal to three-fifths of the amount of revenue which would have been generated during the
34 previous calendar year by the fire protection district tax on the property in the area annexed
35 which was formerly a part of the fire protection district;

36 (4) On or before January first of the fifth calendar year occurring after the date on which
37 the property was included within the city, the city shall pay to the fire protection district a fee
38 equal to two-fifths of the amount of revenue which would have been generated during the
39 previous calendar year by the fire protection district tax on the property in the area annexed
40 which was formerly a part of the fire protection district; and

41 (5) On or before January first of the sixth calendar year occurring after the date on which
42 the property was included within the city, the city shall pay to the fire protection district a fee
43 equal to one-fifth of the amount of revenue which would have been generated during the
44 previous calendar year by the fire protection district tax on the property in the area annexed
45 which was formerly a part of the fire protection district.

46

47 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with
48 a fire protection district for mutually agreeable services. This section shall also apply to those
49 fire protection districts and cities which have not reached agreement on overlapping boundaries
50 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though
51 inclusion of the annexed area took place on December thirty-first immediately following August
52 28, 1990.

53 2. Any property excluded from a fire protection district by reason of subsection 1 of this
54 section shall be subject to the provisions of section 321.330.

55 3. The provisions of this section shall not apply in any county of the first class having
56 a charter form of government and having a population of over nine hundred thousand inhabitants.

57 **4. The provisions of this section shall not apply where the annexing city or town has**
58 **a population of not less than two thousand five hundred and not more than fifty thousand,**

59 operates a city fire department, and, prior to January 1, 2005, was entirely surrounded by
60 a single fire district. In such cases, the provision of fire and emergency medical services
61 following annexation shall be governed by subsections 2 and 3 of section 72.418, RSMo.

447.620. As used in sections 447.620 to 447.640, the following terms mean:

2 (1) "Housing code", a local building, fire, health, property maintenance, nuisance, or
3 other ordinance which contains standards regulating the condition or maintenance of residential
4 buildings;

5 (2) "Last known address", the address where the property is located or the address as
6 listed in the property tax records;

7 (3) "Municipality", any incorporated city, town, or village;

8 (4) "Nuisance", any property which because of its physical condition or use is a public
9 nuisance or any property which constitutes a blight on the surrounding area or any property
10 which is in violation of the applicable housing code such that it constitutes a substantial threat
11 to the life, health, or safety of the public. For purposes of sections 447.620 to 447.640, any
12 declaration of a public nuisance by a municipality pursuant to an ordinance adopted pursuant to
13 sections 67.400 to 67.450, RSMo, shall constitute prima facie evidence that the property is a
14 nuisance;

15 (5) "Organization", any Missouri not-for-profit organization validly organized pursuant
16 to law and whose purpose includes the provision or enhancement of housing opportunities in its
17 community **and which has been incorporated for at least six months**;

18 (6) "Parties in interest", any owner or owners of record, occupant, lessee, mortgagee,
19 trustee, personal representative, agent, or other party having an interest in the property as shown
20 by the land records of the recorder of deeds of the county wherein the property is located, except
21 in any municipality contained wholly or partially within a county with a charter form of
22 government and with more than six hundred thousand but less than seven hundred thousand
23 inhabitants, "parties in interest" shall mean owners, lessees, mortgagees, or lienholders whose
24 interest has been recorded or filed in the public records;

25 (7) "Rehabilitation", the process of improving the property, including, but not limited
26 to, bringing the property into compliance with the applicable housing code.

447.622. Any organization may petition to have property declared abandoned pursuant
2 to the provisions of sections 447.620 to 447.640 and for temporary possession of such property,
3 if:

4 (1) The property has been continuously unoccupied by persons legally entitled to
5 possession for at least [one month] **six months** prior to the filing of the petition;

6 (2) The taxes are delinquent on the property;

7 (3) The property is a nuisance; and

8 (4) The organization intends to rehabilitate the property.

447.625. 1. Any petition filed under the provisions of sections 447.620 to 447.640
2 which pertains to property located within any home rule city [with more than four hundred
3 thousand inhabitants and located in more than one county] shall meet the requirements of this
4 section.

5 2. Summons shall be issued and service of process shall be had as in other in rem or
6 quasi in rem civil actions.

7 3. The petition shall contain a prayer for a court order approving the organization's
8 rehabilitation plan and granting temporary possession of the property to the organization. The
9 petition shall also contain a prayer for a sheriff's deed conveying title to the property to the
10 organization upon the completion of rehabilitation when no owner has regained possession of
11 the property pursuant to section 447.638.

12 4. The court shall stay any ruling on the organization's prayer for a sheriff's deed until
13 rehabilitation has been completed.

14 5. The owner may file a motion for restoration of possession of the property prior to the
15 completion of rehabilitation. The court shall determine whether to restore possession to the
16 owner and proper compensation to the organization in the same manner as in section 447.638.

17 6. Upon completion of rehabilitation the organization may file a motion for sheriff's deed
18 in place of a petition for judicial deed under section 447.640.

19 7. The provisions of sections 447.620 to 447.640 shall apply except where they are in
20 conflict with this section.

447.640. If an owner does not regain possession of the property in the one-year period
2 following entry of an order granting temporary possession of the property to the organization,
3 the organization may file a petition for judicial deed and, upon due notice to the named
4 defendants, an order may be entered granting a quitclaim judicial deed to the organization. A
5 conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens
6 on, and other interest in the property, except tax liens. **Any party in interest of the property**
7 **shall present any claim for compensation prior to the entering of the court order conveying**
8 **title to the organization.**

573.505. 1. In order to defray the costs of background checks conducted pursuant to
2 section 573.503, any city not within a county and any county may, by ordinance or order, impose
3 a sales tax on all retail sales which are subject to taxation under the provisions of sections
4 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized
5 by this section shall not be levied at a rate which would amount to a sum greater than [ten] **five**
6 percent of the gross receipts of any such business. The tax authorized by this section shall be in
7 addition to any and all other sales taxes allowed by law, except that no order or ordinance

8 imposing a sales tax under the provisions of this section shall be effective unless the governing
9 body of the city or county submits to the voters of the city or county, at a city, county or state
10 general, primary, or special election, a proposal to authorize the governing body of the city or
11 county to impose a tax.

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

14 Shall the city or county of (city's or county's name) impose a sales tax upon
15 adult cabarets of (Insert amount) for a period not to exceed (Insert number) years
16 for the purpose of investigating the background of the employees of such businesses **and for the**
17 **general law enforcement use of the sheriff's office with existing revenues to be used for**
18 **either purpose?**

19 ☐ YES ☐ NO

20

21 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
22 to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the
23 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance
24 or order and any amendments thereto shall become effective on the first day of the second
25 calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority
26 of the votes cast by the qualified voters voting are opposed to the proposal, then the governing
27 body of the city or county shall have no power to impose the sales tax authorized by this section
28 unless and until the governing body of the city or county shall again have submitted another
29 proposal to authorize the governing body of the city or county to impose the sales tax authorized
30 by this section and such proposal is approved by a majority of the qualified voters voting thereon.

31 3. All revenue received by a city or county from the tax authorized under the provisions
32 of this section shall be deposited in a special trust fund and shall be used by the city or county
33 [solely] for the investigation of the backgrounds of persons employed at any adult cabaret in such
34 city or county **and for the general law enforcement use of the sheriff's office**. Any funds in
35 such special trust fund which are not needed for current expenditures may be invested by the
36 governing body in accordance with applicable laws relating to the investment of other city or
37 county funds.

38 4. The tax authorized by this section shall terminate four years from the date on which
39 such tax was initially imposed by the city or county, unless sooner abolished by the governing
40 body of the city or county.

41 5. All sales taxes collected by the director of revenue under this section on behalf of any
42 city or county, less one percent for cost of collection which shall be deposited in the state's
43 general revenue fund after payment of premiums for surety bonds as provided in section 32.087,

44 RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created,
45 to be known as the "City and County Background Check Tax Trust Fund". The moneys in the
46 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
47 the state. The director of revenue shall keep accurate records of the amount of money in the trust
48 fund which was collected in each city or county imposing a sales tax under this section, and the
49 records shall be open to the inspection of officers of the city or county and the public. Not later
50 than the tenth day of each month, the director of revenue shall distribute all moneys deposited
51 in the trust fund during the preceding month to the city or county which levied the tax. Such
52 funds shall be deposited with the city or county treasurer of each such city or county, and all
53 expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted
54 by the governing body of each such city or county.

55 6. The director of revenue may authorize the state treasurer to make refunds from the
56 amounts in the trust fund and credited to any city or county for erroneous payments and
57 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
58 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
59 director of revenue of the action at least ninety days prior to the effective date of the repeal and
60 the director of revenue may order retention in the trust fund, for a period of one year, of two
61 percent of the amount collected after receipt of such notice to cover possible refunds or
62 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
63 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
64 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
65 the account to the city or county and close the account of that city or county. The director of
66 revenue shall notify each city or county of each instance of any amount refunded or any check
67 redeemed from receipts due the city or county.

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

70 8. As used in this section, the term "city" means any city not within a county.

**Section 1. After September 1, 2005, no fund shall be created to be used as a
2 depository for moneys received or collected to fund additional costs and expenses incurred
3 by any county office. Any moneys received or collected to fund additional costs and
4 expenses incurred by any county office, excluding any moneys collected pursuant to any
5 section in effect before September 1, 2005, shall be deposited in the general revenue fund
6 of the county.**

**Section 2. Notwithstanding any other provisions of law to the contrary, the salary
2 schedules contained in sections 49.082, RSMo, 50.334, RSMo, 50.343, RSMo, 51.281,
3 RSMo, 51.282, RSMo, 52.269, RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320,**

4 **RSMo, 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, and 58.095, RSMo, shall be set as a**
5 **base schedule for those county officials. Beginning August 28, 2005, the salary commission**
6 **in all counties except charter counties in this state shall be responsible for the computation**
7 **of salaries of all county officials; provided, however, that any percentage salary**
8 **adjustments in a county shall be equal for all such officials in that county.**

Section B. Because immediate action is necessary to provide funding for necessary
2 infrastructure, the enactment of section 94.838 of section A of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 94.838 of section A of this act shall be in full force and effect upon its passage and
6 approval.