

SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 58
 AN ACT

To repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 217.905, 231.444, 233.295, 242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, RSMo, and section 137.130 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and as enacted by conference committee substitute for house committee substitute for senate bill no. 219, ninetieth general assembly, first regular session, and to enact in lieu thereof one hundred thirty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

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

1 Section A. Sections 44.090, 49.093, 49.272, 50.343, 50.530,
 2 50.760, 50.770, 50.780, 52.317, 54.010, 54.280, 54.320, 54.330,
 3 55.160, 59.005, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600,
 4 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350,
 5 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291,

1 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.019,
2 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720,
3 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420,
4 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010,
5 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861,
6 217.905, 231.444, 233.295, 242.560, 245.205, 247.060, 247.180,
7 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121,
8 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622,
9 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, RSMo, and
10 section 137.130 as enacted by conference committee substitute for
11 house substitute for senate substitute for senate committee
12 substitute for senate bill no. 19, ninetieth general assembly,
13 first regular session and as enacted by conference committee
14 substitute for house committee substitute for senate bill no.
15 219, ninetieth general assembly, first regular session, are
16 repealed and one hundred thirty-three new sections enacted in
17 lieu thereof, to be known as sections 44.045, 44.090, 49.093,
18 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 50.783, 50.784,
19 50.1176, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005,
20 59.044, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.055,
21 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1159,
22 67.1305, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1809,
23 67.1850, 71.208, 71.794, 79.600, 82.291, 82.301, 82.302, 82.303,
24 82.305, 82.1025, 94.270, 94.700, 94.837, 94.838, 94.860, 99.1080,
25 99.1082, 99.1086, 99.1088, 99.1090, 99.1092, 100.050, 100.059,
26 104.802, 105.711, 115.019, 136.010, 136.160, 137.078, 137.079,
27 137.115, 137.122, 137.130, 137.465, 137.585, 137.720, 138.100,
28 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430,

1 139.440, 139.450, 139.460, 140.150, 165.071, 169.586, 190.010,
2 190.015, 190.090, 190.292, 190.335, 198.345, 205.010, 210.860,
3 210.861, 217.905, 231.444, 233.295, 242.560, 245.205, 247.060,
4 247.180, 250.140, 263.245, 278.240, 301.025, 311.087, 320.121,
5 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622,
6 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, 1, 2, 3,
7 4, 5, 6, and 7, to read as follows:

8 44.045. 1. Subject to approval by the state emergency
9 management agency during an emergency declared by the governor or
10 general assembly, any health care professional licensed,
11 registered, or certified in this state may be deployed to provide
12 care as necessitated by the emergency, including care
13 necessitated by mutual aid agreements between political
14 subdivisions and other public and private entities under section
15 44.090.

16 2. In a declared state of emergency, the department of
17 health and senior services and the division of professional
18 registration within the department of economic development may
19 release otherwise confidential contact and licensure,
20 registration, or certification information relating to health
21 care professionals, to state, local, and private agencies to
22 facilitate deployment.

23 44.090. 1. The executive officer of any political
24 subdivision may enter into mutual-aid arrangements or agreements
25 with other public and private agencies within and without the
26 state for reciprocal emergency aid. Such arrangements or
27 agreements shall be consistent with the state disaster plan and
28 program and the provisions of section 70.837, RSMo, and section

1 320.090, RSMo. In time of emergency it shall be the duty of each
2 local organization for emergency management to render assistance
3 in accordance with the provisions of such mutual-aid arrangements
4 or agreements.

5 2. [The coordinator of each local organization for
6 emergency management may assist in negotiation of reciprocal
7 mutual-aid agreements between the coordinator's organization and
8 other public and private agencies and between the governor and
9 the adjoining states or political subdivisions thereof, and shall
10 carry out arrangements or agreements relating to the local unit.]

11 Any contracts that are agreed upon may provide for compensation
12 from the parties and other terms that are agreeable to the
13 parties and may be for an indefinite period as long as they
14 include a sixty-day cancellation notice provision by either
15 party. The contracts agreed upon may not be entered into for the
16 purpose of reduction of staffing by either party.

17 3. At the time of significant emergency such as fire,
18 earthquake, flood, tornado, hazardous material incident,
19 terrorist incident, or other such manmade or natural emergency
20 disaster anywhere within the state or bordering states, the
21 highest ranking official of a political subdivision available may
22 render aid to any requesting political jurisdiction, even without
23 written agreement, as long as he or she is in accordance with the
24 policies and procedures set forth by the governing board of that
25 jurisdiction.

26 4. When responding to mutual aid or emergency aid requests,
27 political subdivisions shall be subject to all provisions of law
28 as if it were providing service within its own jurisdiction.

1 5. All political subdivisions within the state are, upon
2 enactment of this legislation or an execution of an agreement,
3 are automatically a part of the Missouri statewide mutual aid
4 system. A political subdivision within the state may elect not
5 to participate in the statewide mutual aid system upon enacting
6 an appropriate resolution by its governing body declaring that it
7 elects not to participate in the statewide mutual aid system and
8 by providing a copy of the resolution to the state fire marshal
9 and state emergency management agency.

10 6. Emergency response agencies shall include fire service
11 organizations, law enforcement agencies, emergency medical
12 service organizations, public health and medical personnel,
13 emergency management officials, infrastructure departments,
14 public works agencies, and those other agencies, organizations,
15 and departments that have personnel with special skills or
16 training that are needed to provide services during an emergency
17 or disaster.

18 7. It shall be the responsibility of each political
19 subdivision to adopt and put into practice the National Incident
20 Management System promulgated by the United States Department of
21 Homeland Security.

22 8. In the event of a disaster that is beyond the capability
23 of local political subdivisions, the local governing authority
24 may request assistance under this section.

25 9. Any entity or individual that holds license,
26 certificate, or other permit issued by a participating political
27 subdivision or state shall be deemed licensed, certified, or
28 permitted in the requesting political subdivision for the

1 duration of the declared emergency or authorized drill.

2 10. Reimbursement for services rendered under this section
3 shall be in accordance with state and federal guidelines. Any
4 political subdivision providing assistance shall receive
5 appropriate reimbursement according to those guidelines.

6 11. Applicable benefits normally available to personnel
7 while performing duties for their jurisdiction are also available
8 to such persons when an injury or death occurs when rendering
9 assistance to another political subdivision under this section.
10 Responders shall be eligible for the same state and federal
11 benefits that may be available to them for line of duty deaths if
12 such services are otherwise provided for within their
13 jurisdiction.

14 12. All activities performed under this section are deemed
15 to be governmental functions. For the purposes of liability, all
16 participating political subdivisions responding under operational
17 control of the requesting political subdivision are deemed
18 employees of such participating political subdivision.

19 49.093. 1. In counties of the third and fourth
20 classification, the county officer or the county officer's
21 designee of each county department shall, annually, on or before
22 the tenth day of October, inspect and inventory all office
23 equipment and machines, road machinery, farm supplies, equipment
24 and produce on hand and all other personal property belonging to
25 the county and used by such department of an individual original
26 value of [two hundred fifty] one thousand dollars or more of
27 whatsoever kind or description [and any property with an
28 aggregate original value of one thousand dollars or more]. The

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

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

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

21 49.272. The county commission of any county of the first
22 classification without a charter form of government and with more
23 than one hundred thirty-five thousand four hundred but less than
24 one hundred thirty-five thousand five hundred inhabitants, and in
25 any county of the first classification without a charter form of
26 government having a population of at least eighty-two thousand
27 inhabitants, but less than eighty-two thousand one hundred
28 inhabitants, any county of the first classification with more

1 than one hundred four thousand six hundred but fewer than one
2 hundred four thousand seven hundred inhabitants, any county of
3 the first classification with more than one hundred ninety-eight
4 thousand but fewer than one hundred ninety-nine thousand two
5 hundred inhabitants, and any county of the first classification
6 with more than two hundred forty thousand three hundred but less
7 than two hundred forty thousand four hundred inhabitants, which
8 has an appointed county counselor and which adopts or has adopted
9 rules, regulations or ordinances under authority of a statute
10 which prescribes or authorizes a violation of such rules,
11 regulations or ordinances to be a misdemeanor punishable as
12 provided by law, may by rule, regulation or ordinance impose a
13 civil fine not to exceed one thousand dollars for each violation.
14 Any fines imposed and collected under such rules, regulations or
15 ordinances shall be payable to the county general fund to be used
16 to pay for the cost of enforcement of such rules, regulations or
17 ordinances.

18 50.343. 1. Other provisions of law to the contrary
19 notwithstanding, in any first classification nonchartered county,
20 including any county containing any part of a city with a
21 population of three hundred thousand or more, the annual salary
22 of a county recorder of deeds, clerk, auditor, county
23 commissioner, collector, treasurer, assessor or salaried public
24 administrator may be computed on an assessed valuation basis,
25 without regard to modification due to the existence of enterprise
26 zones or financing under chapter 100, RSMo, as set forth in the
27 following schedule except as provided in subsection 2 of this
28 section. The assessed valuation factor shall be the amount

1 thereof as shown for the year next preceding the computation.
2 The provisions of this section shall not permit a reduction in
3 the amount of compensation being paid on January 1, 1997, for any
4 of the offices subject to this section on January 1, 1997.

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

8	Assessed Valuation	Salary
9	\$ 450,000,001 to 600,000,000	\$47,000
10	600,000,001 to 750,000,000	49,000
11	750,000,001 to 900,000,000	51,000
12	900,000,001 to 1,050,000,000	53,000
13	1,050,000,001 to 1,200,000,000	55,000
14	1,200,000,001 to 1,350,000,000	57,000
15	1,350,000,000 and over	59,000

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

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

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

1 officers may be adjusted by the county commission, not to exceed
2 the percentage increase given to the other county employees.

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

11 50.530. As used in sections 50.530 to 50.745:

12 (1) "Accounting officer" means county auditor in counties
13 of [classes one and two] the first and second classifications and
14 the county clerks in counties of [classes three and four] the
15 third and fourth classifications;

16 (2) "Budget officer" means such person, as may, from time
17 to time, be appointed by the county commission of [class one]
18 counties of the first classification except in [class one]
19 counties of the first classification with a population of less
20 than one hundred thousand inhabitants according to the official
21 United States Census of 1970 the county auditor shall be the
22 chief budget officer, the presiding commissioner of the county
23 commission in [class two] counties of the second classification,
24 unless the county commission designates the county clerk as
25 budget officer, and the county clerk in counties of [class three
26 and four] the third and fourth classification. Notwithstanding
27 the provisions of this subdivision to the contrary, in any county
28 of the first classification with more than eighty-two thousand

1 but fewer than eighty-two thousand one hundred inhabitants the
2 presiding commissioner shall be the budget officer unless the
3 county commission designates the county clerk as the budget
4 officer.

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

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

12 2. The county commission may authorize the purchase of
13 supplies, not including for contractual services, at any public
14 auction held.

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

19 50.770. The word "supplies", as used in sections 50.760 to
20 50.790, means materials, equipment, contractual services, and
21 shall be held and construed to include every article or thing,
22 excluding utility services regulated under chapters 392 and 393,
23 RSMo, for which payment may by law be required to be made by the
24 county, and including advertising and printing required to be
25 done by the county. The term "purchase" includes the rental or
26 leasing of any equipment, articles, or things.

27 50.780. 1. It shall hereafter be unlawful for any county
28 or township officer in any county to which sections 50.760 to

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

25 2. The county commission may waive the requirement of
26 competitive bids or proposals for supplies when the county
27 commission has determined that there exists a threat to life,
28 property, public health, or public safety or when immediate

expenditure is necessary for repairs to county property in order to protect against further loss of, or damage to, county property, to prevent or minimize serious disruption in county services or to ensure the integrity of county records. Emergency procurements shall be made with as much competition as is practicable under the circumstances. After an emergency procurement is made by the county commission, the nature of the emergency and the vote approving the procurement shall be noted in the minutes of the next regularly scheduled meeting.

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

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

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

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

2. On any single feasible source purchase where the estimated expenditure is three thousand dollars or over, the commission shall post notice of the proposed purchase. Where the estimated expenditure is five thousand dollars or over, the

1 commission shall also advertise the commission's intent to make
2 such purchase in at least one daily and one weekly newspaper of
3 general circulation in such places as are most likely to reach
4 prospective bidders or offerors and may provide such information
5 through an electronic medium available to the general public at
6 least ten days before the contract is to be let.

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

1 50.1176. Notwithstanding the provisions of any other law to
2 the contrary, any county may establish as an employer a special
3 pay plan for its employees under section 401(a) of the federal
4 Internal Revenue Code, 26 U.S.C. 401(a). The special pay plans
5 established under the authority of this section shall be subject
6 to oversight under section 105.661, RSMo.

7 52.317. Any county subject to the provisions of section
8 52.312 shall provide moneys for budget purposes in an amount not
9 less than the approved budget in the previous year excluding
10 capital improvements and equipment purchases and shall include
11 the same percentage adjustments in compensation as provided for
12 other county employees as effective January first each year. Any
13 moneys accumulated and remaining in the tax maintenance fund as
14 of December thirty-first each year in all counties of the first
15 classification without a charter form of government and any
16 county with a charter form of government and with more than two
17 hundred fifty thousand but less than three hundred fifty thousand
18 inhabitants shall be limited to an amount equal to one-half of
19 the previous year's approved budget for the office of collector,
20 and any moneys accumulated and remaining in the tax maintenance
21 fund as of December thirty-first each year in all counties other
22 than counties of the first classification and any city not within
23 a county, which collect more than four million dollars of all
24 current taxes charged to be collected, shall be limited to an
25 amount equal to the previous year's approved budget for the
26 office of collector. Any moneys remaining in the tax maintenance
27 fund as of December thirty-first each year that exceed the
28 above-established limits shall be transferred to county general

1 revenue by the following January fifteenth of each year.

2 54.010. 1. There is created in all the counties of this
3 state the office of county treasurer, except that in those
4 counties having adopted the township alternative form of county
5 government the qualified electors shall elect a county collector-
6 treasurer.

7 2. In counties of classes one and two the qualified
8 electors shall elect a county treasurer at the general election
9 in 1956 and every four years thereafter.

10 3. In counties of classes three and four the qualified
11 electors shall elect a county treasurer at the general election
12 in the year 1954, and every four years thereafter, except that in
13 those counties having adopted the township alternative form of
14 county government the qualified electors shall elect a county
15 [treasurer] collector-treasurer at the November election in 1956,
16 and every four years thereafter.

17 4. Laws generally applicable to county collectors, their
18 offices, clerks, and deputies shall apply to and govern county
19 collector-treasurers in counties having township organization,
20 except when such general laws and such laws applicable to
21 counties of the third and fourth classification conflict with the
22 laws specifically applicable to county collector-treasurers,
23 their offices, clerks, and deputies in counties having township
24 organization, in which case, such laws shall govern.

25 54.280. 1. The county [treasurer] collector-treasurer of
26 counties having adopted or which may hereafter adopt township
27 organization shall [be ex officio collector, and shall] have the
28 [same] power to collect all current, back, and delinquent real

1 and personal property taxes, including merchants' and
2 manufacturers' licenses, [merchants' taxes,] taxes on railroads
3 and utilities, and other corporations, the current and delinquent
4 or nonresident lands or town lots, and all other local taxes,
5 including ditch and levee taxes, and to prosecute for and make
6 sale thereof, the same that is now or may hereafter be vested in
7 the county collectors under the general laws of this state. The
8 [ex officio collector] collector-treasurer shall, at the time of
9 making his annual settlement in each year, deposit the tax books
10 [returned by the township collectors] in the office of the county
11 clerk, and within thirty days thereafter the clerk shall make, in
12 a book to be called "the back tax book", a correct list, in
13 numerical order, of all tracts of land and town lots which have
14 been returned delinquent [by said collectors], and return said
15 list to the [ex officio collector] collector-treasurer, taking
16 his or her receipt therefor.

17 2. Notwithstanding any other provision of law to the
18 contrary, for the collection of all current and current
19 delinquent real and personal property taxes, the collector-
20 treasurer shall collect on behalf of the county the following
21 fees to be deposited into the county general fund:

22 _____ (1) In any county in which the total amount of taxes levied
23 for any one year is four million dollars or less, a fee of three
24 percent on the total amount of taxes levied;

25 _____ (2) In any county in which the total amount of taxes levied
26 for any one year exceeds four million dollars but is equal to or
27 less than seven million dollars, a fee of two and three-fourths
28 percent on the total amount of taxes levied;

1 (3) In any county in which the total amount of taxes levied
2 for any one year is greater than seven million dollars but equal
3 to or less than ten million dollars, a fee of two and one-half
4 percent on the total amount of taxes levied;

5 (4) In any county in which the total amount of taxes levied
6 for any one year is greater than ten million dollars but equal to
7 or less than thirteen million dollars, a fee of two and one-
8 fourth percent on the total amount of taxes levied; and

9 (5) In any county in which the total amount of taxes levied
10 for any one year is greater than thirteen million dollars, a fee
11 of two percent on the total amount of taxes levied.

12 54.320. 1. The county [treasurer ex officio collector]
13 collector-treasurer in counties of the third and fourth
14 classifications adopting township organization shall receive an
15 annual salary as set forth in the following schedule. The
16 assessed valuation factor shall be the amount thereof as shown
17 for the year next preceding the computation. A county [treasurer
18 ex officio collector] collector-treasurer subject to the
19 provisions of this section shall not receive an annual
20 compensation less than the total compensation being received by
21 the county treasurer ex officio collector in that county for
22 services rendered or performed for the period beginning March 1,
23 1987, and ending February 29, 1988. The county [treasurer ex
24 officio collector] collector-treasurer shall receive the same
25 percentage adjustments provided by county salary commissions for
26 county officers in that county pursuant to section 50.333, RSMo.
27 The provisions of this section shall not permit or require a
28 reduction in the amount of compensation being paid for the office

1 of county treasurer ex officio collector on January 1, 1997, or
2 less than the total compensation being received for the services
3 rendered or performed for the period beginning March 1, 1987, and
4 ending February 29, 1988. The salary shall be computed on the
5 basis of the following schedule:

6	Assessed Valuation	Salary
7	\$ 18,000,000 to 40,999,999	\$29,000
8	41,000,000 to 53,999,999	30,000
9	54,000,000 to 65,999,999	32,000
10	66,000,000 to 85,999,999	34,000
11	86,000,000 to 99,999,999	36,000
12	100,000,000 to 130,999,999	38,000
13	131,000,000 to 159,999,999	40,000
14	160,000,000 to 189,999,999	41,000
15	190,000,000 to 249,999,999	41,500
16	250,000,000 to 299,999,999	43,000
17	300,000,000 to 449,999,999	45,000

18
19 In addition, the [ex officio collector] collector-treasurer shall
20 [be allowed to retain a commission] collect on behalf of the
21 county a fee for the collection of all back taxes and all
22 delinquent taxes of two percent on all sums collected to be added
23 to the face of the tax bill, and collected from the party paying
24 the tax. The [ex officio collector] collector-treasurer shall
25 [be allowed a commission] collect on behalf of the county a fee
26 of three percent on all licenses, [and all taxes,] including
27 current railroad and utility taxes, surtax, back taxes,
28 delinquent taxes and interest collected by the [ex officio

1 collector] collector-treasurer, to be deducted from the amounts
2 collected. [The three percent allowed to be retained shall be
3 withheld on behalf of the county and shall be deposited in the
4 county treasury or as provided by law and beginning January 1,
5 1989, the two percent allowed to be retained for collection of
6 all back taxes and delinquent taxes shall be withheld on behalf
7 of the county and shall be deposited in the county treasury or as
8 provided by law.] The collector-treasurer shall collect on
9 behalf of the county for the purpose of mailing statements and
10 receipts required by section 139.350, RSMo, a fee of one-half of
11 one percent on all licenses and all taxes, including current
12 taxes, back taxes, delinquent taxes, and interest collected by
13 the collector-treasurer, to be deducted from the amounts
14 collected. All fees collected under this section shall be
15 collected on behalf of the county and shall be deposited in the
16 county treasury or as provided by law. Collector-treasurers in
17 counties having a township form of government are entitled to
18 collect such fees immediately upon an order of the circuit court
19 under section 139.031, RSMo. If the protest is later sustained
20 and a portion of the taxes so paid is returned to the taxpayer
21 the county shall return that portion of the fee collected on the
22 amount returned to the taxpayer. The [treasurer ex officio
23 collector] collector-treasurer in each of the third and fourth
24 classification counties which have adopted the township form of
25 county government is entitled to employ deputies and assistants,
26 and for the deputies and assistants is allowed not less than the
27 amount allowed in [1992 or 1993] 2003-2004, whichever is greater.

28 2. Notwithstanding any provisions of law to the contrary,

1 the collector-treasurer in each county of the third and fourth
2 classification having a township form of government shall employ
3 not fewer than one full-time deputy. The collector-treasurer may
4 employ such number of deputies and assistants as may be necessary
5 to perform the duties of the office of collector-treasurer
6 promptly and correctly, as determined by the collector-treasurer.
7 The office of the collector-treasurer shall be funded
8 sufficiently to compensate deputies and assistants at a level no
9 less than the compensation provided for other county employees.
10 Such deputies and assistants shall be allowed adjustments in
11 compensation at the same percentage as provided for other county
12 employees, as effective January 1 of each year.

13 3. Two thousand dollars of the salary authorized in this
14 section shall be payable to the [treasurer ex officio collector]
15 collector-treasurer only if such officer has completed at least
16 twenty hours of classroom instruction each calendar year relating
17 to the operations of the [treasurer ex officio collector's]
18 collector-treasurer's office when approved by a professional
19 association of the county treasurers or county collectors of
20 Missouri unless exempted from the training by the professional
21 association. The professional association approving the program
22 shall provide a certificate of completion to each [treasurer ex
23 officio collector] collector-treasurer who completes the training
24 program and shall send a list of certified [treasurer ex officio
25 collectors] collector-treasurers to the county commission of each
26 county. Expenses incurred for attending the training session may
27 be reimbursed to the county [treasurer ex officio collector]
28 collector-treasurer in the same manner as other expenses as may

1 be appropriated for that purpose.

2 54.330. 1. County [treasurers, as ex officio county
3 collectors of counties under] collector-treasurers in a county
4 having township organization, shall be required to give bonds as
5 other county collectors under the general revenue law.

6 2. Before entering upon the duties for which they are
7 employed, deputies and assistants employed in the office of any
8 [treasurer ex officio collector] collector-treasurer shall give
9 bond and security to the satisfaction of the [treasurer ex
10 officio collector] collector-treasurer. The bond for each
11 individual deputy or assistant shall not exceed one-half of the
12 amount of the maximum bond required for any [treasurer ex officio
13 collector] collector-treasurer. The official bond required
14 pursuant to this section shall be a surety bond with a surety
15 company authorized to do business in this state. The premium of
16 the bond shall be paid by the county or city being protected.

17 55.160. The auditor of each county of the first class not
18 having a charter form of government and of each county of the
19 second class shall keep an inventory of all county property under
20 the control and management of the various officers and
21 departments and shall annually take an inventory of such property
22 at an original value of [two hundred fifty] one thousand dollars
23 or more showing the amount, location and estimated value thereof.
24 [He] The auditor shall keep accounts of all appropriations and
25 expenditures made by the county commission, and no warrant shall
26 be drawn or obligation incurred without [his] the auditor's
27 certification that an unencumbered balance, sufficient to pay the
28 same, remain in the appropriate account or in the anticipated

1 revenue fund against which such warrant or obligation is to be
2 charged. [He] The auditor shall audit the accounts of all
3 officers of the county annually or upon their retirement from
4 office. The auditor shall audit, examine and adjust all
5 accounts, demands, and claims of every kind and character
6 presented for payment against the county, and shall in [his] the
7 auditor's discretion approve to the county commission of the
8 county all lawful, true, just and legal accounts, demands and
9 claims of every kind and character payable out of the county
10 revenue or out of any county funds before the same shall be
11 allowed and a warrant issued therefor by the commission.
12 Whenever the auditor thinks it necessary to the proper
13 examination of any account, demand or claim, [he] the auditor may
14 examine the parties, witnesses, and others on oath or affirmation
15 touching any matter or circumstance in the examination of such
16 account, demand or claim before [he] the auditor allows same.
17 The auditor shall not be personally liable for any cost for any
18 proceeding instituted against [him] the auditor in [his] the
19 auditor's official capacity. The auditor shall keep a correct
20 account between the county and all county and township officers,
21 and shall examine all records and settlements made by them for
22 and with the county commission or with each other, and the
23 auditor shall, whenever [he] the auditor desires, have access to
24 all books, county records or papers kept by any county or
25 township officer or road overseer. The auditor shall, during the
26 first four days of each month, strike a balance in the case of
27 each county and township officer, showing the amount of money
28 collected by each, the amount of money due from each to the

1 county, and the amount of money due from any source whatever to
2 such office, and the auditor shall include in such balance any
3 fees that have been returned to the county commission or to the
4 auditor as unpaid and which since having been returned have been
5 collected.

6 59.005. As used in this chapter, unless the context clearly
7 indicates otherwise, the following terms mean:

8 (1) "Copying" or "Reproducing", any recorded instrument or
9 document, the act of making a single reproduction in any medium
10 of a recorded document or instrument;

11 (2) "Document" or "instrument", any writing or drawing
12 presented to the recorder of deeds for recording;

13 (3) "Duplicate copies", copies requested concurrently with
14 but in excess of one reproduction in any medium of a recorded
15 instrument or document or collection thereof;

16 [(2)] (4) "File", "filed" or "filing", the act of
17 delivering or transmitting a document to the recorder of deeds
18 for recording into the official public record;

19 [(3)] (5) "Grantor" or "grantee", the names of the parties
20 involved in the transaction used to create the recording index;

21 [(4)] (6) "Legal description", includes but is not limited
22 to the lot or parts thereof, block, plat or replat number, plat
23 book and page and the name of any recorded plat or a metes and
24 bounds description with acreage, if stated in the description, or
25 the quarter/quarter section, and the section, township and range
26 of property, or any combination thereof. The address of the
27 property shall not be accepted as legal description;

28 [(5)] (7) "Legible", all text, seals, drawings, signatures

1 or other content within the document must be capable of producing
2 a clear and readable image from record, regardless of the process
3 used for recording;

4 [(6)] (8) "Page", any writing, printing or drawing printed
5 on one side only covering all or part of the page, not larger
6 than eight and one-half inches in width and eleven inches in
7 height for pages other than a plat or survey;

8 [(7)] (9) "Record", "recorded" or "recording", the
9 recording of a document into the official public record,
10 regardless of the process used;

11 [(8)] (10) "Recorder of deeds", the separate recorder of
12 deeds in those counties where separate from the circuit clerk and
13 the circuit clerk and ex officio recorder of deeds in those
14 counties where the offices are combined.

15 59.044. In all counties except counties having a charter
16 form of government and counties of the first classification and a
17 city not within a county, where the recorder of deeds is separate
18 from the clerk of the circuit court, each recorder of deeds shall
19 be paid the statutory compensation pursuant to sections 50.333
20 and 50.334, RSMo.

21 64.215. 1. Except as otherwise provided in subsection 2 of
22 this section, the county planning board shall consist of one of
23 the commissioners of the county commission selected by the county
24 commission, the county highway engineer, both of whom shall serve
25 during their tenure of office, except that in any county of the
26 first classification with more than eighty-two thousand but fewer
27 than eighty-two thousand one hundred inhabitants such members
28 shall be nonvoting members, and six residents of the

1 unincorporated territory of the county who shall be appointed by
2 the county commission. The term of the six appointed members
3 shall be four years or until their successor takes office, except
4 that the original term of three of the six appointed members
5 shall be two years. Members may be removed for cause by the
6 county commission upon written charges after public hearings.
7 Any vacancy may be filled by the county commission for the
8 unexpired term of any member whose term becomes vacant, or until
9 the member's successor takes office. All members of the board
10 shall serve without compensation; except, that an attendance fee
11 as reimbursement for expenses may be paid to the appointed
12 members of the board in an amount, set by the county commission,
13 not to exceed twenty-five dollars per meeting. The planning
14 board shall elect its chairman from among the appointed members.

15 2. In any county of the first classification with a
16 population of at least two hundred thousand inhabitants which
17 does not adjoin any other county of the first classification, the
18 county planning board may, at the option of the county
19 commission, consist of one of the commissioners of the county
20 commission selected by the county commission, and shall include
21 the county highway engineer and six residents of the
22 unincorporated territory of the county, who shall be appointed by
23 the county commission. The county highway engineer and the
24 county commissioner, if a member of the board, shall serve during
25 such person's tenure of office. The term of the six appointed
26 members shall be three years or until their successor takes
27 office.

28 65.110. 1. There shall be chosen at the biennial election

1 in each township one trustee, who shall be ex officio treasurer
2 of the township, [one township collector,] one township clerk,
3 and two members of the township board.

4 2. Upon the assumption of office of a county assessor
5 elected as provided by section 53.010, RSMo, the township clerk
6 shall cease to perform the duties of ex officio township assessor
7 and shall promptly deliver to the county assessor all books,
8 papers, records, and property pertaining to the office of ex
9 officio township assessor.

10 3. The treasurer ex officio collector of a county with
11 township organization shall no longer retain such title, and
12 shall instead, assume the office of collector-treasurer, as
13 provided for by section 54.010, RSMo, on March 1, 2007. On such
14 date, the township collector shall cease to perform the duties of
15 township collector and shall promptly deliver to the collector-
16 treasurer, all books, papers, records, and property pertaining to
17 the office of township collector. The township collector shall
18 continue to perform the same duties and be subject to the same
19 requirements and liabilities until his or her term expires on
20 March 1, 2007. Notwithstanding other provisions of law to the
21 contrary, the collector-treasurer shall obtain and hold the same
22 duties, powers, and obligations previously granted to, and held
23 by, the township collector on and after March 1, 2007.

24 65.160. Every person chosen or appointed to the office of
25 township trustee and ex officio treasurer, member of the township
26 board, [township collector,] or township clerk, before he enters
27 on the duties of his office and within ten days after he shall be
28 notified of his election or appointment, shall take and

1 subscribe, before any officer authorized to administer oaths,
2 such oath or affirmation as is prescribed by law.

3 65.460. Every person elected or appointed to the office of
4 township trustee and ex officio treasurer, before he enters on
5 the duties of his office, and within ten days after his election
6 or appointment, shall execute and deliver to the township clerk a
7 bond with one or more sureties, to the satisfaction of the
8 township clerk payable to the township board, equal to one-half
9 the largest amount on deposit at any one time during the year
10 preceding his election or appointment of all the township funds,
11 including school moneys, that may come into his hands; and every
12 such bond, when deposited with the township clerk as aforesaid,
13 shall constitute a lien upon all the real estate within the
14 county belonging to such trustee and ex officio treasurer at the
15 time of filing thereof, and shall continue to be a lien until its
16 conditions, together with all costs and charges which may accrue
17 by reason of any prosecution thereon, shall be satisfied. [The
18 township collector shall before he receives the tax books give
19 bond and security to the state, to the satisfaction of the county
20 commission, in a sum for any one month equal to the average total
21 monthly collection for the same month during the preceding four
22 years, but not to exceed one-half the largest amount collected
23 during any one year preceding his election or appointment,
24 including school taxes. Such bond shall be executed in
25 duplicate; one part thereof shall be deposited and recorded in
26 the office of the clerk of the county commission, and the other
27 part shall be transmitted by the clerk to the state tax
28 commission. The conditions of such bond shall be that he, the

1 said collector, will faithfully and punctually collect and pay
2 over all state, county, township and other revenue, including
3 school taxes, that may become due and collectible during the
4 period for which such collector shall be elected or appointed;
5 and that he will in all things faithfully perform all the duties
6 of the office of township collector according to law; provided,
7 the county commission or township board shall annually examine
8 the collector's or trustee's bond as to form and sufficiency of
9 surety and in case of any doubt shall require additional
10 security.]

11 65.490. The township trustee and ex officio treasurer shall
12 not pay out any moneys belonging to the township for any purpose
13 whatever, except upon the order of the township board of
14 directors, signed by the chairman of said board and attested by
15 the township clerk; provided, that nothing in this chapter shall
16 be so construed as to change or interfere with any school
17 district, the boundary lines of which are different from that of
18 the municipal township as organized under the provisions of this
19 chapter, nor with the payment of any school moneys upon proper
20 vouchers. He shall receive from the [township collector and the
21 county collector or treasurer] collector-treasurer all road and
22 bridge and other taxes due the township when collected by such
23 officers, and shall receipt for the same, and shall account
24 therefor in like manner as for other moneys in his hands
25 belonging to the township.

26 65.600. 1. In any county in this state which may hereafter
27 adopt township organization, the person holding the office of the
28 collector of the revenue in such county, at the time in March

1 when township organization becomes effective in such county,
2 shall continue to hold his office and exercise all the functions
3 and receive all the fees and emoluments thereof until the time at
4 which his term of office would have expired had such county not
5 adopted township organization, and, except as herein otherwise
6 provided, he shall perform the same duties and be subject to the
7 same requirements and liabilities as in counties not under
8 township organization.

9 2. The county assessor shall assess the property of the
10 various townships in such county and arrange his books and lists
11 in a manner so that it can be determined which township is
12 entitled to the taxes assessed against any property.

13 3. The county clerk of such county shall [make out] submit,
14 for the use of such county collector, lists of the property
15 assessed in each township the same as he is required to [make
16 out] submit for the use of township collectors.

17 4. The collector of the revenue in such county shall pay
18 over to the several township trustees of such county after
19 deducting his commission, all township taxes and funds of every
20 kind collected by him and belonging respectively to the several
21 townships in such county, as required by section 139.430, RSMo,
22 in the case of township collectors, and for his failure to do so
23 he shall be subject to the same liability as provided by section
24 139.430, RSMo, in the case of township collectors.

25 5. The first township collectors in such county shall be
26 elected at the township election held in March next preceding the
27 time at which the term of office of the collector of the revenue
28 in such county shall expire and their terms of office shall begin

1 at the expiration of the term of office of such collector of the
2 revenue, and they shall hold their offices until the next
3 township election in such county. The provisions of this section
4 shall be effective prior to August 28, 2005.

5 67.055. Any moneys received or collected to fund additional
6 costs and expenses incurred by any county office shall be
7 reviewed by the county budget officer when he or she is
8 formulating the annual budget and shall be used solely for the
9 purposes provided for in statute for each fund.

10 67.469. A special assessment authorized under the
11 provisions of sections 67.453 to 67.475 shall be a lien, from the
12 date of the assessment, on the property against which it is
13 assessed on behalf of the city or county assessing the same to
14 the same extent as a tax upon real property or utilizing
15 procedures for the collection of unpaid special assessments in
16 the manner established in chapter 140, RSMo, for the collection
17 of delinquent taxes. Upon the foreclosure of any such lien, the
18 entire remaining assessment shall become due and payable and
19 shall be recoverable in such foreclosure proceeding.

20 67.1003. 1. The governing body of any city or county,
21 other than a city or county already imposing a tax on the charges
22 for all sleeping rooms paid by the transient guests of hotels and
23 motels situated in such city or county or a portion thereof
24 pursuant to any other law of this state, having more than three
25 hundred fifty hotel and motel rooms inside such city or county or
26 (1) a county of the third classification with a population of
27 [(1)] more than seven thousand but less than seven thousand four
28 hundred inhabitants; (2) or a third class city with a population

1 of greater than ten thousand but less than eleven thousand
2 located in a county of the third classification with a township
3 form of government with a population of more than thirty
4 thousand; (3) or a county of the third classification with a
5 township form of government with a population of more than twenty
6 thousand but less than twenty-one thousand; (4) or any third
7 class city with a population of more than eleven thousand but
8 less than thirteen thousand which is located in a county of the
9 third classification with a population of more than twenty-three
10 thousand but less than twenty-six thousand; (5) or any city of
11 the third classification with more than ten thousand five hundred
12 but fewer than ten thousand six hundred inhabitants may impose a
13 tax on the charges for all sleeping rooms paid by the transient
14 guests of hotels or motels situated in the city or county or a
15 portion thereof, which shall be not more than five percent per
16 occupied room per night, except that such tax shall not become
17 effective unless the governing body of the city or county submits
18 to the voters of the city or county at a state general or primary
19 election a proposal to authorize the governing body of the city
20 or county to impose a tax pursuant to this section. The tax
21 authorized by this section shall be in addition to the charge for
22 the sleeping room and shall be in addition to any and all taxes
23 imposed by law and the proceeds of such tax shall be used by the
24 city or county solely for the promotion of tourism. Such tax
25 shall be stated separately from all other charges and taxes.

26 2. Notwithstanding any other provision of law to the
27 contrary, the tax authorized in this section shall not be imposed
28 in any city or county already imposing such tax pursuant to any

1 other law of this state, except that cities of the third class
2 having more than two thousand five hundred hotel and motel rooms,
3 and located in a county of the first classification in which and
4 where another tax on the charges for all sleeping rooms paid by
5 the transient guests of hotels and motels situated in such county
6 is imposed, may impose the tax authorized by this section of not
7 more than one-half of one percent per occupied room per night.

8 3. The ballot of submission for the tax authorized in this
9 section shall be in substantially the following form:

10 Shall (insert the name of the city or county) impose a tax
11 on the charges for all sleeping rooms paid by the transient
12 guests of hotels and motels situated in (name of city or county)
13 at a rate of (insert rate of percent) percent for the sole
14 purpose of promoting tourism?

15 [] YES [] NO

16 4. As used in this section, "transient guests" means a
17 person or persons who occupy a room or rooms in a hotel or motel
18 for thirty-one days or less during any calendar quarter.

19 67.1062. As used in sections 67.1062 to 67.1071, unless the
20 context clearly requires otherwise, the following words and
21 phrases mean:

22 (1) "Agency", an entity which provides [housing-related
23 assistance] any service related to homeless persons or the repair
24 or replacement of housing structures which are in violation of
25 the county housing code, and shall include not-for-profit
26 housing partnerships as defined in 24 CFR Part 92 or successor
27 regulations;

28 (2) "City", any city not within a county;

1 (3) "County", a county of the first class having a charter
2 form of government;

3 (4) "Designated authority", the board, commission, agency,
4 or other body designated under the provisions of section 67.1065
5 as the authority to administer the allocation and distribution of
6 funds to agencies;

7 (5) "Homeless", an involuntary state characterized by a
8 lack of habitable housing or shelter.

9 67.1067. 1. Any agency providing [assistance] services
10 related to homeless persons may apply to the designated authority
11 for funds to be used to provide [housing] such services for the
12 homeless. All applications shall include, but not be limited to,
13 the following:

14 (1) [Evidence that the agency is incorporated or authorized
15 to do business in this state as a nonprofit corporation;

16 (2)] A list of the directors of the [corporation]
17 applicant, if any, and a list of the trustees of the agency if
18 different;

19 [(3)] (2) The proposed budget of the agency for the
20 following calendar year, or other period for which funding is
21 sought;

22 [(4)] (3) A summary of the services proposed to be offered
23 in the following calendar year, or other period for which funding
24 is sought;

25 [(5)] (4) An estimate of the number of persons to be served
26 during the following calendar year, or other period for which
27 funding is sought; and

28 [(6)] (5) Any other information deemed relevant to the

1 application by the designated authority.

2 2. After review of an application for funds from an agency
3 that meets the criteria set forth in section 67.1069, the
4 designated authority shall notify the agency in writing whether
5 it is eligible to receive funds and, if the agency is eligible,
6 specify the amount available for that agency from the fund
7 established pursuant to sections 67.1063 and 67.1064.

8 67.1069. To qualify for funds allocated and distributed
9 pursuant to section 67.1067, an agency ~~shall meet~~ may be any
10 entity which provides services related to homeless persons or
11 which meets all of the following requirements:

12 (1) ~~Be~~ incorporated or authorized to do business in the
13 state as a nonprofit corporation;

14 (2)] Have trustees who represent the racial, ethnic and
15 socioeconomic diversity of the community to be served, at least
16 one of whom must possess experience in confronting or mitigating
17 the problems of homeless;

18 [(3)] (2) Receive at least twenty-five percent of its funds
19 from sources other than funds distributed pursuant to section
20 67.1067. These other sources may be public or private and may
21 include contributions of goods or services, including materials,
22 commodities, transportation, office space or other types of
23 facilities or personal service; and

24 [(4)] (3) Require persons employed by or volunteering
25 services to the agency to maintain the confidentiality of any
26 information that would identify individuals served by the agency.

27 67.1070. Funds shall be allocated to:

28 (1) Agencies offering or proposing to offer the broadest

1 range of housing-related services to persons in the community
2 served, including:

3 (a) Emergency short-term and long-term shelter for the
4 homeless;

5 (b) Prevention of residential foreclosures and evictions;

6 (c) Coordination of existing community services; and

7 (d) Projects to encourage self-sufficiency of participants
8 and facilitate transition from dependency on subsidized housing;

9 (2) Other [agencies offering or proposing to offer services
10 specifically to homeless persons] entities essential for carrying
11 out the purposes of this section.

12 67.1159. 1. In any case in which any tax, interest or
13 penalty imposed under sections 67.1150 to 67.1158 is not paid
14 when due, the authority or its designated agent may file for
15 record in the real estate records of the recorder's office of the
16 city or the county where the business giving rise to the tax,
17 interest, or penalty is located, or in which the person owing the
18 tax, interest, or penalty resides, a notice of lien specifying
19 the amount of tax, interest, or penalty due and the name of the
20 person liable for the same. From the time of filing any such
21 notice, the amount of the tax specified in such notice shall have
22 the force and effect of a lien against the real and personal
23 property of the business of such person or the facility giving
24 rise to the tax for the amount specified in such notice.

25 2. A lien created under subsection 1 of this section may be
26 released:

27 (1) By filing for record in the office of the recorder
28 where the lien was originally filed a release of the lien

1 executed by a duly authorized agent of the authority upon payment
2 of the tax, interest, and penalty due; or

3 (2) Upon receipt by the authority of sufficient security to
4 secure payment thereof; or

5 (3) By final judgment holding such lien to have been
6 erroneously imposed.

7 3. Each recorder shall receive the standard statutory fee
8 for the recording of each notice of lien and for each release of
9 lien filed for record. The authority is authorized to collect an
10 additional penalty from each taxpayer equal to the cost of filing
11 a notice of lien or release with respect to such taxpayer.

12 4. Any person operating or managing a business or facility
13 who owes any tax, penalty, or interest, or is required to file
14 any report with the authority, shall notify the authority in
15 writing at least ten days prior to any sale of the entire
16 business or facility, or the entire assets or property of the
17 business or facility, or a major part thereof. Such notice shall
18 include the name of the business or facility, the name of the
19 owner of the business or facility, the name of the person
20 collecting the tax at the time of the notice, the name of the
21 purchaser, and the intended date of purchase. A purchaser of
22 such business, facility, assets, or property who takes with
23 notice of any delinquent tax or with notice of noncompliance with
24 this section takes subject to any tax, penalty, or interest owed
25 by the seller.

26 5. The authority shall have the power to bring a civil
27 action in any court of competent jurisdiction to enjoin the
28 operation of the business or facility of any person or the

1 successor-in-interest to any person operating or managing the
2 same business or facility, which business or facility gave rise
3 to any tax, penalty, or interest which is unpaid or to enjoin the
4 operating or managing of any such business or facility whose
5 owners or successors-in-interest are operating or managing in
6 violation of the provisions of sections 67.1150 to 67.1159. The
7 courts shall expedite the hearing on the merits of any such
8 action and shall not require the authority to post a bond pending
9 such hearing.

10 67.1305. 1. As used in this section, the term "city" shall
11 mean any incorporated city, town, or village.

12 2. In lieu of the sales taxes authorized under sections
13 67.1300 and 67.1303. The governing body of any city or county
14 may impose, by order or ordinance, a sales tax on all retail
15 sales made in the city or county which are subject to sales tax
16 under chapter 144, RSMo. The tax authorized in this section
17 shall not be more than one-half of one percent. The order or
18 ordinance imposing the tax shall not become effective unless the
19 governing body of the city or county submits to the voters of the
20 city or county at any citywide, county or state general, primary
21 or special election a proposal to authorize the governing body to
22 impose a tax under this section. The tax authorized in this
23 section shall be in addition to all other sales taxes imposed by
24 law, and shall be stated separately from all other charges and
25 taxes. The tax authorized in this section shall not be imposed
26 by any city or county that has imposed a tax under section
27 67.1300 or 67.1303 unless the tax imposed under those sections
28 has expired or been repealed.

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

3 Shall (insert the name of the city or county)
4 impose a sales tax at a rate of (insert rate of
5 percent) percent for economic development purposes?

6 YES NO

7
8 If a majority of the votes cast on the question by the qualified
9 voters voting thereon are in favor of the question, then the tax
10 shall become effective on the first day of the second calendar
11 quarter following the calendar quarter in which the election was
12 held. If a majority of the votes cast on the question by the
13 qualified voters voting thereon are opposed to the question, then
14 the tax shall not become effective unless and until the question
15 is resubmitted under this section to the qualified voters and
16 such question is approved by a majority of the qualified voters
17 voting on the question, provided that no proposal shall be
18 resubmitted to the voters sooner than twelve months from the date
19 of the submission of the last proposal.

20 4. All sales taxes collected by the director of revenue
21 under this section on behalf of any county or municipality, less
22 one percent for cost of collection which shall be deposited in
23 the state's general revenue fund after payment of premiums for
24 surety bonds as provided in section 32.087, RSMo, shall be
25 deposited in a special trust fund, which is hereby created, to be
26 known as the "Local Option Economic Development Sales Tax Trust
27 Fund".

28 5. The moneys in the local option economic development

1 sales tax trust fund shall not be deemed to be state funds and
2 shall not be commingled with any funds of the state. The
3 director of revenue shall keep accurate records of the amount of
4 money in the trust fund and which was collected in each city or
5 county imposing a sales tax pursuant to this section, and the
6 records shall be open to the inspection of officers of the city
7 or county and the public.

8 6. Not later than the tenth day of each month the director
9 of revenue shall distribute all moneys deposited in the trust
10 fund during the preceding month to the city or county which
11 levied the tax. Such funds shall be deposited with the county
12 treasurer of each such county or the appropriate municipal
13 officer in the case of a municipal tax, and all expenditures of
14 funds arising from the local economic development sales tax trust
15 fund shall be in accordance with this section.

16 7. The director of revenue may authorize the state
17 treasurer to make refunds from the amounts in the trust fund and
18 credited to any city or county for erroneous payments and
19 overpayments made, and may redeem dishonored checks and drafts
20 deposited to the credit of such cities and counties.

21 8. If any county or municipality abolishes the tax, the
22 city or county shall notify the director of revenue of the action
23 at least ninety days prior to the effective date of the repeal
24 and the director of revenue may order retention in the trust
25 fund, for a period of one year, of two percent of the amount
26 collected after receipt of such notice to cover possible refunds
27 or overpayment of the tax and to redeem dishonored checks and
28 drafts deposited to the credit of such accounts. After one year

1 has elapsed after the effective date of abolition of the tax in
2 such city or county, the director of revenue shall remit the
3 balance in the account to the city or county and close the
4 account of that city or county. The director of revenue shall
5 notify each city or county of each instance of any amount
6 refunded or any check redeemed from receipts due the city or
7 county.

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

11 10. (1) No revenue generated by the tax authorized in this
12 section shall be used for any retail development project, except
13 for the redevelopment of downtown areas and historic districts.
14 Not more than twenty-five percent of the revenue generated shall
15 be used annually for administrative purposes, including staff and
16 facility costs.

17 (2) At least twenty percent of the revenue generated by
18 the tax authorized in this section shall be used solely for
19 projects directly related to long-term economic development
20 preparation, including, but not limited to, the following:

21 (a) Acquisition of land;

22 (b) Installation of infrastructure for industrial or
23 business parks;

24 (c) Improvement of water and wastewater treatment capacity;

25 (d) Extension of streets;

26 (e) Public facilities directly related to economic
27 development and job creation; and

28 (f) Providing matching dollars for state or federal grants

1 relating to such long-term projects.

2 (3) The remaining revenue generated by the tax authorized
3 in this section may be used for, but shall not be limited to, the
4 following:

5 (a) Marketing;

6 (b) Providing grants and loans to companies for job
7 training, equipment acquisition, site development, and
8 infrastructures;

9 (c) Training programs to prepare workers for advanced
10 technologies and high skill jobs;

11 (d) Legal and accounting expenses directly associated with
12 the economic development planning and preparation process;

13 (e) Developing value-added and export opportunities for
14 Missouri agricultural products.

15 11. All revenue generated by the tax shall be deposited in
16 a special trust fund and shall be used solely for the designated
17 purposes. If the tax is repealed, all funds remaining in the
18 special trust fund shall continue to be used solely for the
19 designated purposes. Any funds in the special trust fund which
20 are not needed for current expenditures may be invested by the
21 governing body in accordance with applicable laws relating to the
22 investment of other city or county funds.

23 12. Any city or county imposing the tax authorized in this
24 section shall establish an economic development tax board. The
25 volunteer board shall receive no compensation or operating
26 budget.

27 (1) The economic development tax board established by a
28 city and shall consist of five members, to be appointed as

1 follows:

2 (a) One member shall be appointed by the school districts
3 included within any economic development plan or area funded by
4 the sales tax authorized in this section. Such members shall be
5 appointed in any manner agreed upon by the affected districts;

6 (b) Three members shall be appointed by the chief elected
7 officer of the city with the consent of the majority of the
8 governing body of the city;

9 (c) One member shall be appointed by the governing body of
10 the county in which the city is located.

11 (2) The economic development tax board established by a
12 county shall consist of seven members, to be appointed as
13 follows:

14 (a) One member shall be appointed by the school districts
15 included within any economic development plan or area funded by
16 the sales tax authorized in this section. Such members shall be
17 appointed in any manner agreed upon by the affected districts;

18 (b) Four members shall be appointed by the governing body
19 of the county; and

20 (c) Two members from the cities, towns, or villages within
21 the county appointed in any manner agreed upon by the chief
22 elected officers of the cities or villages.

23
24 Of the members initially appointed, three shall be designated to
25 serve for terms of two years, and the remaining members shall be
26 designated to serve for a term of four years from the date of
27 such initial appointments. Thereafter, the members appointed
28 shall serve for a term of four years, except that all vacancies

1 shall be filled for unexpired terms in the same manner as were
2 the original appointments.

3 13. The board, subject to approval of the governing body of
4 the city or county, shall consider economic development plans,
5 economic development projects, or designations of an economic
6 development area, and shall hold public hearings and provide
7 notice of any such hearings. The board shall vote on all
8 proposed economic development plans, economic development
9 projects, or designations of an economic development area, and
10 amendments thereto, within thirty days following completion of
11 the hearing on any such plan, project, or designation, and shall
12 make recommendations to the governing body within ninety days of
13 the hearing concerning the adoption of or amendment to economic
14 development plans, economic development projects, or designations
15 of an economic development area. The governing body of the city
16 or county shall have the final determination on use and
17 expenditure of any funds received from the tax imposed under this
18 section.

19 14. The board may consider and recommend using funds
20 received from the tax imposed under this section for plans,
21 projects or area designations outside the boundaries of the city
22 or county imposing the tax if, and only if:

23 (1) The city or county imposing the tax or the state
24 receives significant economic benefit from the plan, project or
25 area designation; and

26 (2) The board establishes an agreement with the governing
27 bodies of all cities and counties in which the plan, project or
28 area designation is located detailing the authority and

1 responsibilities of each governing body with regard to the plan,
2 project or area designation.

3 15. Notwithstanding any other provision of law to the
4 contrary, the economic development sales tax imposed under this
5 section when imposed within a special taxing district, including,
6 but not limited to a tax increment financing district,
7 neighborhood improvement district, or community improvement
8 district, shall be excluded from the calculation of revenues
9 available to such districts, and no revenues from any sales tax
10 imposed under this section shall be used for the purposes of any
11 such district unless recommended by the economic development tax
12 board established under this section and approved by the
13 governing body imposing the tax.

14 16. The board and the governing body of the city or county
15 imposing the tax shall report at least annually to the governing
16 body of the city or county on the use of the funds provided under
17 this section and on the progress of any plan, project, or
18 designation adopted under this section and shall make such report
19 available to the public.

20 17. Not later than the first day of March each year the
21 department of economic development shall submit to the joint
22 committee on economic development a report, not exceeding one
23 page in length, which must include the following information for
24 each project using the tax authorized under this section:

25 (1) A statement of its primary economic development goals;

26 (2) A statement of the total economic development sales tax
27 revenues received during the immediately preceding calendar year;

28 (3) A statement of total expenditures during the preceding

1 calendar year in each of the following categories:

2 (a) Infrastructure improvements;

3 (b) Land and/or buildings;

4 (c) Machinery and equipment;

5 (d) Job training investments;

6 (e) Direct business incentives;

7 (f) Marketing;

8 (g) Administration and legal expenses; and

9 (h) Other expenditures.

10 18. The governing body of any city or county that has
11 adopted the sales tax authorized in this section may submit the
12 question of repeal of the tax to the voters on any date available
13 for elections for the city or county. The ballot of submission
14 shall be in substantially the following form:

15 Shall (insert the name of the city or county)
16 repeal the sales tax imposed at a rate of (insert rate
17 of percent) percent for economic development purposes?

18 YES NO

19
20 If a majority of the votes cast on the proposal are in favor of
21 repeal, that repeal shall become effective on December
22 thirty-first of the calendar year in which such repeal was
23 approved. If a majority of the votes cast on the question by the
24 qualified voters voting thereon are opposed to the repeal, then
25 the sales tax authorized in this section shall remain effective
26 until the question is resubmitted under this section to the
27 qualified voters of the city or county, and the repeal is
28 approved by a majority of the qualified voters voting on the

1 question.

2 19. If any provision of this section or section 67.1303 or
3 the application thereof to any person or circumstance is held
4 invalid, the invalidity shall not affect other provisions or
5 application of this section or section 67.1303 which can be given
6 effect without the invalid provision or application, and to this
7 end the provisions of this section and section 67.1303 are
8 declared severable.

9 67.1350. Notwithstanding the provisions of any other law to
10 the contrary, the governing body of any third class city with a
11 population of at least fifteen thousand but not more than
12 seventeen thousand inhabitants which is the county seat of a
13 county of the fourth classification which has a state university
14 located in such city may annex areas along a road or highway up
15 to two and one-half miles from the existing boundaries of the
16 city for the purpose of promoting economic development through
17 the refurbishing of existing structures and the construction and
18 maintenance of infrastructure and property for the enhancement of
19 community development of an existing airport.

20 67.1401. 1. Sections 67.1401 to 67.1571 shall be known and
21 may be cited as the "Community Improvement District Act".

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

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

27 (2) "Assessed value", the assessed value of real property
28 as reflected on the tax records of the county clerk of the county

1 in which the property is located, or the collector of revenue if
2 the property is located in a city not within a county, as of the
3 last completed assessment;

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

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

14 (b) Has been declared blighted or found to be a blighted
15 area pursuant to Missouri law including, but not limited to,
16 chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
17 99.300 to 99.715, RSMo;

18 (4) "Board", if the district is a political subdivision,
19 the board of directors of the district, or if the district is a
20 not-for-profit corporation, the board of directors of such
21 corporation;

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

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

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

- 1 (8) "Municipal clerk", the clerk of the municipality;
- 2 (9) "Municipality", any city, village, incorporated town,
3 or county of this state, or in any unincorporated area that is
4 located in any county with a charter form of government and with
5 more than one million inhabitants;
- 6 (10) "Obligations", bonds, loans, debentures, notes,
7 special certificates, or other evidences of indebtedness issued
8 by a district to carry out any of its powers, duties or purposes
9 or to refund outstanding obligations;
- 10 (11) "Owner", for real property, the individual or
11 individuals or entity or entities who own [the] a fee [of]
12 interest in real property that is located within the district or
13 their legally authorized representative; for business
14 organizations and other entities, the owner shall be deemed to be
15 the individual which is legally authorized to represent the
16 entity in regard to the district;
- 17 (12) "Per capita", one head count applied to each
18 individual, entity or group of individuals or entities having fee
19 ownership of real property within the district whether such
20 individual, entity or group owns one or more parcels of real
21 property in the district as joint tenants, tenants in common,
22 tenants by the entirety or tenants in partnership;
- 23 (13) "Petition", a petition to establish a district as it
24 may be amended in accordance with the requirements of section
25 67.1421;
- 26 (14) "Qualified voters",
- 27 (a) For purposes of elections for approval of real property
28 taxes:

1 a. Registered voters; or

2 b. If no registered voters reside in the district, the
3 owners of one or more parcels of real property which is to be
4 subject to such real property taxes and is located within the
5 district per the tax records for real property of the county
6 clerk, or the collector of revenue if the district is located in
7 a city not within a county, as of the thirtieth day prior to the
8 date of the applicable election;

9 (b) For purposes of elections for approval of business
10 license taxes or sales taxes:

11 a. Registered voters; or

12 b. If no registered voters reside in the district, the
13 owners of one or more parcels of real property located within the
14 district per the tax records for real property of the county
15 clerk as of the thirtieth day before the date of the applicable
16 election; and

17 (c) For purposes of the election of directors of the board,
18 registered voters and owners of real property which is not exempt
19 from assessment or levy of taxes by the district and which is
20 located within the district per the tax records for real property
21 of the county clerk, or the collector of revenue if the district
22 is located in a city not within a county, of the thirtieth day
23 prior to the date of the applicable election; and

24 (15) "Registered voters", persons who reside within the
25 district and who are qualified and registered to vote pursuant to
26 chapter 115, RSMo, pursuant to the records of the election
27 authority as of the thirtieth day prior to the date of the
28 applicable election.

1 67.1451. 1. If a district is a political subdivision, the
2 election and qualifications of members to the district's board of
3 directors shall be in accordance with this section. If a
4 district is a not-for-profit corporation, the election and
5 qualification of members to its board of directors shall be in
6 accordance with chapter 355, RSMo.

7 2. The district shall be governed by a board consisting of
8 at least five but not more than thirty directors. Each director
9 shall, during his or her entire term, be:

10 (1) At least eighteen years of age; and

11 (2) Be either:

12 (a) An owner, as defined in section 67.1401, of real
13 property or of a business operating within the district; or

14 (b) If in a home rule city with more than one hundred
15 fifty-one thousand five hundred but fewer than one hundred
16 fifty-one thousand six hundred inhabitants, a legally authorized
17 representative of an owner of real property located within the
18 district. If there are less than five owners of real property
19 located within a district, the board may be comprised of up to
20 five legally authorized representatives of any of the owners of
21 real property located within the district; or

22 (c) A registered voter residing within the district; and

23 (3) Any other qualifications set forth in the petition
24 establishing the district.

25 3. If the district is a political subdivision, the board
26 shall be elected or appointed, as provided in the petition.

27 4. If the board is to be elected, the procedure for
28 election shall be as follows:

1 (1) The municipal clerk shall specify a date on which the
2 election shall occur which date shall be a Tuesday and shall not
3 be earlier than the tenth Tuesday, and shall not be later than
4 the fifteenth Tuesday, after the effective date of the ordinance
5 adopted to establish the district;

6 (2) The election shall be conducted in the same manner as
7 provided for in section 67.1551, provided that the published
8 notice of the election shall contain the information required by
9 section 67.1551 for published notices, except that it shall state
10 that the purpose of the election is for the election of
11 directors, in lieu of the information related to taxes;

12 (3) Candidates shall pay the sum of five dollars as a
13 filing fee and shall file not later than the second Tuesday after
14 the effective date of the ordinance establishing the district
15 with the municipal clerk a statement under oath that he or she
16 possesses all of the qualifications set out in this section for a
17 director. Thereafter, such candidate shall have his or her name
18 placed on the ballot as a candidate for director;

19 (4) The director or directors to be elected shall be
20 elected at large. The person receiving the most votes shall be
21 elected to the position having the longest term; the person
22 receiving the second highest votes shall be elected to the
23 position having the next longest term and so forth. For any
24 district formed prior to August 28, 2003, of the initial
25 directors, one-half shall serve for a two-year term, one-half
26 shall serve for a four-year term and if an odd number of
27 directors are elected, the director receiving the least number of
28 votes shall serve for a two-year term, until such director's

1 successor is elected. For any district formed on or after August
2 28, 2003, for the initial directors, one-half shall serve for a
3 two-year term, and one-half shall serve for the term specified by
4 the district pursuant to subdivision (5) of this subsection, and
5 if an odd number of directors are elected, the director receiving
6 the least number of votes shall serve for a two-year term, until
7 such director's successor is elected;

8 (5) Successor directors shall be elected in the same manner
9 as the initial directors. The date of the election of successor
10 directors shall be specified by the municipal clerk which date
11 shall be a Tuesday and shall not be later than the date of the
12 expiration of the stated term of the expiring director. Each
13 successor director shall serve a term for the length specified
14 prior to the election by the district, which term shall be at
15 least three years and not more than four years, and shall
16 continue until such director's successor is elected. In the
17 event of a vacancy on the board of directors, the remaining
18 directors shall elect an interim director to fill the vacancy for
19 the unexpired term.

20 5. If the petition provides that the board is to be
21 appointed by the municipality, such appointments shall be made by
22 the chief elected officer of the municipality with the consent of
23 the governing body of the municipality. For any district formed
24 prior to August 28, 2003, of the initial appointed directors,
25 one-half of the directors shall be appointed to serve for a
26 two-year term and the remaining one-half shall be appointed to
27 serve for a four-year term until such director's successor is
28 appointed; provided that, if there is an odd number of directors,

1 the last person appointed shall serve a two-year term. For any
2 district formed on or after August 28, 2003, of the initial
3 appointed directors, one-half shall be appointed to serve for a
4 two-year term, and one-half shall be appointed to serve for the
5 term specified by the district for successor directors pursuant
6 to this subsection, and if an odd number of directors are
7 appointed, the last person appointed shall serve for a two-year
8 term; provided that each director shall serve until such
9 director's successor is appointed. Successor directors shall be
10 appointed in the same manner as the initial directors and shall
11 serve for a term of years specified by the district prior to the
12 appointment, which term shall be at least three years and not
13 more than four years.

14 6. If the petition states the names of the initial
15 directors, those directors shall serve for the terms specified in
16 the petition and successor directors shall be determined either
17 by the above-listed election process or appointment process as
18 provided in the petition.

19 7. Any director may be removed for cause by a two-thirds
20 affirmative vote of the directors of the board. Written notice
21 of the proposed removal shall be given to all directors prior to
22 action thereon.

23 8. The board is authorized to act on behalf of the
24 district, subject to approval of qualified voters as required in
25 this section; except that, all official acts of the board shall
26 be by written resolution approved by the board.

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

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

11 (2) Fifty percent of the sales taxes collected from each
12 county shall be returned to the source county for park purposes,
13 except that forty percent of such fifty percent amount shall be
14 reserved for distribution to municipalities within the county in
15 the form of grant revenue-sharing funds. Each county in the
16 district shall establish its own process for awarding the grant
17 proceeds to its municipalities for park purposes provided the
18 purposes of such grants are consistent with the purpose of the
19 district. In the case of a county of the first classification
20 with a charter form of government having a population of at least
21 nine hundred thousand inhabitants, such grant proceeds shall be
22 awarded to municipalities by a municipal grant commission as
23 described in section 67.1757; in such county, notwithstanding
24 other provisions to the contrary, the grant proceeds may be used
25 to fund any recreation program or park improvement serving
26 municipal residents and for such other purposes as set forth in
27 section 67.1757.

28 67.1775. 1. The governing body of a city not within a

1 county, or any county of this state may, after voter approval
2 [pursuant to] under this section, levy a sales tax not to exceed
3 one-quarter of a cent in the county or city for the purpose of
4 providing services described in section 210.861, RSMo, including
5 counseling, family support, and temporary residential services to
6 persons nineteen years of age or less. The question shall be
7 submitted to the qualified voters of the county or city at a
8 county or city or state general, primary or special election upon
9 the motion of the governing body of the county or city or upon
10 the petition of eight percent of the qualified voters of the
11 county or city determined on the basis of the number of votes
12 cast for governor in such county at the last gubernatorial
13 election held prior to the filing of the petition. The election
14 officials of the county or city shall give legal notice as
15 provided in chapter 115, RSMo. The question shall be submitted
16 in substantially the following form:

17 Shall County or city, solely for the purpose of
18 establishing a community children's services fund for the purpose
19 of providing services to protect the well-being and safety of
20 children and youth nineteen years of age or less and to
21 strengthen families, be authorized to levy a sales tax of
22 (not to exceed one-quarter of a cent) in the county
23 [for the purpose of establishing a community children's services
24 fund for the purpose of providing services to protect the
25 well-being and safety of children and youth nineteen years of age
26 or less and to strengthen families]?

27 [] YES [] NO

28 [If a majority of the votes cast on the question by the qualified

1 voters voting thereon are in favor of the question, then the tax
2 shall be levied and collected as otherwise provided by law. If a
3 majority of the votes cast on the question by the qualified
4 voters voting thereon are opposed to the question, then the tax
5 shall not be levied unless and until the question is again
6 submitted to the qualified voters of the county and a majority of
7 such voters are in favor of such a tax, and not otherwise.]

8 If a majority of the votes cast on the question by the qualified
9 voters voting thereon are in favor of the question, then the
10 ordinance or order and any amendments thereto shall be in effect
11 on the first day of the second calendar quarter after the
12 director receives notification of the local sales tax. If a
13 question receives less than the required majority, then the
14 governing authority of the city or county shall have no power to
15 impose the sales tax unless and until the governing authority of
16 the city or county has submitted another question to authorize
17 the imposition of the sales tax authorized by this section and
18 such question is approved by the required majority of the
19 qualified voters voting thereon. However, in no event shall a
20 question under this section be submitted to the voters sooner
21 than twelve months from the date of the last question under this
22 section.

23 2. After the effective date of any tax imposed under the
24 provisions of this section, the director of revenue shall perform
25 all functions incident to the administration, collection,
26 enforcement, and operation of the tax and the director of revenue
27 shall collect in addition to the sales tax for the state of
28 Missouri the additional tax authorized under the authority of

1 this section. The tax imposed under this section and the tax
2 imposed under the sales tax law of the state of Missouri shall be
3 collected together and reported upon such forms and under such
4 administrative rules and regulations as may be prescribed by the
5 director of revenue.

6 3. All sales taxes collected by the director of revenue
7 under this section on behalf of any city or county, less one
8 percent for the cost of collection, which shall be deposited in
9 the state's general revenue fund after payment of premiums for
10 surety bonds as provided in section 32.087, RSMo, shall be
11 deposited with the state treasurer in a special fund, which is
12 hereby created, to be known as the "Community Children's Services
13 Fund". The moneys in the city or county community children's
14 services fund shall not be deemed to be state funds and shall not
15 be commingled with any funds of the state. The director of
16 revenue shall keep accurate records of the amount of money in the
17 fund which was collected in each city or county imposing a sales
18 tax under this section, and the records shall be open to the
19 inspection of officers of each city or county and the general
20 public. Not later than the tenth day of each month, the director
21 of revenue shall distribute all moneys deposited in the fund
22 during the preceding month by distributing to the city or county
23 treasurer, or such other officer as may be designated by a city
24 or county ordinance or order, of each city or county imposing the
25 tax authorized by this section, the sum, as certified by the
26 director of revenue, due the city or county.

27 4. The director of revenue may authorize the state
28 treasurer to make refunds from the amounts in the fund and

1 credited to any city or county for erroneous payments and
2 overpayments made, and may redeem dishonored checks and drafts
3 deposited to the credit of such counties. Each city or county
4 shall notify the director of revenue at least ninety days prior
5 to the effective date of the expiration of the sales tax
6 authorized by this section and the director of revenue may order
7 retention in the fund, for a period of one year, of two percent
8 of the amount collected after receipt of such notice to cover
9 possible refunds or overpayment of such tax and to redeem
10 dishonored checks and drafts deposited to the credit of such
11 accounts. After one year has elapsed after the date of
12 expiration of the tax authorized by this section in such city or
13 county, the director of revenue shall remit the balance in the
14 account to the city or county and close the account of that city
15 or county. The director of revenue shall notify each city or
16 county of each instance of any amount refunded or any check
17 redeemed from receipts due the city or county.

18 5. Except as modified in this section, all provisions of
19 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
20 under this section.

21 6. All revenues generated by the tax prescribed in this
22 section shall be deposited in the county treasury or, in a city
23 not within a county, to the board established by law to
24 administer such fund to the credit of a special "Community
25 Children's Services Fund" to accomplish the purposes set out
26 herein and in section 210.861, RSMo, and shall be used for no
27 other purpose. Such fund shall be administered by a board of
28 directors, established [pursuant to] under section 210.861, RSMo.

1 67.1809. 1. The regional taxicab commission established
2 under section 67.1804 may license, supervise, and regulate any
3 person who engages in the business of transporting passengers in
4 commerce, wholly within the regional taxicab district established
5 in section 67.1802, in any motor vehicle designed or used to
6 transport not more than eight passengers, including the driver.
7 The powers granted to the regional taxicab commission under this
8 section shall apply to the motor vehicles described in this
9 subsection and to the persons owning or operating those vehicles:

10 (1) Whether or not the vehicles are equipped with a
11 taximeter or use a taximeter; and

12 (2) Whether the vehicles are operated by a for-hire motor
13 carrier of passengers or by a private motor carrier of passengers
14 not for hire or compensation.

15 2. This section shall apply, notwithstanding any provisions
16 of this chapter or of subsection 2 of section 390.126, RSMo, to
17 the contrary, except that the vehicles described in subsection 1
18 of this section, and the operators of such vehicles, shall be
19 licensed, supervised, and regulated by the state highways and
20 transportation commission, as provided under section 226.008,
21 RSMo, instead of the regional taxicab commission, whenever:

22 (1) Such motor vehicles transport passengers within the
23 district in interstate commerce, and those interstate operations
24 are subject to the powers of the state highways and
25 transportation commission under section 226.008, RSMo;

26 (2) Such motor vehicles are operated exclusively by a not-
27 for-profit corporation or governmental entity, whose passenger
28 transportation within the regional taxicab district is

1 subsidized, wholly or in part, with public transit funding
2 provided by the state highways and transportation commission, the
3 Federal Transit Administration, or both;

4 (3) Such vehicles transport one or more passengers on the
5 public highways in a continuous journey from a place of origin
6 within the regional taxicab district to a destination outside the
7 district, or from a place of origin outside the district to a
8 destination within the district, either with or without a return
9 trip to the point of origin. Such continuous transportation of
10 passengers between points within and without the district is
11 subject to regulation by the state highways and transportation
12 commission, even if the journey includes temporary stops at one
13 or more intermediate destinations within the boundaries of the
14 district.

15 3. The provisions of subdivision (3) of subsection 2 of
16 this section shall not limit the powers of the regional taxicab
17 commission under this section to license, supervise, and regulate
18 the transportation of any passenger whose journey by motor
19 vehicle takes place wholly within the regional taxicab district,
20 even if transported on the same vehicle with other passengers
21 whose transportation, both within and without the boundaries of
22 the district, is subject to the exclusive powers of the state
23 highways and transportation commission. A motor carrier or
24 driver who transports passengers subject to the powers of the
25 regional taxicab commission, under subsection 1 of this section,
26 on the same vehicle with passengers whose transportation is
27 subject to the powers of the state highways and transportation
28 commission, under subsection 2 of this section, shall comply with

1 all applicable requirements of the regional taxicab commission
2 and with all applicable requirements of the state highways and
3 transportation commission.

4 4. No provision within this chapter shall be interpreted or
5 construed as limiting the powers of the state highways and
6 transportation commission and its enforcement personnel, the
7 state highway patrol and its officers and personnel, or any other
8 law enforcement officers or peace officers to enforce any safety
9 requirements or hazardous materials regulations made applicable
10 by law to the motor vehicles, drivers, or persons that own or
11 operate any motor vehicles described in this section.

12 5. Every individual person, partnership, or corporation
13 subject to licensing, regulation, and supervision by the regional
14 taxicab commission under this section, with reference to any
15 transportation of passengers by a motor vehicle previously
16 authorized by a certificate or permit issued by the state
17 highways and transportation commission under sections 390.051 or
18 390.061, RSMo, which certificate or permit was in active status
19 and not suspended or revoked on August 27, 2005, according to the
20 records of the state highways and transportation commission, is
21 hereby deemed to be licensed, permitted, and authorized by the
22 regional taxicab commission, and the vehicles and drivers used by
23 such motor carriers are hereby deemed to be licensed, permitted,
24 and authorized by the regional taxicab commission to operate and
25 engage in the transportation of passengers within the regional
26 taxicab district, to the same extent as they formerly were
27 licensed, permitted, and authorized by the highways and
28 transportation commission on August 27, 2005. Such motor

1 carriers, drivers, and vehicles shall be exempted from applying
2 for any license, certificate, permit, or other credential issued
3 or required by the regional taxicab commission under sections
4 67.1800 to 67.1822, except that the regional taxicab commission
5 may, after December 31, 2005, require such motor carriers and
6 drivers to apply and pay the regular fees for annual renewals of
7 such licenses, permits, certificates, or other credentials under
8 uniform requirements applicable to all motor carriers, vehicles,
9 and drivers operating within the regional taxicab district.

10 67.1850. 1. As used in this section, the following terms
11 mean:

12 (1) "Community", any municipality or county as defined in
13 this section;

14 (2) "County", any county [of the first classification
15 without a charter form of government] in the state;

16 (3) "Geographical information system", a computerized,
17 spatial coordinate mapping and relational database technology
18 which:

19 (a) Captures, assembles, stores, converts, manages,
20 analyzes, amalgamates and records, in the digital mode, all kinds
21 and types of information and data;

22 (b) Transforms such information and data into intelligence
23 and subsequently retrieves, presents and distributes that
24 intelligence to a user for use in making the intelligent
25 decisions necessary for sound management;

26 (4) "Municipality", any city [with a population of at least
27 sixty thousand inhabitants and located] in a county [of the first
28 classification without a charter form of government].

1 2. The development of geographical information systems has
2 not been undertaken in any large-scale and useful way by private
3 enterprise. The use of modern technology can enhance the
4 planning and decision-making processes of communities. The
5 development of geographical information systems is a
6 time-consuming and expensive activity. In the interest of
7 maintaining community governments open and accessible to the
8 public, information gathered by communities for use in a
9 geographical information system, unless properly made a closed
10 record, should be available to the public. However, access to
11 the information in a way by which a person could render the
12 investment of the public in a geographical information system a
13 special benefit to that person, and not to the public, should not
14 be permitted.

15 3. Any community as defined in this section may create a
16 geographical information system for the community. The scope of
17 the geographical information system shall be determined by the
18 governing body of the community. The method of creation,
19 maintenance, use and distribution of the geographical information
20 system shall be determined by the governing body of the
21 community. A community shall not mandate the use of this system
22 or allocate the costs of the system to nonusers.

23 4. The information collected or assimilated by a community
24 for use in a geographical information system shall not be
25 withheld from the public, unless otherwise properly made a closed
26 record of the community as provided by section 610.021, RSMo.
27 The information collected or assimilated by a community for use
28 in a geographical information system need not be disclosed in a

1 form which may be read or manipulated by computer, absent a
2 license agreement between the community and the person requesting
3 the information.

4 5. Information collected or assimilated by a community for
5 use in a geographical information system and disclosed in any
6 form, other than in a form which may be read or manipulated by
7 computer, shall be provided for a reasonable fee, as established
8 by section 610.026, RSMo. A community maintaining a geographical
9 information system shall make maps and other products of the
10 system available to the public. The cost of the map or other
11 product shall not exceed a reasonable fee representing the cost
12 to the community of time, equipment and personnel in the
13 production of the map or other product. A community may license
14 the use of a geographical information system. The total cost of
15 licensing a geographical information system may not exceed the
16 cost, as established by section 610.026, RSMo, of the:

17 (1) Cost to the community of time, equipment and personnel
18 in the production of the information in a geographical
19 information system or the production of the geographical
20 information system; and

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

24 6. The provisions of this section shall not hinder the
25 daily or routine collection of data from the geographical
26 information system by real estate brokers and agents, title
27 collectors, developers, surveyors, utility companies, banks, news
28 media or mortgage companies, nor shall the provisions allow for

1 the charging of fees for the collection of such data exceeding
2 that allowed pursuant to section 610.026, RSMo. The provisions
3 of this section, however, shall allow a community maintaining a
4 geographical information system to license and establish costs
5 for the use of the system's computer program and computer
6 software.

7 7. A community distributing information used in a
8 geographical information system or distributing a geographical
9 information system shall not be liable for any damages which may
10 arise from any error which may exist in the information or the
11 geographical information system.

12 71.208. Notwithstanding the provisions of any other law to
13 the contrary, any municipality may establish as an employer a
14 special pay plan for its employees under section 401(a) of the
15 federal Internal Revenue Code, 26 U.S.C. 401(a). The special pay
16 plan established under the authority of this section shall be
17 subject to oversight under section 105.661, RSMo.

18 71.794. A special business district may be established,
19 enlarged or decreased in area as provided herein in the following
20 manner:

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

- 27 (a) Description of the boundaries of the proposed area;
28 (b) The time and place of a hearing to be held by the

1 governing body considering establishment of the district;

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

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

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

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

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

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

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

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

4 (e) The initial rate of levy to be imposed upon the
5 property lying within the boundaries of the district;

6 (f) A statement that a special business district has been
7 established;

8 (g) The uses to which the additional revenue shall be put;

9 (h) In any city with a population of less than three
10 hundred fifty thousand, the creation of an advisory board or
11 commission and enumeration of its duties and responsibilities;

12 (i) In any city with a population of three hundred fifty
13 thousand or more, provisions for a board of commissioners to
14 administer the special business district, which board shall
15 consist of seven members who shall be appointed by the mayor with
16 the advice and consent of the governing body of the city. Five
17 members shall be owners of real property within the district or
18 their representatives and two members shall be renters of real
19 property within the district or their representatives. The terms
20 of the members shall be structured so that not more than two
21 members' terms shall expire in any one year. Subject to the
22 foregoing, the governing body of the city shall provide in such
23 ordinance for the method of appointment, the qualifications, and
24 terms of the members.

25 79.600. Notwithstanding the annexation provisions of
26 chapter 71, RSMo, if the governing body of a city of the fourth
27 classification with more than seven thousand five hundred but
28 fewer than seven thousand six hundred eighty inhabitants and

1 located in any county with a charter form of government and with
2 more than one million inhabitants finds it is in the public
3 interest that a parcel of land located in an unincorporated area
4 of said county, which is proposed for use as a trash and
5 recyclable material transfer facility or recyclable material
6 reclamation facility, should be located in the city for purposes
7 of ensuring that there is more local legislative consideration,
8 building inspections, and monitoring of ongoing operations, the
9 city may annex such parcel, provided that the city obtains the
10 written consent of all the property owners located within the
11 unincorporated area of such parcel. Further, both such city and
12 county shall adopt reciprocal ordinances authorizing the
13 annexation of such parcel by the city. Notwithstanding the
14 provisions of section 71.012, RSMo, the subject parcel shall be
15 considered contiguous and compact with the city if it is located
16 within two miles of the city by means of railroad line owned
17 property.

18 82.291. 1. For purposes of this section, "derelict
19 vehicle" means any motor vehicle or trailer that was originally
20 designed or manufactured to transport persons or property on a
21 public highway, road, or street and that is junked, scrapped,
22 dismantled, disassembled, or in a condition otherwise harmful to
23 the public health, welfare, peace, and safety.

24 2. The owner of any property located in any home rule city
25 with more than twenty-six thousand two hundred but less than
26 twenty-six thousand three hundred inhabitants, except any
27 property subclassed as agricultural and horticultural property
28 pursuant to section 4(b), article X, of the Constitution of

1 Missouri or any property containing any licensed vehicle service
2 or repair facility, who permits derelict vehicles or substantial
3 parts of derelict vehicles to remain on the property other than
4 inside a fully enclosed permanent structure designed and
5 constructed for vehicle storage shall be liable for the removal
6 of the vehicles or the parts if they are declared to be a public
7 nuisance.

8 3. To declare derelict vehicles or parts of derelict
9 vehicles to be a public nuisance, the governing body of the city
10 shall give a hearing upon ten days' notice, either personally or
11 by United States mail to the owner or agent, or by posting a
12 notice of the hearing on the property. At the hearing, the
13 governing body may declare the vehicles or the parts to be public
14 nuisances, and may order the nuisance to be removed within five
15 business days. If the nuisance is not removed within the five
16 days, the governing body or the designated city official shall
17 have the nuisance removed and shall certify the costs of the
18 removal to the city clerk or the equivalent official, who shall
19 cause a special tax bill for the removal to be prepared against
20 the property and collected by the collector with other taxes
21 assessed on the property, and to be assessed any interest and
22 penalties for delinquency as other delinquent tax bills are
23 assessed as permitted by law.

24 4. The provisions of this section shall terminate on August
25 28, [2004] 2008.

26 82.301. As used in sections 82.301 to 82.305, the following
27 terms mean:

28 (1) "Local code violation", a violation under the

1 provisions of a local code of general ordinances of any home rule
2 city with more than four hundred thousand inhabitants and located
3 in more than one county which regulates fire prevention, animal
4 control, noise control, property maintenance, building
5 construction, health and sanitation, and nuisances;

6 (2) "Neighborhood organization", an organization defined in
7 section 32.105, RSMo;

8 (3) "Nuisance", within the boundaries of the community
9 represented by the neighborhood organization, an act or condition
10 knowingly created, performed, or maintained on private property
11 that constitutes a local code violation and that:

12 (a) Significantly affects the other residents of the
13 neighborhood;

14 (b) Diminishes the value of the neighboring property; and

15 (c) Is injurious to public health, safety, or welfare of
16 neighboring residents or obstructs the reasonable use of other
17 property in the neighborhood.

18 82.302. Sections 82.301 to 82.303 apply to a nuisance
19 located within the boundaries of any home rule city with more
20 than four hundred thousand inhabitants and located in more than
21 one county.

22 82.303. 1. A neighborhood organization representing
23 persons aggrieved by a local code violation may seek injunctive
24 and other equitable relief in the circuit court for abatement of
25 a nuisance upon showing:

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

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

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

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

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

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

21 (a) The nature of the alleged nuisance;

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

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

26 (d) The relief sought in the action.

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

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

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

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

12 5. (1) If a violation notice issued by an appropriate
13 municipal code enforcement agency is an essential element of the
14 municipal enforcement action, a copy of the notice signed by an
15 official of the appropriate municipal code enforcement agency
16 shall be prima facie evidence of the facts contained in the
17 notice.

18 (2) A notice of abatement issued by the appropriate
19 municipal code enforcement agency in regard to the violation
20 notice shall be prima facie evidence that the plaintiff is not
21 entitled to the relief requested.

22 6. A proceeding under this section shall:

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

24 (2) Be expedited in every way.

25 82.305. 1. Subject to subsection 2 of this section,
26 sections 82.301 to 82.303 shall not be construed as to abrogate
27 any equitable or legal right or remedy otherwise available under
28 the law to abate a nuisance.

1 2. Sections 82.301 to 82.303 shall not be construed as to
2 grant standing for an action:

3 (1) Challenging any zoning application or approval;

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

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

8 82.1025. 1. In any county of the first classification with
9 a charter form of government and a population greater than nine
10 hundred thousand, in any county of the first classification with
11 more than one hundred ninety-eight thousand but fewer than one
12 hundred ninety-nine thousand two hundred inhabitants, in any
13 county of the first classification with more than seventy-three
14 thousand seven hundred but fewer than seventy-three thousand
15 eight hundred inhabitants, in any county of the first
16 classification with more than ninety-three thousand eight hundred
17 but fewer than ninety-three thousand nine hundred inhabitants, in
18 any home rule city with more than one hundred fifty-one thousand
19 five hundred but fewer than one hundred fifty-one thousand six
20 hundred inhabitants, in any city not within a county and in any
21 city with at least three hundred fifty thousand inhabitants which
22 is located in more than one county, a parcel of property is a
23 nuisance, if such property adversely affects the property values
24 of a neighborhood because the owner of such property allows the
25 property to be in a deteriorated condition, due to neglect,
26 violation of a county or municipal building code or standard,
27 abandonment, failure to repair after a fire, flood or some other
28 damage to the property or because the owner or resident of the

1 property allows clutter on the property such as abandoned
2 automobiles, appliances or similar objects. Any property owner,
3 who owns property within a reasonable distance to a parcel of
4 property which is alleged to be a nuisance may bring a nuisance
5 action against the offending property owner for the amount of
6 damage created by such property to the value of the petitioner's
7 property and court costs, provided that the owner of the property
8 which is alleged to be a nuisance has received notification of
9 the alleged nuisance and has had a reasonable opportunity, not to
10 exceed forty-five days, to correct the alleged nuisance. This
11 section is not intended to abrogate, and shall not be construed
12 as abrogating, any remedy available under the common law of
13 private nuisance.

14 2. A nuisance action for injunctive relief may be brought
15 by a neighborhood organization, as defined in section 32.105,
16 RSMo, representing any person or persons who could maintain a
17 nuisance action under this section or under the common law of
18 private nuisance.

19 94.270. 1. The mayor and board of aldermen shall have
20 power and authority to regulate and to license and to levy and
21 collect a license tax on auctioneers, druggists, hawkers,
22 peddlers, banks, brokers, pawnbrokers, merchants of all kinds,
23 grocers, confectioners, restaurants, butchers, taverns, hotels,
24 public boardinghouses, billiard and pool tables and other tables,
25 bowling alleys, lumber dealers, real estate agents, loan
26 companies, loan agents, public buildings, public halls, opera
27 houses, concerts, photographers, bill posters, artists, agents,
28 porters, public lecturers, public meetings, circuses and shows,

1 for parades and exhibitions, moving picture shows, horse or
2 cattle dealers, patent right dealers, stockyards, inspectors,
3 gaugers, mercantile agents, gas companies, insurance companies,
4 insurance agents, express companies, and express agents,
5 telegraph companies, light, power and water companies, telephone
6 companies, manufacturing and other corporations or institutions,
7 automobile agencies, and dealers, public garages, automobile
8 repair shops or both combined, dealers in automobile accessories,
9 gasoline filling stations, soft drink stands, ice cream stands,
10 ice cream and soft drink stands combined, soda fountains, street
11 railroad cars, omnibuses, drays, transfer and all other vehicles,
12 traveling and auction stores, plumbers, and all other business,
13 trades and avocations whatsoever, and fix the rate of carriage of
14 persons, drayage and cartage of property; and to license, tax,
15 regulate and suppress ordinaries, money brokers, money changers,
16 intelligence and employment offices and agencies, public
17 masquerades, balls, street exhibitions, dance houses, fortune
18 tellers, pistol galleries, corn doctors, private venereal
19 hospitals, museums, menageries, equestrian performances,
20 horoscopic views, telescopic views, lung testers, muscle
21 developers, magnifying glasses, ten pin alleys, ball alleys,
22 billiard tables, pool tables and other tables, theatrical or
23 other exhibitions, boxing and sparring exhibitions, shows and
24 amusements, tippling houses, and sales of unclaimed goods by
25 express companies or common carriers, auto wrecking shops and
26 junk dealers; to license, tax and regulate hackmen, draymen,
27 omnibus drivers, porters and all others pursuing like
28 occupations, with or without vehicles, and to prescribe their

1 compensation; and to regulate, license and restrain runners for
2 steamboats, cars, and public houses; and to license ferries, and
3 to regulate the same and the landing thereof within the limits of
4 the city, and to license and tax auto liveries, auto drays and
5 jitneys.

6 2. Notwithstanding any other law to the contrary, no city
7 of the fourth classification with more than eight hundred but
8 less than nine hundred inhabitants and located in any county with
9 a charter form of government and with more than one million
10 inhabitants shall levy or collect a license fee on hotels or
11 motels in an amount in excess of twenty-seven dollars per room
12 per year. No hotel or motel in such city shall be required to
13 pay a license fee in excess of such amount, and any license fee
14 in such city that exceeds the limitations of this subsection
15 shall be automatically reduced to comply with this subsection.

16 3. Notwithstanding any other law to the contrary, no city
17 of the fourth classification with more than four thousand one
18 hundred but less than four thousand two hundred inhabitants and
19 located in any county with a charter form of government and with
20 more than one million inhabitants shall levy or collect a license
21 fee on hotels or motels in an amount in excess of thirteen
22 dollars and fifty cents per room per year. No hotel or motel in
23 such city shall be required to pay a license fee in excess of
24 such amount, and any license fee in such city that exceeds the
25 limitations of this subsection shall be automatically reduced to
26 comply with this subsection.

27 4. Notwithstanding any other law to the contrary, on or
28 after January 1, 2006, no city of the fourth classification with

1 more than fifty-one thousand but fewer than fifty-two thousand
2 inhabitants and located in any county with a charter form of
3 government and with more than two hundred eighty thousand but
4 less than two hundred eighty-five thousand shall levy or collect
5 a license fee on hotels or motels in an amount in excess of one
6 thousand dollars per year. No hotel or motel in such city shall
7 be required to pay a license fee in excess of such amount, and
8 any license fee in such city that exceeds the limitation of this
9 subsection shall be automatically reduced to comply with this
10 subsection.

11 5. Notwithstanding any other law to the contrary, no home
12 rule city with more than ten thousand but fewer than ten thousand
13 two hundred inhabitants located in any county with a charter form
14 of government and with more than one million inhabitants shall
15 levy or collect a license fee on hotels or motels in an amount in
16 excess of twelve thousand dollars per year. No hotel or motel in
17 such city shall be required to pay a license fee in excess of
18 such amount, and any license fee in such city that exceeds the
19 limitation of this subsection shall be automatically reduced to
20 comply with this subsection.

21 6. Any city under subsections 4 and 5 of this section may
22 increase a hotel and motel license tax by five percent per year
23 but the total tax levied under this section shall not exceed one-
24 eighth of one percent of such hotel or motels gross revenue.

25 7. Any city under subsections 1, 2, and 3 of this section
26 may increase a hotel and motel license tax by five percent per
27 year but the total tax levied under this section shall not exceed
28 the greater of:

1 (1) One-eighth of one percent of such hotels' or motels'
2 gross revenue; or

3 (2) The business license tax rate for such hotel or motel
4 on May 1, 2005.

5 8. The provisions of subsection 7 shall not apply to any
6 tax levied by a city when the revenue from such tax is restricted
7 for use to a project from which bonds are outstanding as of May
8 1, 2005.

9 94.700. The following words, as used in sections 94.700 to
10 94.755, shall have the following meaning unless a different
11 meaning clearly appears from the context:

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

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

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

24 (4) "Director of revenue" shall mean the director of
25 revenue of the state of Missouri;

26 (5) "Interstate transportation authority" shall mean any
27 political subdivision created by compact between this state and
28 another state, which is a body corporate and politic and a

1 political subdivision of both contracting states, and which
2 operates a public mass transportation system;

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

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

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

16 (9) "Transportation purposes" shall mean financial support
17 of a "public mass transportation system"; the construction,
18 reconstruction, repair and maintenance of streets, roads and
19 bridges within a municipality; the construction, reconstruction,
20 repair and maintenance of airports owned and operated by
21 municipalities; the acquisition of lands and rights-of-way for
22 streets, roads, bridges and airports; and planning and
23 feasibility studies for streets, roads, bridges, and airports.
24 "Bridges" shall include bridges connecting a municipality with
25 another municipality either within or without the state, with an
26 unincorporated area of the state, or with another state or an
27 unincorporated area thereof.

28 94.837. 1. The governing body of any city of the fourth

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

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

28 Shall (insert the name

1 of the city) impose a tax on the charges for all sleeping rooms
2 paid by the transient guests of hotels and motels situated in
3 (name of city) at a rate of
4 (insert rate of percent) percent for the sole purpose
5 of promoting tourism?

6 _____ YES NO

7
8 If a majority of the votes cast on the question by the qualified
9 voters voting thereon are in favor of the question, then the tax
10 shall become effective on the first day of the second calendar
11 quarter following the calendar quarter in which the election was
12 held. If a majority of the votes cast on the question by the
13 qualified voters voting thereon are opposed to the question, then
14 the tax authorized by this section shall not become effective
15 unless and until the question is resubmitted under this section
16 to the qualified voters of the city and such question is approved
17 by a majority of the qualified voters of the city voting on the
18 question.

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

22 94.838. 1. As used in this section, the following terms
23 mean:

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

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

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

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

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

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

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

18
19 The taxes shall be imposed solely for the purpose of funding the
20 construction, maintenance, and operation of capital improvements.

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

1 charges and taxes.

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

4 Shall (insert the name of the municipality) impose a
5 tax on the charges for all retail sales of food at a food
6 establishment situated in (name of municipality) at a rate
7 of (insert rate of percent) percent, and for all sleeping
8 rooms paid by the transient guests of hotels and motels situated
9 in (name of municipality) at a rate of (insert rate
10 of percent) percent, solely for the purpose of funding the
11 construction, maintenance, and operation of capital improvements?

12 YES NO

13
14 If a majority of the votes cast on the question by the qualified
15 voters voting thereon are in favor of the question, then the
16 taxes shall become effective on the first day of the second
17 calendar quarter after the director of revenue receives notice of
18 the adoption of the taxes. If a majority of the votes cast on
19 the question by the qualified voters voting thereon are opposed
20 to the question, then the taxes shall not become effective unless
21 and until the question is resubmitted under this section to the
22 qualified voters and such question is approved by a majority of
23 the qualified voters voting on the question.

24 4. Any tax on the retail sales of food imposed under this
25 section shall be administered, collected, enforced, and operated
26 as required in section 32.087, RSMo, and any transient guest tax
27 imposed under this section shall be administered, collected,
28 enforced, and operated by the municipality imposing the tax. All

1 revenue generated by the tax shall be deposited in a special
2 trust fund and shall be used solely for the designated purposes.
3 If the tax is repealed, all funds remaining in the special trust
4 fund shall continue to be used solely for the designated
5 purposes. Any funds in the special trust fund which are not
6 needed for current expenditures may be invested in the same
7 manner as other funds are invested. Any interest and moneys
8 earned on such investments shall be credited to the fund.

9 5. Once the initial bonds, if any, have been satisfied,
10 then the governing body of any municipality that has adopted the
11 taxes authorized in this section may submit the question of
12 repeal of the taxes to the voters on any date available for
13 elections for the municipality. The ballot of submission shall
14 be in substantially the following form:

15 Shall (insert the name of the municipality) repeal
16 the taxes imposed at the rates of (insert rate of percent)
17 and (insert rate of percent) percent for the purpose of
18 funding the construction, maintenance, and operation of capital
19 improvements?

20 YES NO

21
22 If a majority of the votes cast on the proposal are in favor of
23 repeal, that repeal shall become effective on December
24 thirty-first of the calendar year in which such repeal was
25 approved. If a majority of the votes cast on the question by the
26 qualified voters voting thereon are opposed to the repeal, then
27 the tax authorized in this section shall remain effective until
28 the question is resubmitted under this section to the qualified

1 voters, and the repeal is approved by a majority of the qualified
2 voters voting on the question.

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

20 94.860. 1. The governing body of any municipality located
21 in whole or in part within any county with a charter form of
22 government and with more than one million inhabitants is hereby
23 authorized to impose, by ordinance or order, a sales tax in the
24 amount of up to one-half of one percent on all retail sales made
25 in such municipality, which are subject to taxation under the
26 provisions of sections 144.010 to 144.525, RSMo, for the purpose
27 of improving the public safety for such municipality, including
28 but not limited to expenditures on equipment, municipal employee

1 salaries and benefits, and facilities for police, fire and
2 emergency medical providers. The tax authorized by this section
3 shall be in addition to any and all other sales taxes allowed by
4 law, except that if a municipality has elected to levy a sales
5 tax authorized under section 321.242, RSMo, then the municipality
6 may not utilize any funds derived from the tax authorized in this
7 section for the provision of fire and emergency medical services.
8 No ordinance or order imposing a sales tax pursuant to the
9 provisions of this section shall be effective unless the
10 governing body of the municipality submits to the voters of the
11 municipality, at a county or state general, primary, or special
12 election, a proposal to authorize the governing body of the
13 municipality to impose a tax.

14 2. If the proposal submitted involves only authorization to
15 impose the tax authorized by this section, the ballot of
16 submission shall contain, but need not be limited to, the
17 following language:

18 Shall the municipality of (municipality's
19 name) impose a sales tax of (insert amount) for the
20 purpose of improving the public safety of the municipality?

21
22 YES NO

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

27
28 If a majority of the votes cast on the proposal by the qualified

1 voters voting thereon are in favor of the proposal submitted
2 pursuant to this subsection, then the ordinance or order and any
3 amendments thereto shall be in effect on the first day of the
4 second quarter immediately following the election approving the
5 proposal. If a proposal receives less than the required
6 majority, then the governing body of the municipality shall have
7 no power to impose the sales tax herein authorized unless and
8 until the governing body of the municipality shall again have
9 submitted another proposal to authorize the governing body of the
10 municipality to impose the sales tax authorized by this section
11 and such proposal is approved by the required majority of the
12 qualified voters voting thereon.

13 3. Within thirty days of the approval of a public safety
14 sales tax pursuant to this section, the governing body shall
15 choose one of the following options:

16 (1) OPTION 1. Eighty-five percent of the moneys generated
17 within each municipality shall be retained in subaccount 1 of the
18 trust fund created in subsection 4 of this section and shall be
19 returned to that municipality as provided in subdivision (1) of
20 subsection 4 of this section. Fifteen percent of the moneys
21 generated within each municipality shall be retained in
22 subaccount 2 of the trust fund created in, and allocated as
23 provided in, subdivision (2) of subsection 4 of this section;

24 (2) OPTION 2. One hundred percent of the moneys generated
25 within each municipality shall be retained in subaccount 2 of the
26 trust fund created in, and allocated as provided in, subdivision
27 (2) of subsection 4 of this section.

28 4. The moneys shall be retained in two separate subaccounts

1 in the "Municipal Public Safety Sales Tax Fund" which is hereby
2 created in the state treasury. Moneys in the fund shall be
3 distributed to each municipality as follows:

4 (1) For municipalities choosing Option 1, eighty-five
5 percent of the taxes collected within each municipality and
6 retained in subaccount 1 of the trust fund shall be returned to
7 each municipality;

8 (2) For municipalities choosing Option 2, the moneys
9 retained in subaccount 2 of the trust fund shall be distributed
10 to each municipality based on the percentage ratio that the
11 population of that municipality bears to the total population of
12 all of the municipalities choosing Option 2.

13 5. All revenue received by a municipality from the tax
14 authorized under the provisions of this section shall be
15 deposited in a special trust fund and shall be used solely for
16 improving the public safety for such municipality for so long as
17 the tax shall remain in effect. Once the tax authorized by this
18 section is abolished or is terminated by any means, all funds
19 remaining in the special trust fund shall be used solely for
20 improving public safety for the municipality. Any funds in such
21 special trust fund which are not needed for current expenditures
22 may be invested by the governing body in accordance with
23 applicable laws relating to the investment of other municipal
24 funds.

25 6. All sales taxes collected by the director of the
26 department of revenue under this section on behalf of any
27 municipality, less one percent for cost of collection which shall
28 be deposited in the state's general revenue fund after payment of

1 premiums for surety bonds as provided in section 32.087, RSMo,
2 shall be deposited in the special trust fund created in the state
3 treasury in subsection 4 of this section. The moneys in the
4 trust fund shall not be deemed to be state funds and shall not be
5 commingled with any funds of the state. The provisions of
6 section 33.080, RSMo, to the contrary notwithstanding, money in
7 this fund shall not be transferred and placed to the credit of
8 the general revenue fund. The director of the department of
9 revenue shall keep accurate records of the amount of money in the
10 trust and which was collected in each municipality imposing a
11 sales tax pursuant to this section, and the records shall be open
12 to the inspection of officers of the municipality and the public.
13 Not later than the tenth day of each month the director of the
14 department of revenue shall distribute all moneys deposited in
15 the trust fund during the preceding month to the municipality
16 which levied the tax, such funds shall be deposited with the
17 treasurer of each such municipality, and all expenditures of
18 funds arising from the trust fund shall be by an appropriation
19 act to be enacted by the governing body of each such
20 municipality. Expenditures may be made from the fund for any
21 functions authorized in the ordinance or order adopted by the
22 governing body submitting the tax to the voters.

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

director of the department of revenue of the action at least
ninety days prior to the effective date of the repeal and the
director of the department of revenue may order retention in the
trust fund, for a period of one year, of two percent of the
amount collected after receipt of such notice to cover possible
refunds or overpayment of the tax and to redeem dishonored checks
and drafts deposited to the credit of such accounts. After one
year has elapsed after the effective date of abolition of the tax
in such municipality, the director of the department of revenue
shall remit the balance in the account to the municipality and
close the account of that municipality. The director of the
department of revenue shall notify each municipality of each
instance of any amount refunded or any check redeemed from
receipts due the municipality.

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

99.1080. Sections 99.1080 to 99.1092 shall be known and may
be cited as the "Downtown Revitalization Preservation Program".

99.1082. As used in sections 99.1080 to 99.1092, unless the
context clearly requires otherwise, the following terms shall
mean:

(1) "Baseline year", the calendar year prior to the
adoption of an ordinance by the municipality approving a
redevelopment project; provided, however, if local sales tax
revenues or state sales tax revenues, from businesses other than
any out-of-state business or businesses locating in the
redevelopment project area, decrease in the redevelopment project

1 area in the year following the year in which the ordinance
2 approving a redevelopment project is approved by a municipality,
3 the baseline year may, at the option of the municipality
4 approving the redevelopment project, be the year following the
5 year of the adoption of the ordinance approving the redevelopment
6 project. When a redevelopment project area is located within a
7 county for which public and individual assistance has been
8 requested by the governor under Section 401 of the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
10 5121 et seq., for an emergency proclaimed by the governor under
11 section 44.100, RSMo, due to a natural disaster of major
12 proportions and the redevelopment project area is a central
13 business district that sustained severe damage as a result of
14 such natural disaster, as determined by the state emergency
15 management agency, the baseline year may, at the option of the
16 municipality approving the redevelopment project, be the calendar
17 year in which the natural disaster occurred or the year following
18 the year in which the natural disaster occurred, provided that
19 the municipality adopts an ordinance approving the redevelopment
20 project within one year after the occurrence of the natural
21 disaster;

22 (2) "Blighted area", an area which, by reason of the
23 predominance of defective or inadequate street layout, unsanitary
24 or unsafe conditions, deterioration of site improvements,
25 improper subdivision or obsolete platting, or the existence of
26 conditions which endanger life or property by fire and other
27 causes, or any combination of such factors, retards the provision
28 of housing accommodations or constitutes an economic or social

1 liability or a menace to the public health, safety, morals, or
2 welfare in its present condition and use;

3 (3) "Central business district", the area at or near the
4 historic core that is locally known as the "downtown" of a
5 municipality that has a median household income of sixty-two
6 thousand dollars or less, according to the last decennial census.
7 In addition, at least fifty percent of existing buildings in this
8 area will have been built in excess of thirty-five years prior or
9 vacant lots that had prior structures built in excess of
10 thirty-five years prior to the adoption of the ordinance
11 approving the redevelopment plan. The historical land use
12 emphasis of a central business district prior to redevelopment
13 will have been a mixed use of business, commercial, financial,
14 transportation, government, and multifamily residential uses;

15 (4) "Conservation area", any improved area within the
16 boundaries of a redevelopment area located within the territorial
17 limits of a municipality in which fifty percent or more of the
18 structures in the area have an age of thirty-five years or more,
19 and such an area is not yet a blighted area but is detrimental to
20 the public health, safety, morals, or welfare and may become a
21 blighted area because of any one or more of the following
22 factors: dilapidation; obsolescence; deterioration; illegal use
23 of individual structures; presence of structures below minimum
24 code standards; abandonment; excessive vacancies; overcrowding of
25 structures and community facilities; lack of ventilation, light
26 or sanitary facilities; inadequate utilities; excessive land
27 coverage; deleterious land use or layout; depreciation of
28 physical maintenance; and lack of community planning;

1 (5) "Gambling establishment", an excursion gambling boat as
2 defined in section 313.800, RSMo, and any related business
3 facility including any real property improvements which are
4 directly and solely related to such business facility, whose sole
5 purpose is to provide goods or services to an excursion gambling
6 boat and whose majority ownership interest is held by a person
7 licensed to conduct gambling games on an excursion gambling boat
8 or licensed to operate an excursion gambling boat as provided in
9 sections 313.800 to 313.850, RSMo;

10 (6) "Local sales tax increment", at least fifty percent of
11 the local sales tax revenue from taxes that are imposed by a
12 municipality and its county, and that are generated by economic
13 activities within a redevelopment area over the amount of such
14 taxes generated by economic activities within such a
15 redevelopment area in the calendar year prior to the adoption of
16 the ordinance designating such a redevelopment area while
17 financing under sections 99.1080 to 99.1092 remains in effect,
18 but excluding personal property taxes, taxes imposed on sales or
19 charges for sleeping rooms paid by transient guests of hotels and
20 motels, licenses, fees, or special assessments. Provided
21 however, the governing body of any county may, by resolution,
22 exclude any portion of any county-wide sales tax of such county.
23 For redevelopment projects or redevelopment plans approved after
24 August 28, 2005, if a retail establishment relocates within one
25 year from one facility within the same county and the governing
26 body of the municipality finds that the retail establishment is a
27 direct beneficiary of tax increment financing, then for the
28 purposes of this subdivision, the economic activity taxes

1 generated by the retail establishment shall equal the total
2 additional revenues from economic activity taxes that are imposed
3 by a municipality or other taxing district over the amount of
4 economic activity taxes generated by the retail establishment in
5 the calendar year prior to its relocation to the redevelopment
6 area;

7 _____ (7) "Local sales tax revenue", city sales tax revenues
8 received under sections 94.500 to 94.550, RSMo, and county sales
9 tax revenues received under sections 67.500 to 67.594, RSMo;

10 _____ (8) "Major initiative", a development project within a
11 central business district which promotes tourism, cultural
12 activities, arts, entertainment, education, research, arenas,
13 multipurpose facilities, libraries, ports, mass transit, museums,
14 economic development, or conventions for the municipality, and
15 where the capital investment within the redevelopment project
16 area is:

17 _____ (a) At least five million dollars for a project area within
18 a city having a population of one hundred thousand to one hundred
19 ninety-nine thousand nine hundred and ninety-nine inhabitants;

20 _____ (b) At least one million dollars for a project area within
21 a city having a population of fifty thousand to ninety-nine
22 thousand nine hundred and ninety-nine inhabitants;

23 _____ (c) At least five hundred thousand dollars for a project
24 area within a city having a population of one to forty-nine
25 thousand nine hundred and ninety-nine inhabitants;

26 _____ (9) "Municipality", any city or county of this state having
27 fewer than two hundred thousand inhabitants;

28 _____ (10) "Obligations", bonds, loans, debentures, notes,

1 special certificates, or other evidences of indebtedness issued
2 by the municipality or authority, or other public entity
3 authorized to issue such obligations under sections 99.1080 to
4 99.1092 to carry out a redevelopment project or to refund
5 outstanding obligations;

6 (11) "Ordinance", an ordinance enacted by the governing
7 body of any municipality;

8 (12) "Redevelopment area", an area designated by a
9 municipality in respect to which the municipality has made a
10 finding that there exist conditions which cause the area to be
11 classified as a blighted area or a conservation area, which area
12 shall have the following characteristics:

13 (a) It can be renovated through one or more redevelopment
14 projects;

15 (b) It is located in the central business district;

16 (c) The redevelopment area shall not exceed ten percent of
17 the entire geographic area of the municipality.

18
19 Subject to the limitation set forth in this subdivision, the
20 redevelopment area can be enlarged or modified as provided in
21 section 99.1088;

22 (13) "Redevelopment plan", the comprehensive program of a
23 municipality to reduce or eliminate those conditions which
24 qualify a redevelopment area as a blighted area or a conservation
25 area, and to thereby enhance the tax bases of the taxing
26 districts which extend into the redevelopment area through the
27 reimbursement, payment, or other financing of redevelopment
28 project costs in accordance with sections 99.1080 to 99.1092 and

1 through application for and administration of downtown
2 revitalization preservation program financing under sections
3 99.1080 to 99.1092;

4 (14) "Redevelopment project", any redevelopment project
5 within a redevelopment area which constitutes a major initiative
6 in furtherance of the objectives of the redevelopment plan, and
7 any such redevelopment project shall include a legal description
8 of the area selected for such redevelopment project;

9 (15) "Redevelopment project area", the area located within
10 a redevelopment area selected for a redevelopment project;

11 (16) "Redevelopment project costs", include such costs to
12 the redevelopment plan or a redevelopment project, as applicable,
13 which are expended on public property, buildings, or
14 rights-of-ways for public purposes to provide infrastructure to
15 support a redevelopment project, including facades. Such costs
16 shall only be allowed as an initial expense which, to be
17 recoverable, must be included in the costs of a redevelopment
18 plan or redevelopment project, except in circumstances of plan
19 amendments approved by the department of economic development.
20 Such infrastructure costs include, but are not limited to, the
21 following:

22 (a) Costs of studies, appraisals, surveys, plans, and
23 specifications;

24 (b) Professional service costs, including, but not limited
25 to, architectural, engineering, legal, marketing, financial,
26 planning, or special services;

27 (c) Property assembly costs, including, but not limited to,
28 acquisition of land and other property, real or personal, or

1 rights or interests therein, demolition of buildings, and the
2 clearing and grading of land;

3 (d) Costs of rehabilitation, reconstruction, repair, or
4 remodeling of existing public buildings and fixtures;

5 (e) Costs of construction of public works or improvements;

6 (f) Financing costs, including, but not limited to, all
7 necessary expenses related to the issuance of obligations issued
8 to finance all or any portion of the infrastructure costs of one
9 or more redevelopment projects, and which may include capitalized
10 interest on any such obligations and reasonable reserves related
11 to any such obligations;

12 (g) All or a portion of a taxing district's capital costs
13 resulting from any redevelopment project necessarily incurred or
14 to be incurred in furtherance of the objectives of the
15 redevelopment plan, to the extent the municipality by written
16 agreement accepts and approves such infrastructure costs;

17 (h) Payments to taxing districts on a pro rata basis to
18 partially reimburse taxes diverted by approval of a redevelopment
19 project when all debt is retired;

20 (i) State government costs, including, but not limited to,
21 the reasonable costs incurred by the department of economic
22 development and the department of revenue in evaluating an
23 application for and administering downtown revitalization
24 preservation financing for a redevelopment project;

25 (17) "State sales tax increment", up to one-half of the
26 incremental increase in the state sales tax revenue in the
27 redevelopment project area provided the local taxing
28 jurisdictions commit one-half of their local sales tax to paying

1 for redevelopment project costs. The incremental increase shall
2 be the amount by which the state sales tax revenue generated at
3 the facility or within the redevelopment project area exceeds the
4 state sales tax revenue generated at the facility or within the
5 redevelopment project area in the baseline year. For
6 redevelopment projects or redevelopment plans approved after
7 August 28, 2005, if a retail establishment relocates within one
8 year from one facility to another facility within the same county
9 and the governing body of the municipality finds that the retail
10 establishment is a direct beneficiary of tax increment financing,
11 then for the purposes of this subdivision, the economic activity
12 taxes generated by the retail establishment shall equal the total
13 additional revenues from economic activity taxes that are imposed
14 by a municipality or other taxing district over the amount of
15 economic activity taxes generated by the retail establishment in
16 the calendar year prior to the relocation to the redevelopment
17 area;

18 (18) "State sales tax revenues", the general revenue
19 portion of state sales tax revenues received under section
20 144.020, RSMo, excluding sales taxes that are constitutionally
21 dedicated, taxes deposited to the school district trust fund in
22 accordance with section 144.701, RSMo, sales and use taxes on
23 motor vehicles, trailers, boats and outboard motors and future
24 sales taxes earmarked by law;

25 (19) "Taxing districts", any political subdivision of this
26 state having the power to levy taxes;

27 (20) "Taxing district's capital costs", those costs of
28 taxing districts for capital improvements that are found by the

1 municipal governing bodies to be necessary and to directly result
2 from a redevelopment project.

3 99.1086. 1. A redevelopment plan shall set forth in
4 writing a general description of the program to be undertaken to
5 accomplish the redevelopment projects and related objectives and
6 shall include, but need not be limited to:

7 (1) The name, street and mailing address, and phone number
8 of the mayor or chief executive officer of the municipality;

9 (2) The street address of the redevelopment site;

10 (3) The estimated redevelopment project costs;

11 (4) The anticipated sources of funds to pay such
12 redevelopment project costs;

13 (5) Evidence of the commitments to finance such
14 redevelopment project costs;

15 (6) The anticipated type and term of the sources of funds
16 to pay such redevelopment project costs;

17 (7) The anticipated type and terms of the obligations to be
18 issued;

19 (8) The general land uses to apply in the redevelopment
20 area;

21 (9) A list of other community and economic benefits to
22 result from the project;

23 (10) A list of all other public investments made or to be
24 made by this state or units of local government to support
25 infrastructure or other needs generated by the project for which
26 the funding under sections 99.1080 to 99.1092 is being sought;

27 (11) A certification by the chief officer of the applicant
28 as to the accuracy of the redevelopment plan;

1 (12) A study analyzing the revenues that are being
2 displaced as a result of the project that otherwise would have
3 occurred in the market area. The department of economic
4 development shall have the discretion to exempt smaller projects
5 from this requirement;

6 (13) An economic feasibility analysis including a pro forma
7 financial statement indicating the return on investment that may
8 be expected without public assistance. The financial statement
9 shall detail any assumptions made including a pro forma statement
10 analysis that demonstrates the amount of assistance required to
11 bring the return into a range deemed attractive to private
12 investors. That amount shall not exceed the estimated
13 reimbursable project costs.

14 2. The redevelopment plan may be adopted by a municipality
15 in reliance on findings that a reasonable person would believe:

16 (1) The redevelopment area on the whole is a blighted area
17 or a conservation area as determined by an independent third
18 party. Such a finding shall include, but not be limited to, a
19 detailed description of the factors that qualify the
20 redevelopment area or project under this subsection;

21 (2) The redevelopment area has not been subject to growth
22 and redevelopment through investment by private enterprise or
23 would not reasonably be anticipated to develop or continue to be
24 developed without the implementation of one or more redevelopment
25 projects and the adoption of local and state redevelopment
26 financing;

27 (3) The redevelopment plan conforms to the comprehensive
28 plan for the redevelopment of the municipality as a whole;

1 (4) The estimated dates, which shall not be more than
2 twenty-five years from the adoption of the ordinance approving
3 any redevelopment project, of the completion of such
4 redevelopment project and retirement of obligations incurred to
5 finance redevelopment project costs have been stated, provided
6 that no ordinance approving a redevelopment project shall be
7 adopted later than fifteen years from the adoption of the
8 ordinance approving the redevelopment plan and provided that no
9 property for a redevelopment project shall be acquired by eminent
10 domain later than ten years from the adoption of the ordinance
11 approving such redevelopment plan;

12 (5) In the event any business or residence is to be
13 relocated as a direct result of the implementation of the
14 redevelopment plan, a plan has been developed for relocation
15 assistance for businesses and residences; and

16 (6) The redevelopment plan does not include the initial
17 redevelopment or development of any gambling establishment.

18 99.1088. 1. Prior to the adoption of the ordinance
19 designating a redevelopment area, adopting a redevelopment plan,
20 or approving a redevelopment project, the municipality or
21 authority shall fix a time and place for a public hearing and
22 notify each taxing district located wholly or partially within
23 the boundaries of the proposed redevelopment area or
24 redevelopment project area affected. Such notice shall comply
25 with the provisions of subsections 2 and 3 of this section. At
26 the public hearing any interested person or affected taxing
27 district may file with the municipality or authority written
28 objections to, or comments on, and may be heard orally in respect

1 to, any issues regarding the plan or issues embodied in the
2 notice. The municipality or authority shall hear and consider
3 all protests, objections, comments, and other evidence presented
4 at the hearing. The hearing may be continued to another date
5 without further notice other than a motion to be entered upon the
6 minutes fixing the time and place of the subsequent hearing.
7 Prior to the conclusion of the hearing, changes may be made in
8 the redevelopment plan, redevelopment project, redevelopment area
9 or redevelopment project area, provided that written notice of
10 such changes is available at the public hearing. After the
11 public hearing but prior to the adoption of an ordinance
12 designating a redevelopment area, adopting a redevelopment plan
13 or approving a redevelopment project, changes may be made to any
14 such proposed redevelopment plan, redevelopment project,
15 redevelopment area, or redevelopment project area without a
16 further hearing, if such changes do not enlarge the exterior
17 boundaries of the redevelopment area, and do not substantially
18 affect the general land uses established in a redevelopment plan
19 or redevelopment project, provided that notice of such changes
20 shall be given by mail to each affected taxing district and by
21 publication in a newspaper of general circulation in the
22 redevelopment area or redevelopment project area, as applicable,
23 not less than ten days prior to the adoption of the changes by
24 ordinance. After the adoption of an ordinance designating the
25 redevelopment area, adopting a redevelopment plan, approving a
26 redevelopment project, or designating a redevelopment project
27 area, no ordinance shall be adopted altering the exterior
28 boundaries of the redevelopment area or a redevelopment project

1 area affecting the general land uses established under the
2 redevelopment plan or the general nature of a redevelopment
3 project without holding a public hearing in accordance with this
4 section. One public hearing may be held for the simultaneous
5 consideration of a redevelopment area, redevelopment plan,
6 redevelopment project, or redevelopment project area.

7 2. Notice of the public hearing required by this section
8 shall be given by publication and mailing. Notice by publication
9 shall be given by publication at least twice, the first
10 publication to be not more than thirty days and the second
11 publication to be not more than ten days prior to the hearing, in
12 a newspaper of general circulation in the proposed redevelopment
13 area or redevelopment project area, as applicable. Notice by
14 mailing shall be given by depositing such notice in the United
15 States mail by certified mail addressed to the person or persons
16 in whose name the general taxes for the last preceding year were
17 paid on each lot, block, tract, or parcel of land lying within
18 the proposed redevelopment area or redevelopment project area, as
19 applicable. Such notice shall be mailed not less than ten
20 working days prior to the date set for the public hearing.

21 3. The notices issued under this section shall include the
22 following:

23 (1) The time and place of the public hearing;

24 (2) The general boundaries of the proposed redevelopment
25 area or redevelopment project area, as applicable, by street
26 location, where possible;

27 (3) A statement that all interested persons shall be given
28 an opportunity to be heard at the public hearing;

1 (4) A description of the redevelopment plan and the
2 proposed redevelopment projects and a location and time where the
3 entire redevelopment plan or redevelopment projects proposed may
4 be reviewed by any interested party;

5 (5) A statement that redevelopment financing involving tax
6 revenues is being sought for the project and an estimate of the
7 amount of local redevelopment financing that will be requested,
8 if applicable; and

9 (6) Such other matters as the municipality or authority may
10 deem appropriate.

11 4. Not less than forty-five days prior to the date set for
12 the public hearing, the municipality or authority shall give
13 notice by mail as provided in subsection 2 of this section to all
14 taxing districts whose taxes are affected in the redevelopment
15 area or redevelopment project area, as applicable, and in
16 addition to the other requirements under subsection 3 of this
17 section, the notice shall include an invitation to each taxing
18 district to submit comments to the municipality or authority
19 concerning the subject matter of the hearing prior to the date of
20 the hearing.

21 5. A copy of any and all hearing notices required by this
22 section shall be submitted by the municipality or authority to
23 the director of the department of economic development and the
24 date such notices were mailed or published, as applicable.

25 99.1090. 1. A municipality shall submit an application to
26 the department of economic development for review and
27 determination as to approval of the disbursement of the project
28 costs of one or more redevelopment projects from the downtown

1 revitalization preservation fund. The department of economic
2 development shall forward the application to the commissioner of
3 the office of administration for approval. In no event shall any
4 approval authorize a disbursement of one or more redevelopment
5 projects from the downtown revitalization preservation fund which
6 exceeds the allowable amount of other net new revenues derived
7 from the redevelopment area. An application submitted to the
8 department of economic development shall contain the following,
9 in addition to the items set forth in section 99.1086:

10 (1) An estimate that one hundred percent of the local sales
11 tax increment deposited to the special allocation fund must and
12 will be used to pay redevelopment project costs or obligations
13 issued to finance redevelopment project costs to achieve the
14 objectives of the redevelopment plan;

15 (2) Identification of the existing businesses located
16 within the redevelopment project area and the redevelopment area;

17 (3) The aggregate baseline year amount of state sales tax
18 revenues reported by existing businesses within the redevelopment
19 project area. Provisions of section 32.057, RSMo,
20 notwithstanding, municipalities will provide this information to
21 the department of revenue for verification. The department of
22 revenue will verify the information provided by the
23 municipalities within forty-five days of receiving a request for
24 such verification from a municipality;

25 (4) An estimate of the state sales tax increment within the
26 redevelopment project area after redevelopment. The department
27 of economic development shall have the discretion to exempt
28 smaller projects from this requirement;

1 (5) An affidavit that is signed by the developer or
2 developers attesting that the provision of subdivision (2) of
3 subsection 2 of section 99.1086 has been met;

4 (6) The amounts and types of other net new revenues sought
5 by the applicant to be disbursed from the downtown revitalization
6 preservation fund over the term of the redevelopment plan;

7 (7) The methodologies and underlying assumptions used in
8 determining the estimate of the state sales tax increment; and

9 (8) Any other information reasonably requested by the
10 department of economic development.

11 2. The department of economic development shall make all
12 reasonable efforts to process applications within a reasonable
13 amount of time.

14 3. The department of economic development shall make a
15 determination regarding the application for a certificate
16 allowing disbursements from the downtown revitalization
17 preservation fund and shall forward such determination to the
18 commissioner of the office of administration. In no event shall
19 the amount of disbursements from the downtown revitalization
20 preservation fund approved for a project, in addition to any
21 other state economic redevelopment funding or other state
22 incentives, exceed the projected state benefit of the
23 redemption project, as determined by the department of
24 economic development through a cost-benefit analysis. Any
25 political subdivision located either wholly or partially within
26 the redevelopment area shall be permitted to submit information
27 to the department of economic development for consideration in
28 its cost-benefit analysis. Upon approval of downtown

1 revitalization preservation financing, a certificate of approval
2 shall be issued by the department of economic development
3 containing the terms and limitations of the disbursement.

4 4. At no time shall the annual amount of other net new
5 revenues approved for disbursements from the downtown
6 revitalization preservation fund exceed fifteen million dollars.

7 5. Redevelopment projects receiving disbursements from the
8 downtown revitalization preservation fund shall be limited to
9 receiving such disbursements for twenty-five years. The approved
10 term notwithstanding, downtown revitalization preservation
11 financing shall terminate when redevelopment financing for a
12 redevelopment project is terminated by a municipality.

13 6. The municipality shall deposit payments received from
14 the downtown revitalization preservation redevelopment fund in a
15 separate segregated account for other net new revenues within the
16 special allocation fund.

17 7. Redevelopment project costs may include, at the
18 prerogative of the state, the portion of salaries and expenses of
19 the department of economic development and the department of
20 revenue reasonably allocable to each redevelopment project
21 approved for disbursements from the downtown revitalization
22 preservation fund for the ongoing administrative functions
23 associated with such redevelopment project. Such amounts shall be
24 recovered from new state revenues deposited into the downtown
25 revitalization preservation fund created under section 99.1092.

26 8. A redevelopment project approved for downtown
27 revitalization preservation financing shall not thereafter elect
28 to receive tax increment financing under the real property tax

1 increment allocation redevelopment act, sections 99.800 to
2 99.865, and continue to receive downtown revitalization financing
3 under sections 99.1080 to 99.1092.

4 9. The department of economic development may establish the
5 procedures and standards for the determination and approval of
6 applications by the promulgation of rules and publish forms to
7 implement the provisions of this section and section 99.1092.

8 10. Any rule or portion of a rule, as that term is defined
9 in section 536.010, RSMo, that is created under the authority
10 delegated in this section and section 99.1092 shall become
11 effective only if it complies with and is subject to all of the
12 provisions of chapter 536, RSMo, and, if applicable, section
13 536.028, RSMo. This section, section 99.1092, and chapter 536,
14 RSMo, are nonseverable and if any of the powers vested with the
15 general assembly under chapter 536, RSMo, to review, to delay the
16 effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2005,
19 shall be invalid and void.

20 99.1092. 1. There is hereby established within the state
21 treasury a special fund to be known as the "Downtown
22 Revitalization Preservation Fund", to be administered by the
23 department of economic development. Any unexpended balance and
24 any interest in the fund at the end of the biennium shall be
25 exempt from the provisions of section 33.080, RSMo, relating to
26 the transfer of unexpended balances to the general revenue fund.
27 The fund shall consist of:

28 (1) The first fifteen million dollars of other net new

1 revenues generated annually by the redevelopment projects;

2 (2) Money received from costs charged under subsection 7 of
3 section 99.1090; and

4 (3) Gifts, contributions, grants, or bequests received from
5 federal, private, or other sources.

6 2. Notwithstanding the provisions of section 144.700, RSMo,
7 to the contrary, the department of revenue shall annually submit
8 the first fifteen million dollars of other net new revenues
9 generated by the redevelopment projects to the treasurer for
10 deposit in the downtown revitalization preservation fund.

11 3. The department of economic development shall annually
12 disburse funds from the downtown revitalization preservation fund
13 in amounts determined under the certificates of approval for
14 projects, providing that the amounts of other net new revenues
15 generated from the redevelopment area have been verified and all
16 of the conditions of sections 99.1080 to 99.1092 are met. If the
17 revenues appropriated from the downtown revitalization
18 preservation fund are not sufficient to equal the amounts
19 determined to be disbursed under such certificates of approval,
20 the department of economic development shall disburse the
21 revenues on a pro rata basis to all such projects and other costs
22 approved under section 99.1090.

23 4. In no event shall the amounts distributed to a project
24 from the downtown revitalization preservation fund exceed the
25 lessor of the amount of the certificates of approval for projects
26 or the actual other net new revenues generated by the projects.

27 5. The department of economic development shall not
28 disburse any moneys from the downtown revitalization preservation

1 fund for any project which has not complied with the annual
2 reporting requirements determined by the department of economic
3 development.

4 6. Money in the downtown revitalization preservation fund
5 may be spent for the reasonable and necessary costs associated
6 with the administration of the program authorized under sections
7 99.1080 to 99.1092.

8 7. No municipality shall obligate or commit the expenditure
9 of disbursements received from the downtown revitalization
10 preservation fund prior to receiving a certificate of approval
11 for the redevelopment project generating other net new revenues.
12 In addition, no municipality shall commence work on a
13 redevelopment project prior to receiving a certificate of
14 approval for the redevelopment project.

15 8. Taxpayers in any redevelopment area who are required to
16 remit sales taxes under chapter 144, RSMo, shall provide
17 additional information to the department of revenue in a form
18 prescribed by the department by rule. Such information shall
19 include, but shall not be limited to, information upon which
20 other net new revenues can be calculated and sales tax generated
21 in the redevelopment area by such taxpayer in the baseline year
22 and during the time period related to the sales tax remittance.

23 9. Any rule or portion of a rule, as that term is defined
24 in section 536.010, RSMo, that is created pursuant to the
25 authority delegated in this section shall become effective only
26 if it complies with and is subject to all of the provisions of
27 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
28 This section and chapter 536, RSMo, are nonseverable and if any

1 of the powers vested with the general assembly pursuant to
2 chapter 536, RSMo, to review, to delay the effective date, or to
3 disapprove and annul a rule are subsequently held
4 unconstitutional, then the grant of rulemaking authority and any
5 rule proposed or adopted after August 28, 2003, shall be invalid
6 and void.

7 100.050. 1. Any municipality proposing to carry out a
8 project for industrial development shall first, by majority vote
9 of the governing body of the municipality, approve the plan for
10 the project. The plan shall include the following information
11 pertaining to the proposed project:

12 (1) A description of the project;

13 (2) An estimate of the cost of the project;

14 (3) A statement of the source of funds to be expended for
15 the project;

16 (4) A statement of the terms upon which the facilities to
17 be provided by the project are to be leased or otherwise disposed
18 of by the municipality; and

19 (5) Such other information necessary to meet the
20 requirements of sections 100.010 to 100.200.

21 2. If the plan for the project is approved after August 28,
22 2003, and the project plan involves issuance of revenue bonds or
23 involves conveyance of a fee interest in property to a
24 municipality, the project plan shall additionally include the
25 following information:

26 (1) A statement identifying each school district, county,
27 or city affected by such project except property assessed by the
28 state tax commission pursuant to chapters 151 and 153, RSMo;

1 (2) The most recent equalized assessed valuation of the
2 real property and personal property included in the project, and
3 an estimate as to the equalized assessed valuation of real
4 property and personal property included in the project after
5 development;

6 (3) An analysis of the costs and benefits of the project on
7 each school district, county, or city; and

8 (4) Identification of any payments in lieu of taxes
9 expected to be made by any lessee of the project, and the
10 disposition of any such payments by the municipality.

11 3. If the plan for the project is approved after August 28,
12 2003, any payments in lieu of taxes expected to be made by any
13 lessee of the project shall be applied in accordance with this
14 section. The lessee may reimburse the municipality for its
15 actual costs of issuing the bonds and administering the plan.
16 All amounts paid in excess of such actual costs shall,
17 immediately upon receipt thereof, be disbursed by the
18 municipality's treasurer or other financial officer to each
19 school district, county, or city in proportion to the current ad
20 valorem tax levy of each school district, county, or city;
21 however, in any county of the first classification with more than
22 ninety-three thousand eight hundred but fewer than ninety-three
23 thousand nine hundred inhabitants, if the plan for the project is
24 approved after May 15, 2005, such amounts shall be disbursed by
25 the municipality's treasurer or other financial officer to each
26 affected taxing entity in proportion to the current ad valorem
27 tax levy of each affected taxing entity.

28 100.059. 1. The governing body of any municipality

1 proposing a project for industrial development which involves
2 issuance of revenue bonds or involves conveyance of a fee
3 interest in property to a municipality shall, not less than
4 twenty days before approving the plan for a project as required
5 by section 100.050, provide notice of the proposed project to the
6 county in which the municipality is located and any school
7 district that is a school district, county, or city; however, in
8 any county of the first classification with more than
9 ninety-three thousand eight hundred but fewer than ninety-three
10 thousand nine hundred inhabitants, if the plan for the project is
11 approved after May 15, 2005, such notice shall be provided to all
12 taxing affected entities in the county. Such notice shall
13 include the information required in section 100.050, shall state
14 the date on which the governing body of the municipality will
15 first consider approval of the plan, and shall invite such school
16 districts, counties, or cities to submit comments to the
17 governing body and the comments shall be fairly and duly
18 considered.

19 2. Notwithstanding any other provisions of this section to
20 the contrary, for purposes of determining the limitation on
21 indebtedness of local government pursuant to section 26(b),
22 article VI, Constitution of Missouri, the current equalized
23 assessed value of the property in an area selected for
24 redevelopment attributable to the increase above the total
25 initial equalized assessed valuation shall be included in the
26 value of taxable tangible property as shown on the last completed
27 assessment for state or county purposes.

28 3. The county assessor shall include the current assessed

1 value of all property within the school district, county, or city
2 in the aggregate valuation of assessed property entered upon the
3 assessor's book and verified pursuant to section 137.245, RSMo,
4 and such value shall be utilized for the purpose of the debt
5 limitation on local government pursuant to section 26(b), article
6 VI, Constitution of Missouri.

7 4. This section is applicable only if the plan for the
8 project is approved after August 28, 2003.

9 104.802. Notwithstanding the provisions of any other law to
10 the contrary, the state commissioner of administration on behalf
11 of the state, and the governing body of an independent state
12 authority, board, commission, corporation, agency, or
13 organization, may establish as an employer a special pay plan for
14 its employees under section 401(a) of the federal Internal
15 Revenue Code, 26 U.S.C. 401(a). The special pay plan established
16 under the authority of this section shall be subject to oversight
17 under section 105.661, RSMo.

18 105.711. 1. There is hereby created a "State Legal Expense
19 Fund" which shall consist of moneys appropriated to the fund by
20 the general assembly and moneys otherwise credited to such fund
21 pursuant to section 105.716.

22 2. Moneys in the state legal expense fund shall be
23 available for the payment of any claim or any amount required by
24 any final judgment rendered by a court of competent jurisdiction
25 against:

26 (1) The state of Missouri, or any agency of the state,
27 pursuant to section 536.050 or 536.087, RSMo, or section 537.600,
28 RSMo;

1 (2) Any officer or employee of the state of Missouri or any
2 agency of the state, including, without limitation, elected
3 officials, appointees, members of state boards or commissions,
4 and members of the Missouri national guard upon conduct of such
5 officer or employee arising out of and performed in connection
6 with his or her official duties on behalf of the state, or any
7 agency of the state, provided that moneys in this fund shall not
8 be available for payment of claims made under chapter 287, RSMo;
9 or

10 (3) (a) Any physician, psychiatrist, pharmacist,
11 podiatrist, dentist, nurse, or other health care provider
12 licensed to practice in Missouri under the provisions of chapter
13 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the
14 state of Missouri or any agency of the state, under formal
15 contract to conduct disability reviews on behalf of the
16 department of elementary and secondary education or provide
17 services to patients or inmates of state correctional facilities
18 or county jails on a part-time basis;

19 (b) Any physician licensed to practice medicine in Missouri
20 under the provisions of chapter 334, RSMo, and his professional
21 corporation organized pursuant to chapter 356, RSMo, who is
22 employed by or under contract with a city or county health
23 department organized under chapter 192, RSMo, or chapter 205,
24 RSMo, or a city health department operating under a city charter,
25 or a combined city-county health department to provide services
26 to patients for medical care caused by pregnancy, delivery, and
27 child care, if such medical services are provided by the
28 physician pursuant to the contract without compensation or the

1 physician is paid from no other source than a governmental agency
2 except for patient co-payments required by federal or state law
3 or local ordinance;

4 (c) Any physician licensed to practice medicine in Missouri
5 under the provisions of chapter 334, RSMo, who is employed by or
6 under contract with a federally funded community health center
7 organized under Section 315, 329, 330 or 340 of the Public Health
8 Services Act (42 U.S.C. 216, 254c) to provide services to
9 patients for medical care caused by pregnancy, delivery, and
10 child care, if such medical services are provided by the
11 physician pursuant to the contract or employment agreement
12 without compensation or the physician is paid from no other
13 source than a governmental agency or such a federally funded
14 community health center except for patient co-payments required
15 by federal or state law or local ordinance[. In the case of any
16 claim or judgment that arises under this paragraph, the aggregate
17 of payments from the state legal expense fund shall be limited to
18 a maximum of one million dollars for all claims arising out of
19 and judgments based upon the same act or acts alleged in a single
20 cause against any such physician, and shall not exceed one
21 million dollars for any one claimant];

22 (d) Any physician licensed pursuant to chapter 334, RSMo,
23 who is affiliated with and receives no compensation from a
24 nonprofit entity qualified as exempt from federal taxation under
25 Section 501(c)(3) of the Internal Revenue Code of 1986, as
26 amended, which offers a free health screening in any setting or
27 any physician, nurse, physician assistant, dental hygienist, or
28 dentist licensed or registered pursuant to chapter 332, RSMo,

1 chapter 334, RSMo, or chapter 335, RSMo, who provides medical,
2 dental, or nursing treatment within the scope of his license or
3 registration at a city or county health department organized
4 under chapter 192, RSMo, or chapter 205, RSMo, a city health
5 department operating under a city charter, or a combined
6 city-county health department, or a nonprofit community health
7 center qualified as exempt from federal taxation under Section
8 501(c)(3) of the Internal Revenue Code of 1986, as amended, if
9 such treatment is restricted to primary care and preventive
10 health services, provided that such treatment shall not include
11 the performance of an abortion, and if such medical, dental, or
12 nursing services are provided by the physician, dentist,
13 physician assistant, dental hygienist, or nurse without
14 compensation. Medicaid or medicare payments for primary care and
15 preventive health services provided by a physician, dentist,
16 physician assistant, dental hygienist, or nurse who volunteers at
17 a free health clinic is not compensation for the purpose of this
18 section if the total payment is assigned to the free health
19 clinic. For the purposes of the section, "free health clinic"
20 means a nonprofit community health center qualified as exempt
21 from federal taxation under Section 501 (c) (3) of the Internal
22 Revenue Code of 1987, as amended, that provides primary care and
23 preventive health services to people without health insurance
24 coverage for the services provided without charge. [In the case
25 of any claim or judgment that arises under this paragraph, the
26 aggregate of payments from the state legal expense fund shall be
27 limited to a maximum of five hundred thousand dollars, for all
28 claims arising out of and judgments based upon the same act or

1 acts alleged in a single cause and shall not exceed five hundred
2 thousand dollars for any one claimant, and insurance policies
3 purchased pursuant to the provisions of section 105.721 shall be
4 limited to five hundred thousand dollars.] Liability or
5 malpractice insurance obtained and maintained in force by or on
6 behalf of any physician, dentist, physician assistant, dental
7 hygienist, or nurse shall not be considered available to pay that
8 portion of a judgment or claim for which the state legal expense
9 fund is liable under this paragraph; or

10 (e) Any physician, nurse, physician assistant, dental
11 hygienist, or dentist licensed or registered to practice
12 medicine, nursing, or dentistry or to act as a physician
13 assistant or dental hygienist in Missouri under the provisions of
14 chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who
15 provides medical, nursing, or dental treatment within the scope
16 of his license or registration to students of a school whether a
17 public, private, or parochial elementary or secondary school, if
18 such physician's treatment is restricted to primary care and
19 preventive health services and if such medical, dental, or
20 nursing services are provided by the physician, dentist,
21 physician assistant, dental hygienist, or nurse without
22 compensation. [In the case of any claim or judgment that arises
23 under this paragraph, the aggregate of payments from the state
24 legal expense fund shall be limited to a maximum of five hundred
25 thousand dollars, for all claims arising out of and judgments
26 based upon the same act or acts alleged in a single cause and
27 shall not exceed five hundred thousand dollars for any one
28 claimant, and insurance policies purchased pursuant to the

1 provisions of section 105.721 shall be limited to five hundred
2 thousand dollars]; or

3 [(4)] (f) Staff employed by the juvenile division of any
4 judicial circuit; or

5 [(5)] (g) Any attorney licensed to practice law in the
6 state of Missouri who practices law at or through a nonprofit
7 community social services center qualified as exempt from federal
8 taxation under Section 501(c)(3) of the Internal Revenue Code of
9 1986, as amended, or through any agency of any federal, state, or
10 local government, if such legal practice is provided by the
11 attorney without compensation. [In the case of any claim or
12 judgment that arises under this subdivision, the aggregate of
13 payments from the state legal expense fund shall be limited to a
14 maximum of five hundred thousand dollars for all claims arising
15 out of and judgments based upon the same act or acts alleged in a
16 single cause and shall not exceed five hundred thousand dollars
17 for any one claimant, and insurance policies purchased pursuant
18 to the provisions of section 105.721 shall be limited to five
19 hundred thousand dollars.]; or

20 (h) A health care professional who is deployed under the
21 provision of section 44.045, RSMo, in which the claim is based on
22 acts or omissions occurring during a period of deployment.

23 3. The department of health and senior services shall
24 promulgate rules regarding contract procedures and the
25 documentation of care provided under paragraphs (b), (c), (d),
26 and (e) of subdivision (3) of subsection 2 of this section. The
27 limitation on payments from the state legal expense fund or any
28 policy of insurance procured pursuant to the provisions of

1 section 105.721, provided in subsection 6 of this section, shall
2 not apply to any claim or judgment arising under paragraph (a),
3 (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this
4 section. Any claim or judgment arising under paragraph (a), (b),
5 (c), (d), or (e) of subdivision (3) of subsection 2 of this
6 section shall be paid by the state legal expense fund or any
7 policy of insurance procured pursuant to section 105.721, to the
8 extent damages are allowed under sections 538.205 to 538.235,
9 RSMo. Liability or malpractice insurance obtained and maintained
10 in force by any physician, dentist, physician assistant, dental
11 hygienist, or nurse for coverage concerning his or her private
12 practice and assets shall not be considered available under
13 subsection 6 of this section to pay that portion of a judgment or
14 claim for which the state legal expense fund is liable under
15 paragraph (a), (b), (c), (d), or (e) of subdivision (3) of
16 subsection 2 of this section. However, a physician, nurse,
17 dentist, physician assistant, or dental hygienist may purchase
18 liability or malpractice insurance for coverage of liability
19 claims or judgments based upon care rendered under paragraphs
20 (c), (d), and (e) of subdivision (3) of subsection 2 of this
21 section which exceed the amount of liability coverage provided by
22 the state legal expense fund under those paragraphs. Even if
23 paragraph (a), (b), (c), (d), or (e) of subdivision (3) of
24 subsection 2 of this section is repealed or modified, the state
25 legal expense fund shall be available for damages which occur
26 while the pertinent paragraph (a), (b), (c), (d), or (e) of
27 subdivision (3) of subsection 2 of this section is in effect.

28 4. The attorney general shall promulgate rules regarding

1 contract procedures and the documentation of legal practice
2 provided under subdivision (5) of subsection 2 of this section.
3 The limitation on payments from the state legal expense fund or
4 any policy of insurance procured pursuant to section 105.721 as
5 provided in subsection 6 of this section shall not apply to any
6 claim or judgment arising under subdivision (5) of subsection 2
7 of this section. Any claim or judgment arising under subdivision
8 (5) of subsection 2 of this section shall be paid by the state
9 legal expense fund or any policy of insurance procured pursuant
10 to section 105.721 to the extent damages are allowed under
11 sections 538.205 to 538.235, RSMo. Liability or malpractice
12 insurance otherwise obtained and maintained in force shall not be
13 considered available under subsection 6 of this section to pay
14 that portion of a judgment or claim for which the state legal
15 expense fund is liable under subdivision (5) of subsection 2 of
16 this section. However, an attorney may obtain liability or
17 malpractice insurance for coverage of liability claims or
18 judgments based upon legal practice rendered under subdivision
19 (5) of subsection 2 of this section that exceed the amount of
20 liability coverage provided by the state legal expense fund under
21 subdivision (5) of subsection 2 of this section. Even if
22 subdivision (5) of subsection 2 of this section is repealed or
23 amended, the state legal expense fund shall be available for
24 damages that occur while the pertinent subdivision (5) of
25 subsection 2 of this section is in effect.

26 5. All payments shall be made from the state legal expense
27 fund by the commissioner of administration with the approval of
28 the attorney general. Payment from the state legal expense fund

1 of a claim or final judgment award against a physician, dentist,
2 physician assistant, dental hygienist, or nurse described in
3 paragraph (a), (b), (c), (d), or (e) of subdivision (3) of
4 subsection 2 of this section, or against an attorney in
5 subdivision (5) of subsection 2 of this section, shall only be
6 made for services rendered in accordance with the conditions of
7 such paragraphs. In the case of any claim or judgment against an
8 officer or employee of the state or any agency of the state based
9 upon conduct of such officer or employee arising out of and
10 performed in connection with his or her official duties on behalf
11 of the state or any agency of the state that would give rise to a
12 cause of action under section 537.600, RSMO, the state legal
13 expense fund shall not pay more than five hundred thousand
14 dollars to any one claimant, and is exclusive and precludes any
15 other civil actions or proceedings for money damages arising out
16 of or relating to the same subject matter against the state
17 officer of employee, or the officer's or employee's estate.
18 Notwithstanding any other provision of law to the contrary, the
19 state legal expense fund shall not pay more than the occurrence
20 limitation established in sections 537.600 to 537.610, RSMo.

21 6. Except as provided in subsection 3 of this section, in
22 the case of any claim or judgment that arises under sections
23 537.600 and 537.610, RSMo, against the state of Missouri, or an
24 agency of the state, the aggregate of payments from the state
25 legal expense fund and from any policy of insurance procured
26 pursuant to the provisions of section 105.721 shall not exceed
27 the limits of liability as provided in sections 537.600 to
28 537.610, RSMo. No payment shall be made from the state legal

1 expense fund or any policy of insurance procured with state funds
2 pursuant to section 105.721 unless and until the benefits
3 provided to pay the claim by any other policy of liability
4 insurance have been exhausted.

5 7. The provisions of section 33.080, RSMo, notwithstanding,
6 any moneys remaining to the credit of the state legal expense
7 fund at the end of an appropriation period shall not be
8 transferred to general revenue.

9 8. For any claim or final judgment for which payment is
10 sought from the state legal expense fund under subsection 2 of
11 this section, such payment from the state legal expense fund
12 shall be the exclusive remedy for any claim against an individual
13 covered by this section.

14 9. Any rule or portion of a rule, as that term is defined
15 in section 536.010, RSMo, that is promulgated under the authority
16 delegated in sections 105.711 to 105.726 shall become effective
17 only if it has been promulgated pursuant to the provisions of
18 chapter 536, RSMo. Nothing in this section shall be interpreted
19 to repeal or affect the validity of any rule filed or adopted
20 prior to August 28, 1999, if it fully complied with the
21 provisions of chapter 536, RSMo. This section and chapter 536,
22 RSMo, are nonseverable and if any of the powers vested with the
23 general assembly pursuant to chapter 536, RSMo, to review, to
24 delay the effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 1999,
27 shall be invalid and void.

28 115.019. 1. Any group of registered voters from any county

1 of the first class not having a board of election commissioners
2 may circulate a petition for the formation of a board.

3 2. The petition shall be signed by the number of registered
4 voters in the county equal to at least fifteen percent of the
5 total votes cast in the county for governor at the last
6 gubernatorial election.

7 3. Petitions proposing the formation of a board of election
8 commissioners in any county of the first class shall be filed
9 with the election authority of the county not later than 5:00
10 p.m. on the thirteenth Tuesday preceding a general election.

11 4. Each petition for the formation of a board of election
12 commissioners shall consist of sheets of uniform size. The space
13 for signatures on either side of a petition page shall be no
14 larger than eight and one-half by fourteen inches, and each page
15 shall contain signatures of registered voters from only one
16 county. Each page of each petition for the formation of a board
17 of election commissioners shall be in substantially the following
18 form:

19 To the Honorable, county
20 clerk of County:

21 We, the undersigned, citizens and registered voters of
22 County, respectfully order that the following
23 question be placed on the official ballot, for acceptance or
24 rejection, at the next general election to be held on the
25 day of,

26 "Should a board of election commissioners be established in
27 County to assume responsibility for the
28 registration of voters and the conduct of elections?";

1 and each for himself or herself says: I have personally signed
2 this petition; I am a registered voter of the state of Missouri
3 and County; my registered voting address and the
4 name of the city, town or village in which I live are correctly
5 written after my name.

6
7 CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF
8

9
10 I,, a resident of the state of Missouri,
11 being first duly sworn, say (print or type names of signers)

12 REGISTERED VOTING

13	NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
14	(Signature)	SIGNED	(Street) (City,	CODE	DIST.	(Printed
15			Town or Village)			or Typed)

16 (Here follow numbered lines for signers)

17 signed this page of the foregoing petition, and each of them
18 signed his or her name thereto in my presence; I believe that
19 each has stated his or her name, registered voting address and
20 city, town or village correctly, and that each signer is a
21 registered voter of the state of Missouri and
22 County.

23

24 Signature of Affiant
25 (Person obtaining signatures)

26

27 Address of Affiant

28 Subscribed and sworn to before me this day

1 of, A.D.

2

3

4 Signature of Notary

5 Notary Public (Seal)

6 My commission expires

7 If this form is followed substantially, it shall be sufficient,
8 disregarding clerical and merely technical errors.

9 5. The validity of each petition filed pursuant to
10 provisions of this section shall be determined in the manner
11 provided for new party and independent candidate petitions in
12 sections 115.333, 115.335 and 115.337.

13 6. Upon the filing of a valid petition for the formation of
14 a board of election commissioners or upon a majority vote of the
15 county commission in any county of the first classification with
16 more than eighty-two thousand but fewer than eighty-two thousand
17 one hundred inhabitants, it shall be the duty of the election
18 authority to have the following question placed on the official
19 ballot, in the same manner other questions are placed, at the
20 next general election:

21 "Should a board of election commissioners be established in
22 County to assume responsibility for the
23 registration of voters and the conduct of elections?"

24 7. The votes for and against the question shall be counted
25 and certified in the same manner as votes on other questions.

26 8. If the question is approved by a majority of the voters
27 at the election, a board of election commissioners shall be
28 appointed as provided in this subchapter and shall have the same

1 rights and responsibilities provided by law for all boards of
2 election commissioners.

3 9. Any person who is a registered voter of a county of the
4 first class not having a board of election commissioners may sign
5 a petition for the formation of a board in the county. Any
6 person who signs a name other than the person's own to any
7 petition or knowingly signs the person's name more than once to
8 the same petition or who knows the person is not a registered
9 voter at the time of signing such petition, or any officer or
10 person willfully violating any provision of this section shall be
11 guilty of a class two election offense.

12 136.010. 1. The division of taxation and collection shall
13 collect all taxes, licenses and fees payable to the state, except
14 that county [and township] collectors and collector-treasurers
15 shall collect the state tax on tangible property, which shall be
16 transmitted promptly to the division of taxation and collection.

17 2. All money payable to the state, including gifts,
18 escheats, penalties, federal funds, and money from every other
19 source payable to the state shall be promptly transmitted to the
20 division of taxation and collection; provided that all such money
21 payable to the curators of the university of Missouri, except
22 those funds required by law or by instrument granting the same to
23 be paid into the seminary fund of the state, is excepted
24 herefrom, and in the case of other state educational institutions
25 there is excepted herefrom, gifts or trust funds from whatever
26 source, appropriations, gifts or grants from the federal
27 government, private organizations and individuals, funds for or
28 from student activities, farm or housing activities, and other

1 funds from which the whole or some part thereof may be liable to
2 be repaid to the person contributing the same, and hospital fees.
3 All of the above excepted funds shall be reported in detail
4 quarterly to the governor and biennially to the general assembly.

5 3. The director of revenue in cooperation with the state
6 treasurer shall develop a uniform system of summary reporting on
7 income, expenditures and balances of the excepted funds in
8 subsection 2 of this section, and for all other funds handled by
9 state agencies, institutions or state officials in their official
10 duties pursuant to any law or administrative practice but not
11 deposited with the state treasurer. Such forms shall be made
12 available to all agencies, institutions and officials responsible
13 for such funds. Said agencies and officials shall annually file
14 a complete summary report on the uniform forms provided by the
15 director of revenue by August first for the fiscal period July
16 first to June thirtieth just passed. These reports shall be
17 compiled by the director of revenue for inclusion in the annual
18 report of the state treasurer and director of revenue showing
19 balances, income, expenditures, asset value and form of all
20 assets held by the account.

21 136.160. All officers and others bound by law to pay money
22 directly to the director of revenue, or the department of revenue
23 shall exhibit their accounts and vouchers to the director of
24 revenue on or before the thirty-first day of December, to be
25 adjusted and settled, except the county [and township] collectors
26 of revenue and collector-treasurers, who shall, immediately after
27 their final settlement with the county commission on the first
28 Monday in March in each year, exhibit their accounts and vouchers

1 to the director of revenue for the amount due the state to be
2 adjusted and settled.

3 137.078. 1. For purposes of this section, the following
4 terms shall mean:

5 (1) "Analog equipment", all depreciable items of tangible
6 personal property that are used directly or indirectly in
7 broadcasting television shows [and], radio programs, or
8 commercials through the use of analog technology, including
9 studio broadcast equipment, transmitter and antenna equipment,
10 and broadcast towers;

11 (2) "Applicable analog fraction", a fraction, the numerator
12 of which is the total number of analog television sets in the
13 United States for the immediately preceding calendar year and the
14 denominator of which is an amount representing the total combined
15 number of analog and digital television sets in the United States
16 for the immediately preceding calendar year. The applicable
17 analog fraction will be determined on an annual basis by the
18 Missouri Broadcasters Association;

19 (3) "Applicable analog percentage", the following
20 percentages for the following years:

21	Year	2004	2005	2006	2007
22	of Acquisition Tax Year		Tax Year	Tax Year	Tax Year
23					1%
24	2006				1%
25	2005			25%	1%
26	2004		50%	25%	1%
27	2003	75%	50%	25%	1%
28	2002	75%	50%	25%	1%

1	2001	75%	50%	25%	1%
2	2000	75%	50%	25%	1%
3	1999	75%	50%	25%	1%
4	1998	75%	50%	25%	1%
5	Prior	75%	50%	25%	1%;

(4) "Applicable digital fraction", a fraction, the numerator of which is the total number of digital television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable digital fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(5) "Broadcast towers", structures with a function that includes holding television or radio broadcasters' antennae, repeaters, or translators at the height required or needed to transmit over-the-air signals or enhance the transmission of the signals. This term also includes the structures at least partially used by television broadcasters or radio broadcasters to provide weather radar information to the public. For property tax assessment purposes, broadcast towers are classified as tangible personal property;

(6) "Digital equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows [and], radio programs, or commercials through the use of digital technology, including studio broadcast equipment, transmitter and antenna equipment, and broadcast towers;

1 (7) "Radio broadcasters", all businesses that own, lease,
2 or operate radio broadcasting stations that transmit radio shows
3 and commercials and that are required to be licensed by the
4 Federal Communications Commission to provide such services;

5 (8) "Radio broadcasting equipment", both analog equipment
6 and digital equipment;

7 [(6)] (9) "Television broadcasters", all businesses that
8 own, lease, or operate television broadcasting stations that
9 transmit television shows and commercials and that are required
10 to be licensed by the Federal Communications Commission to
11 provide such services;

12 [(7)] (10) "Television broadcasting equipment", both analog
13 equipment and digital equipment;

14 (11) "Transmitter and antenna equipment", equipment with
15 functions that include transmitting signals from broadcast
16 studios by increasing the power, tuning signals to the frequency
17 allowed by regulatory authorities, and broadcasting signals to
18 the public for television broadcasters or radio broadcasters;

19 (12) "Studio broadcast equipment", studio equipment that
20 receives, produces, modifies, controls, measures, modulates, adds
21 to or subtracts from, or enhances signals in the process that
22 results in over-the-air signals for television broadcasters or
23 radio broadcasters.

24 2. In response to recent action by the Federal
25 Communications Commission, as described by the commission in the
26 fifth report and order, docket number 97-116, for purposes of
27 assessing all items of television broadcasting equipment that are
28 owned and used by television broadcasters for purposes of

1 broadcasting television shows and commercials:

2 (1) The true value in money of all analog equipment shall
3 be determined by depreciating the historical cost of such
4 property using the depreciation tables provided in subdivision
5 (1) of subsection 3 of this section and multiplying the results
6 by the applicable analog percentage. The result of the second
7 computation is multiplied by the applicable analog fraction to
8 determine the true value in money of the analog equipment; and

9 (2) The true value in money of all digital equipment shall
10 be determined by depreciating the historical cost of such
11 property using the depreciation tables provided in subdivision
12 (2) of subsection 3 of this section and multiplying the results
13 by the applicable digital fraction to determine the true value in
14 money of the digital equipment.

15 3. For purposes of subsection 2 of this section, the
16 depreciation tables for determining the [fair] true value in
17 money of television broadcasting equipment are as follows:

18 (1) For analog equipment, the following depreciation tables
19 will apply for the following years:

20	Year	2004	2005	2006	2007
21	of Acquisition Tax Year	Tax Year	Tax Year	Tax Year	Tax Year
22	2006				65%
23	2005			65%	45%
24	2004		65%	45%	30%
25	2003	65%	45%	30%	20%
26	2002	45%	30%	20%	10%
27	2001	30%	20%	10%	5%
28	2000	20%	10%	5%	5%

1	1999	10%	5%	5%	5%
2	1998	5%	5%	5%	5%
3	Prior	5%	5%	5%	5%;

4 (2) For digital equipment, the following depreciation
5 tables will apply for the following years:

6	Year	2004	2005	2006	2007
7	of Acquisition Tax Year	Tax Year	Tax Year	Tax Year	Tax Year
8	2006				65%
9	2005			65%	45%
10	2004		65%	45%	30%
11	2003	65%	45%	30%	20%
12	2002	45%	30%	20%	10%
13	2001	30%	20%	10%	5%
14	2000	20%	10%	5%	5%
15	1999	10%	5%	5%	5%
16	1998	5%	5%	5%	5%
17	Prior	5%	5%	5%	5%.

18 4. Beginning January 1, 2008, for purposes of assessing all
19 items of television broadcasting equipment that are owned and
20 used by television broadcasters for purposes of broadcasting
21 television shows and commercials, the following depreciation
22 tables will be used to determine their true value in money. The
23 percentage shown for the first year shall be the percentage of
24 the original cost used for January first of the year following
25 the year of acquisition of the property, and the percentage shown
26 for each succeeding year shall be the percentage of the original
27 cost used for January first of the respective succeeding year as
28 follows:

1	<u>Year</u>	<u>Studio Broadcast</u>	<u>Transmitter and</u>	<u>Broadcast Tower</u>
2		<u>Equipment</u>	<u>Antenna Equipment</u>	
3	<u>1</u>	65%	91%	96%
4	<u>2</u>	45%	82%	93%
5	<u>3</u>	30%	73%	89%
6	<u>4</u>	20%	64%	86%
7	<u>5</u>	10%	55%	82%
8	<u>6</u>	5%	46%	79%
9	<u>7</u>		37%	75%
10	<u>8</u>		28%	72%
11	<u>9</u>		19%	68%
12	<u>10</u>		10%	65%
13	<u>11</u>			61%
14	<u>12</u>			58%
15	<u>13</u>			54%
16	<u>14</u>			51%
17	<u>15</u>			47%
18	<u>16</u>			44%
19	<u>17</u>			40%
20	<u>19</u>			33%
21	<u>20</u>			30%
22	<u>21</u>			27%
23	<u>22</u>			24%
24	<u>23</u>			21%
25	<u>24</u>			18%
26	<u>25</u>			15%.

27

28 Television broadcasting equipment in all recovery periods shall

1 continue in subsequent years to have the depreciation percentage
 2 last listed in the appropriate column so long as it is owned or
 3 held by the taxpayer.

4 5. Effective January 1, 2006, for purposes of assessing all
 5 items of radio broadcasting equipment that are owned and used by
 6 radio broadcasters for purposes of broadcasting radio programs
 7 and commercials, the following depreciation tables will be used
 8 to determine their true value in money. The percentage shown for
 9 the first year shall be the percentage of the original cost used
 10 for January first of the year following the year of acquisition
 11 of the property, and the percentage shown for each succeeding
 12 year shall be the percentage of the original cost used for
 13 January first of the respective succeeding year as follows:

14 <u>Year</u>	<u>Studio Broadcast</u>	<u>Transmitter and</u>	<u>Broadcast Tower</u>
	<u>Equipment</u>	<u>Antenna Equipment</u>	
15 <u>1</u>	<u>65%</u>	<u>91%</u>	<u>96%</u>
16 <u>2</u>	<u>45%</u>	<u>82%</u>	<u>93%</u>
17 <u>3</u>	<u>30%</u>	<u>73%</u>	<u>89%</u>
18 <u>4</u>	<u>20%</u>	<u>64%</u>	<u>86%</u>
19 <u>5</u>	<u>10%</u>	<u>55%</u>	<u>82%</u>
20 <u>6</u>	<u>5%</u>	<u>46%</u>	<u>79%</u>
21 <u>7</u>		<u>37%</u>	<u>75%</u>
22 <u>8</u>		<u>28%</u>	<u>72%</u>
23 <u>9</u>		<u>19%</u>	<u>68%</u>
24 <u>10</u>		<u>10%</u>	<u>65%</u>
25 <u>11</u>			<u>61%</u>
26 <u>12</u>			<u>58%</u>
27 <u>13</u>			<u>54%</u>

1	<u>14</u>	<u>51%</u>
2	<u>15</u>	<u>47%</u>
3	<u>16</u>	<u>44%</u>
4	<u>17</u>	<u>40%</u>
5	<u>19</u>	<u>33%</u>
6	<u>20</u>	<u>30%</u>
7	<u>21</u>	<u>27%</u>
8	<u>22</u>	<u>24%</u>
9	<u>23</u>	<u>21%</u>
10	<u>24</u>	<u>18%</u>
11	<u>25</u>	<u>15%.</u>

12

13 Radio broadcast equipment in all recovery periods shall continue
 14 in subsequent years to have the depreciation percentage last
 15 listed in the appropriate column so long as it is owned or held
 16 by the taxpayer.

17 137.079. Prior to setting its rates or rates as required by
 18 section 137.073, each taxing authority shall exclude from its
 19 total assessed valuation seventy-two percent of the total amount
 20 of assessed value of business personal property that is subject
 21 of an appeal at the state tax commission or in a court of
 22 competent jurisdiction in this state. This exclusion shall only
 23 apply to the portion of the assessed value of business personal
 24 property that is disputed in the appeal, and shall not exclude
 25 any portion of the same property that is not disputed. If the
 26 taxing authority uses a multi-rate approach as provided in
 27 section 137.073, this exclusion shall be made from the personal
 28 property class. The state tax commission shall provide each

1 taxing authority with the total assessed value of business
2 personal property within the jurisdiction of such taxing
3 authority for which an appeal is pending no later than August 20
4 of each year. Whenever any appeal is resolved, whether by final
5 adjudication or settlement, and the result of the appeal causes
6 money to be paid to the taxing authority, the taxing authority
7 shall not be required to make an additional adjustment to its
8 rate or rates due to such payment once the deadline for setting
9 its rates, as provided by this chapter, has passed in a taxable
10 year, but shall adjust its rate or rates due to such payment in
11 the next rate setting cycle to offset the payment in the next
12 taxable year. For the purposes of this section, the term
13 "business personal property", means tangible personal property
14 which is used in a trade of business or used for production of
15 income and which has a determinable life of longer than one year
16 except that supplies used by a business shall also be considered
17 business personal property, but shall not include livestock, farm
18 machinery, property subject to the motor vehicle registration
19 provisions of chapter 301, RSMo, property subject to the tables
20 provided in section 137.078, property of rural electric
21 cooperatives under chapter 394, RSMo, or property assessed by the
22 state tax commission under chapters 151, 153, and 155, RSMo,
23 section 137.022, and sections 137.1000 to 137.1030.

24 137.115. 1. All other laws to the contrary
25 notwithstanding, the assessor or the assessor's deputies in all
26 counties of this state including the city of St. Louis shall
27 annually make a list of all real and tangible personal property
28 taxable in the assessor's city, county, town or district. Except

1 as otherwise provided in subsection 3 of this section and section
2 137.078, the assessor shall annually assess all personal property
3 at thirty-three and one-third percent of its true value in money
4 as of January first of each calendar year. The assessor shall
5 annually assess all real property, including any new construction
6 and improvements to real property, and possessory interests in
7 real property at the percent of its true value in money set in
8 subsection 5 of this section. The assessor shall annually assess
9 all real property in the following manner: new assessed values
10 shall be determined as of January first of each odd-numbered year
11 and shall be entered in the assessor's books; those same assessed
12 values shall apply in the following even-numbered year, except
13 for new construction and property improvements which shall be
14 valued as though they had been completed as of January first of
15 the preceding odd-numbered year. The assessor may call at the
16 office, place of doing business, or residence of each person
17 required by this chapter to list property, and require the person
18 to make a correct statement of all taxable tangible personal
19 property owned by the person or under his or her care, charge or
20 management, taxable in the county. On or before January first of
21 each even-numbered year, the assessor shall prepare and submit a
22 two-year assessment maintenance plan to the county governing body
23 and the state tax commission for their respective approval or
24 modification. The county governing body shall approve and
25 forward such plan or its alternative to the plan to the state tax
26 commission by February first. If the county governing body fails
27 to forward the plan or its alternative to the plan to the state
28 tax commission by February first, the assessor's plan shall be

1 considered approved by the county governing body. If the state
2 tax commission fails to approve a plan and if the state tax
3 commission and the assessor and the governing body of the county
4 involved are unable to resolve the differences, in order to
5 receive state cost-share funds outlined in section 137.750, the
6 county or the assessor shall petition the administrative hearing
7 commission, by May first, to decide all matters in dispute
8 regarding the assessment maintenance plan. Upon agreement of the
9 parties, the matter may be stayed while the parties proceed with
10 mediation or arbitration upon terms agreed to by the parties.
11 The final decision of the administrative hearing commission shall
12 be subject to judicial review in the circuit court of the county
13 involved. In the event a valuation of subclass (1) real property
14 within any county with a charter form of government, or within a
15 city not within a county, is made by a computer,
16 computer-assisted method or a computer program, the burden of
17 proof, supported by clear, convincing and cogent evidence to
18 sustain such valuation, shall be on the assessor at any hearing
19 or appeal. In any such county, unless the assessor proves
20 otherwise, there shall be a presumption that the assessment was
21 made by a computer, computer-assisted method or a computer
22 program. Such evidence shall include, but shall not be limited
23 to, the following:

24 (1) The findings of the assessor based on an appraisal of
25 the property by generally accepted appraisal techniques; and

26 (2) The purchase prices from sales of at least three
27 comparable properties and the address or location thereof. As
28 used in this paragraph, the word "comparable" means that:

1 (a) Such sale was closed at a date relevant to the property
2 valuation; and

3 (b) Such properties are not more than one mile from the
4 site of the disputed property, except where no similar properties
5 exist within one mile of the disputed property, the nearest
6 comparable property shall be used. Such property shall be within
7 five hundred square feet in size of the disputed property, and
8 resemble the disputed property in age, floor plan, number of
9 rooms, and other relevant characteristics.

10 2. Assessors in each county of this state and the city of
11 St. Louis may send personal property assessment forms through the
12 mail.

13 3. The following items of personal property shall each
14 constitute separate subclasses of tangible personal property and
15 shall be assessed and valued for the purposes of taxation at the
16 following percents of their true value in money:

17 (1) Grain and other agricultural crops in an unmanufactured
18 condition, one-half of one percent;

19 (2) Livestock, twelve percent;

20 (3) Farm machinery, twelve percent;

21 (4) Motor vehicles which are eligible for registration as
22 and are registered as historic motor vehicles pursuant to section
23 301.131, RSMo, and aircraft which are at least twenty-five years
24 old and which are used solely for noncommercial purposes and are
25 operated less than fifty hours per year or aircraft that are home
26 built from a kit, five percent;

27 (5) Poultry, twelve percent; and

28 (6) Tools and equipment used for pollution control and

1 tools and equipment used in retooling for the purpose of
2 introducing new product lines or used for making improvements to
3 existing products by any company which is located in a state
4 enterprise zone and which is identified by any standard
5 industrial classification number cited in subdivision (6) of
6 section 135.200, RSMo, twenty-five percent.

7 4. The person listing the property shall enter a true and
8 correct statement of the property, in a printed blank prepared
9 for that purpose. The statement, after being filled out, shall
10 be signed and either affirmed or sworn to as provided in section
11 137.155. The list shall then be delivered to the assessor.

12 5. All subclasses of real property, as such subclasses are
13 established in section 4(b) of article X of the Missouri
14 Constitution and defined in section 137.016, shall be assessed at
15 the following percentages of true value:

- 16 (1) For real property in subclass (1), nineteen percent;
- 17 (2) For real property in subclass (2), twelve percent; and
- 18 (3) For real property in subclass (3), thirty-two percent.

19 6. Manufactured homes, as defined in section 700.010, RSMo,
20 which are actually used as dwelling units shall be assessed at
21 the same percentage of true value as residential real property
22 for the purpose of taxation. The percentage of assessment of
23 true value for such manufactured homes shall be the same as for
24 residential real property. If the county collector cannot
25 identify or find the manufactured home when attempting to attach
26 the manufactured home for payment of taxes owed by the
27 manufactured home owner, the county collector may request the
28 county commission to have the manufactured home removed from the

1 tax books, and such request shall be granted within thirty days
2 after the request is made; however, the removal from the tax
3 books does not remove the tax lien on the manufactured home if it
4 is later identified or found. A manufactured home located in a
5 manufactured home rental park, rental community or on real estate
6 not owned by the manufactured home owner shall be considered
7 personal property. A manufactured home located on real estate
8 owned by the manufactured home owner may be considered real
9 property.

10 7. Each manufactured home assessed shall be considered a
11 parcel for the purpose of reimbursement pursuant to section
12 137.750, unless the manufactured home has been converted to real
13 property in compliance with section 700.111, RSMo, and assessed
14 as a realty improvement to the existing real estate parcel.

15 8. Any amount of tax due and owing based on the assessment
16 of a manufactured home shall be included on the personal property
17 tax statement of the manufactured home owner unless the
18 manufactured home has been converted to real property in
19 compliance with section 700.111, RSMo, in which case the amount
20 of tax due and owing on the assessment of the manufactured home
21 as a realty improvement to the existing real estate parcel shall
22 be included on the real property tax statement of the real estate
23 owner.

24 9. The assessor of each county and each city not within a
25 county shall use the trade-in value published in the October
26 issue of the National Automobile Dealers' Association Official
27 Used Car Guide, or its successor publication, as the recommended
28 guide of information for determining the true value of motor

1 vehicles described in such publication. In the absence of a
2 listing for a particular motor vehicle in such publication, the
3 assessor shall use such information or publications which in the
4 assessor's judgment will fairly estimate the true value in money
5 of the motor vehicle.

6 10. Before the assessor may increase the assessed valuation
7 of any parcel of subclass (1) real property by more than fifteen
8 percent since the last assessment, excluding increases due to new
9 construction or improvements, the assessor shall conduct a
10 physical inspection of such property.

11 11. If a physical inspection is required, pursuant to
12 subsection 10 of this section, the assessor shall notify the
13 property owner of that fact in writing and shall provide the
14 owner clear written notice of the owner's rights relating to the
15 physical inspection. If a physical inspection is required, the
16 property owner may request that an interior inspection be
17 performed during the physical inspection. The owner shall have
18 no less than thirty days to notify the assessor of a request for
19 an interior physical inspection.

20 12. A physical inspection, as required by subsection 10 of
21 this section, shall include, but not be limited to, an on-site
22 personal observation and review of all exterior portions of the
23 land and any buildings and improvements to which the inspector
24 has or may reasonably and lawfully gain external access, and
25 shall include an observation and review of the interior of any
26 buildings or improvements on the property upon the timely request
27 of the owner pursuant to subsection 11 of this section. Mere
28 observation of the property via a "drive-by inspection" or the

1 like shall not be considered sufficient to constitute a physical
2 inspection as required by this section.

3 13. The provisions of subsections 11 and 12 of this section
4 shall only apply in any county with a charter form of government
5 with more than one million inhabitants.

6 14. A county or city collector may accept credit cards as
7 proper form of payment of outstanding property tax or license
8 due. No county or city collector may charge surcharge for
9 payment by credit card which exceeds the fee or surcharge charged
10 by the credit card bank, processor, or issuer for its service. A
11 county or city collector may accept payment by electronic
12 transfers of funds in payment of any tax or license and charge
13 the person making such payment a fee equal to the fee charged the
14 county by the bank, processor, or issuer of such electronic
15 payment.

16 15. The provisions of this section and sections 137.073,
17 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of
18 the ninety-first general assembly, second regular session, shall
19 become effective January 1, 2003, for any taxing jurisdiction
20 within a county with a charter form of government with greater
21 than one million inhabitants, and the provisions of this section
22 and sections 137.073, 138.060 and 138.100, RSMo, as enacted by
23 house bill no. 1150 of the ninety-first general assembly, second
24 regular session, shall become effective October 1, 2004, for all
25 taxing jurisdictions in this state. Any county or city not
26 within a county in this state may, by an affirmative vote of the
27 governing body of such county, opt out of the provisions of this
28 section and sections 137.073, 138.060, and 138.100, RSMo, as

1 enacted by house bill no. 1150 of the ninety-first general
2 assembly, second regular session and section 137.073 as modified
3 by this act, for the next year of the general reassessment, prior
4 to January first of any year. No county or city not within a
5 county shall exercise this opt-out provision after implementing
6 the provisions of this section and sections 137.073, 138.060, and
7 138.100, RSMo, as enacted by house bill no. 1150 of the
8 ninety-first general assembly, second regular session and section
9 137.073 as modified by this act, in a year of general
10 reassessment. For the purposes of applying the provisions of
11 this subsection, a political subdivision contained within two or
12 more counties where at least one of such counties has opted out
13 and at least one of such counties has not opted out shall
14 calculate the separate rates for the three subclasses of real
15 property and the aggregate class of personal property as required
16 by section 137.073, provided that such political subdivision
17 shall also provide a single blended rate, in accordance with the
18 procedure for determining a blended rate for school districts in
19 subdivision (1) of subsection 6 of section 137.073. Such blended
20 rate shall be used for the portion of such political subdivision
21 that is situated within any county that has opted out. A
22 governing body of a city not within a county or a county that has
23 opted out under the provisions of this subsection may choose to
24 implement the provisions of this section and sections 137.073,
25 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of
26 the ninety-first general assembly, second regular session, and
27 section 137.073 as modified by this act, for the next year of
28 general reassessment, by an affirmative vote of the governing

1 body prior to December thirty-first of any year.

2 137.122. 1. As used in this section, the following terms
3 mean:

4 (1) "Business personal property", tangible personal
5 property which is used in a trade of business or used for
6 production of income and which has a determinable life of longer
7 than one year except that supplies used by a business shall also
8 be considered business personal property, but shall not include
9 livestock, farm machinery, grain and other agricultural crops in
10 an unmanufactured condition, property subject to the motor
11 vehicle registration provisions of chapter 301, RSMo, property
12 assessed under section 137.078, or property assessed by the state
13 tax commission under chapters 151, 153, and 155, RSMo, section
14 137.022, and sections 137.1000 to 137.1030;

15 (2) "Class life", the class life of property as set out in
16 the federal Modified Accelerated Cost Recovery System life tables
17 or their successors under the Internal Revenue Code as amended;

18 (3) "Economic or functional obsolescence", a loss in value
19 of personal property above and beyond physical deterioration and
20 age of the property. Such loss may be the result of economic or
21 functional obsolescence or both;

22 (4) "Original cost", the price the current owner, the
23 taxpayer, paid for the item without freight, installation, or
24 sales or use tax. In the case of acquisition of items of
25 personal property as part of an acquisition of an entity, the
26 original cost shall be the historical cost of those assets
27 remaining in place and in use and the placed in service date
28 shall be the date of acquisition by the entity being acquired;

1 (5) "Placed in service", property is placed in service when
2 it is ready and available for a specific use, whether in a
3 business activity, an income-producing activity, a tax-exempt
4 activity, or a personal activity. Even if the property is not
5 being used, the property is in service when it is ready and
6 available for its specific use;

7 (6) "Recovery period", the period over which the original
8 cost of depreciable tangible personal property shall be
9 depreciated for property tax purposes and shall be the same as
10 the recovery period allowed for such property under the Internal
11 Revenue Code.

12 2. To establish uniformity in the assessment of depreciable
13 tangible personal property, each assessor shall use the
14 standardized schedule of depreciation in this section to
15 determine the assessed valuation of depreciable tangible personal
16 property for the purpose of estimating the value of such property
17 subject to taxation under this chapter.

18 3. For purposes of this section, and to estimate the value
19 of depreciable tangible personal property for mass appraisal
20 purposes, each assessor shall value depreciable tangible personal
21 property by applying the class life and recovery period to the
22 original cost of the property according to the following
23 depreciation schedule. The percentage shown for the first year
24 shall be the percentage of the original cost used for January
25 first of the year following the year of acquisition of the
26 property, and the percentage shown for each succeeding year shall
27 be the percentage of the original cost used for January first of
28 the respective succeeding year as follows:

Year	Recovery Period in Years					
	3	5	7	10	15	20
1	75.00	85.00	89.29	92.50	95.00	96.25
2	37.50	59.50	70.16	78.62	85.50	89.03
3	12.50	41.65	55.13	66.83	76.95	82.35
4	5.00	24.99	42.88	56.81	69.25	76.18
5		10.00	30.63	48.07	62.32	70.46
6			18.38	39.33	56.09	65.18
7			10.00	30.59	50.19	60.29
8				21.85	44.29	55.77
9				15.00	38.38	51.31
10					32.48	46.85
11					26.57	42.38
12					20.67	37.92
13					15.00	33.46
14						29.00
15						24.54
16						20.08
17						20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

1 4. Such estimate of value determined under this section
2 shall be presumed to be correct for the purpose of determining
3 the true value in money of the depreciable tangible personal
4 property, but such estimation may be disproved by substantial and
5 persuasive evidence of the true value in money under any method
6 determined by the state tax commission to be correct, including,
7 but not limited to, an appraisal of the tangible personal
8 property specifically utilizing generally accepted appraisal
9 techniques, and contained in a narrative appraisal report in
10 accordance with the Uniform Standards of Professional Appraisal
11 Practice or by proof of economic or functional obsolescence or
12 evidence of excessive physical deterioration. For purposes of
13 appeal of the provisions of this section, the salvage or scrap
14 value of depreciable tangible personal property may only be
15 considered if the property is not in use as of the assessment
16 date.

17 5. This section shall not apply to business personal
18 property placed in service before January 2, 2006.

19 137.130. Whenever there shall be any taxable personal
20 property in any county, and from any cause no list thereof shall
21 be given to the assessor in proper time and manner, or whenever
22 the assessor has insufficient information to assess any real
23 property, the assessor or an employee of the assessor shall [make
24 out the list, on the assessor's own view,] assess the property
25 based upon a physical inspection or on the best information the
26 assessor can obtain; and for that purpose the assessor or an
27 employee of the assessor shall have lawful right to enter into
28 any lands and make any examination and search which may be

1 necessary to assess such real property only when the assessor is
2 entering because the assessor has insufficient information to
3 assess such real property or to assess such personal property
4 only when the assessor is entering because no list of taxable
5 personal property has been given, and may examine any person upon
6 oath touching the same. The assessor or an employee of the
7 assessor shall not enter the interior of any structure on any
8 real property as part of the inspection to assess such property
9 without permission. The assessor shall list, assess and cause
10 taxes to be imposed upon omitted taxable personal property in the
11 current year and in the event personal property was also subject
12 to taxation in the immediately preceding three years, but was
13 omitted, the assessor shall also list, assess and cause taxes to
14 be imposed upon such property.

15 [137.130. Whenever there shall be any taxable
16 personal property in any county, and from any cause no
17 list thereof shall be given to the assessor in proper
18 time and manner, the assessor shall make out the list,
19 on the assessor's own view, or on the best information
20 the assessor can obtain; and for that purpose the
21 assessor shall have lawful right to enter into any
22 lands and make any examination and search which may be
23 necessary, and may examine any person upon oath
24 touching the same. The assessor shall list, assess and
25 cause taxes to be imposed upon omitted taxable personal
26 property in the current year and in the event personal
27 property was also subject to taxation in the
28 immediately prior year, but was omitted, the assessor
29 shall also list, assess and cause taxes to be imposed
30 upon such property.]

31 137.465. 1. It shall be the duty of the county clerk of
32 each county in this state, that has or hereafter may adopt
33 township organization, to [make out] annually submit, for the use
34 of the [township collector] collector-treasurer of each
35 [township] county, correct lists of the property assessed, which

1 lists shall be in alphabetical order, the names of the persons
2 owing tax on personal property in [each collector's district] the
3 county, the aggregate value of such property assessed to each
4 person, and the amount of taxes due thereon.

5 2. [He] The county clerk shall also [make out] submit for
6 the use of the [township collector] collector-treasurer an
7 abstract of all real property which is assessed, in numerical
8 order, which shall show the name or names, if known, of the
9 person or persons to whom each tract or lot is assessed, and the
10 value of each tract or lot, and the amount of taxes due thereon,
11 which list shall be made out in strict conformity with the forms
12 and instructions furnished by the state tax commission.

13 137.585. 1. In addition to other levies authorized by law,
14 the township board of directors of any township in their
15 discretion may levy an additional tax not exceeding thirty-five
16 cents on each one hundred dollars assessed valuation in their
17 township for road and bridge purposes. Such tax shall be levied
18 by the township board, to be collected by the [township
19 collector] collector-treasurer and turned into the county
20 treasury, where it shall be known and designated as a special
21 road and bridge fund.

22 2. The county commission of any such county may in its
23 discretion order the county treasurer or collector-treasurer to
24 retain an amount not to exceed five cents on the one hundred
25 dollars assessed valuation out of such special road and bridge
26 fund and to transfer the same to the county special road and
27 bridge fund; and all of said taxes over the amount so ordered to
28 be retained by the county shall be paid to the treasurers of the

1 respective townships from which it came as soon as practicable
2 after receipt of such funds, and shall be designated as a special
3 road and bridge fund of such township and used by said townships
4 only for road and bridge purposes, except that amounts collected
5 within the boundaries of road districts formed in accordance with
6 the provisions of sections 233.320 to 233.445, RSMo, shall be
7 paid to the treasurers of such road districts; provided that the
8 amount retained, if any, by the county shall be uniform as to all
9 such townships levying and paying such tax into the county
10 treasury; provided further, that the proceeds of such fund may be
11 used in the discretion of the township board of directors in the
12 construction and maintenance of roads and in improving and
13 repairing any street in any incorporated city, town or village in
14 the township, if said street shall form a part of a continuous
15 highway of the township running through said city, town or
16 village.

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

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

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

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

27 4. Four years following the effective date, the state tax
28 commission shall conduct a study to determine the impact of

1 increased fees on assessed valuation.

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

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

11 138.100. 1. The following rules shall be observed by such
12 county boards of equalization:

13 (1) They shall raise the valuation of all tracts or parcels
14 of land and all tangible personal property as in their opinion
15 have been returned below their real value; but, after the board
16 has raised the valuation of such property, notice shall be given
17 that said valuation of such property has been increased and a
18 hearing shall be granted; such notice shall be in writing and
19 shall be directed to the owner of the property or the person
20 controlling the same, at his last address as shown by the records
21 in the assessor's office, and shall describe the property and the
22 value thereof as increased; such notice may be by personal
23 service or by mail and if the address of such person or persons
24 is unknown, notice may be given by publication in two newspapers
25 published within the county; such notice shall be served, mailed
26 or published at least five days prior to the date on which said
27 hearing shall be held at which objections, if any, may be made
28 against said increased assessment;

1 (2) They shall reduce the valuation of such tracts or
2 parcels of land or of any tangible personal property which, in
3 their opinion, has been returned above its true value as compared
4 with the average valuation of all the real and tangible personal
5 property of the county.

6 2. Such hearings shall end on the last Saturday of July of
7 each year; provided, that the estimated true value of personal
8 property as shown on any itemized personal property return shall
9 not be conclusive on the assessor or prevent the assessor from
10 increasing such valuation. Provided further that said board of
11 equalization [shall] may meet thereafter at least once a month
12 for the purpose of hearing allegations of erroneous assessments,
13 double assessments and clerical errors, and upon satisfactory
14 proof thereof shall correct such errors and certify the same to
15 the county clerk and county collector.

16 3. The board of equalization in all counties with a charter
17 form of government shall provide the taxpayer with written
18 findings of fact and a written basis for the board's decision
19 regarding any parcel of real property which is the subject of a
20 hearing before any board of equalization.

21 4. The provisions of subsection 3 of this section shall
22 only apply in any county with a charter form of government with
23 more than one million inhabitants.

24 139.040. [Taxes may be paid in any acceptable medium of
25 exchange. State warrants shall be received in payment of state
26 taxes. Jury certificates of the county shall be received in
27 payment of county taxes. Past due bonds or coupons of any
28 county, city, township, drainage district, levee district or

1 school district shall be received in payment of any tax levied
2 for the payment of bonds or coupons of the same issue, but not in
3 payment of any tax levied for any other purpose. Any warrant,
4 issued by any county or city, when presented by the legal holder
5 thereof, shall be received in payment of any tax, license,
6 assessment, fine, penalty or forfeiture existing against the
7 holder and accruing to the county or city issuing the warrant;
8 but no such warrant shall be received in payment of any tax
9 unless it was issued during the year for which the tax was
10 levied, or there is an excess of revenue for the year in which
11 the warrant was issued over and above the expenses of the county
12 or city for that year.] A county or city collector, or other
13 collection authority charged with the duty of tax or license
14 collection is authorized but not obligated to accept cash,
15 personal check, business check, money order, credit card, or
16 electronic transfers of funds for any tax or license payable to
17 the county. The collection authority may refuse to accept any
18 medium of exchange at the discretion of the collection authority.
19 Refusal by the collection authority to accept alternative means
20 of payment beyond those approved by the collection authority
21 shall not relieve an obligor of the obligor's tax or license
22 obligation nor shall it delay the levy of interest and penalty on
23 any overdue unpaid tax or license obligation pending submission
24 of a form or payment approved by the collection authority.

25 139.055. Any county may accept payment by credit card or
26 [automatic bank] electronic transfers of funds for any tax or
27 license payable to the county. A county collector shall not be
28 required to accept payment by credit card if the credit card

1 bank, processor, or issuer would charge the county a fee for such
2 payment. However, a county may accept payment by credit card and
3 charge the person making such payment by credit card a fee equal
4 to the fee charged the county by the credit card bank, processor,
5 or issuer for such payment. A county may accept payment by
6 electronic transfers of funds in payment of any tax or license
7 and charge the person making such payment a fee equal to the fee
8 charged the county by the bank, processor, or issuer of such
9 electronic payment.

10 139.120. 1. The collector or collector-treasurer in a
11 county having township organization shall diligently endeavor and
12 use all lawful means to collect all taxes which they are required
13 to collect in their respective counties, and to that end they
14 shall have the power to seize and sell the goods and chattels of
15 the person liable for taxes, in the same manner as goods and
16 chattels are or may be required to be seized and sold under
17 execution issued on judgments at law, and no property whatever
18 shall be exempt from seizure and sale for taxes due on lands or
19 personal property; provided, that no such seizure or sale for
20 taxes shall be made until after the first day of October of each
21 year, and the collector or collector-treasurer shall not receive
22 a credit for delinquent taxes until he shall have made affidavit
23 that he has been unable to find any personal property out of
24 which to make the taxes in each case so returned delinquent; but
25 no such seizure and sale of goods shall be made until the
26 collector or collector-treasurer has made demand for the payment
27 of the tax, either in person or by deputy, to the party liable to
28 pay the same, or by leaving a written or printed notice at his

1 place of abode for that purpose, with some member of the family
2 over fifteen years of age.

3 2. Such seizure may be made at any time after the first day
4 of October, and before said taxes become delinquent, or after
5 they become delinquent; provided further, that when any person
6 owing personal tax removes from one county in this state to
7 another, it shall be the duty of the county collector, or
8 [township collector] collector-treasurer as the case may be, of
9 the county from which such person shall move, to send a tax bill
10 to the sheriff of the county into which such person may be found,
11 and on receipt of the same by said sheriff, it shall be his duty
12 to proceed to collect said tax bill in like manner as provided by
13 law for the collection of personal tax, for which he shall be
14 allowed the same compensation as provided by law in the
15 collection of executions. It shall be the duty of the sheriff in
16 such case to make due return to the collector or collector-
17 treasurer of the county from whence said tax bill was issued,
18 with the money collected thereon.

19 139.350. Every [ex officio township collector] collector-
20 treasurer in a county having a township organization, upon
21 receiving the tax book and warrant from the county clerk, shall
22 proceed in the following manner to collect the same; and he shall
23 mail to all resident taxpayers, at least fifteen days prior to
24 delinquent date, a statement of all real and tangible personal
25 property taxes due and assessed on the current tax books in the
26 name of the taxpayers. [Collectors] Collector-treasurers shall
27 also mail tax receipts for all the taxes received by mail.

28 139.400. If the [township collector] collector-treasurer in

1 any county that has adopted township organization shall be unable
2 to collect any taxes charged in the tax list, by reason of the
3 removal or insolvency of the person to whom such tax may be
4 charged, or on account of any error in the tax list, he shall
5 deliver to the county [treasurer] clerk his tax book, and shall
6 [make out] submit and file with said [treasurer] clerk, at the
7 time of his settlement, a statement in writing, setting forth the
8 name of the person charged with such tax, the value of the
9 property, and the amount of tax so charged and the cause of the
10 delinquency, and shall make oath before the county clerk, or some
11 associate circuit judge, that the facts stated in such statement
12 are true and correct, and that the sums mentioned therein remain
13 unpaid, and that he used due diligence to collect the same, which
14 oath or affidavit shall be signed by the [township collector]
15 collector-treasurer; and upon filing said statement, the county
16 [treasurer] clerk shall allow the [township collector] collector-
17 treasurer credit for the amount of taxes therein stated, and
18 shall apportion and credit the same on the several funds for
19 which such tax was charged; and when he makes settlement with the
20 county commission, such statement shall be a sufficient voucher
21 to entitle him to credit for the amount therein stated; but in no
22 case shall any [township collector] collector-treasurer, county
23 clerk, or county treasurer, be entitled to abatement on the
24 resident tax list until the statement and affidavit aforesaid are
25 filed as required by this chapter.

26 139.420. 1. The [township collector of each township]
27 collector-treasurer of any county that has adopted township
28 organization, at the term of the county commission to be held on

1 the first Monday in March of each year, shall make a final
2 settlement of his accounts with the county commission for state,
3 county, school and township taxes; produce receipts from the
4 proper officers for all school and township taxes collected by
5 him[, less his commission]; pay over to the county [treasurer and
6 ex officio collector] treasury all moneys remaining in his hands,
7 collected by him on state and county taxes; make his return of
8 all delinquent or unpaid taxes, as required by law, and make oath
9 before the commission that he has exhausted all the remedies
10 required by law for the collection of such taxes.

11 2. On or before the twentieth day of March in each year, he
12 shall make a final settlement with the township board.

13 3. If any [township collector] collector-treasurer shall
14 fail or refuse to make the settlement required by this section,
15 or shall fail or refuse to pay over the state and county taxes,
16 as provided in this section, the county commission shall attach
17 him until he shall make such settlement of his accounts or pay
18 over the money found due from him; and the commission shall cause
19 the clerk thereof to notify the director of revenue and the
20 prosecuting attorney of the county at once of the failure of such
21 [township collector] collector-treasurer to settle his accounts,
22 or pay over the money found due from him, and the director of
23 revenue and the prosecuting attorney shall proceed against such
24 collector in the manner provided in section 139.440, and such
25 collector shall be liable to the penalties provided in section
26 139.440.

27 139.430. 1. The [township collector] collector-treasurer
28 in any county that has a township organization, on or before the

1 ~~[fifth]~~ tenth day of each month, shall make and file in the
2 office of the county clerk a statement showing the amount of
3 taxes collected by him for all purposes during the preceding
4 month, which statement shall be sworn to by such ~~[township~~
5 ~~collector]~~ collector-treasurer before the county clerk, or some
6 other officer authorized to administer oaths.

7 2. On or before the tenth day in each month, the ~~[township~~
8 ~~collector, after deducting his commissions,]~~ collector-treasurer
9 shall pay over to the county ~~[treasurer and ex officio collector]~~
10 treasury all state and county taxes collected by him during the
11 preceding month, as shown by the statement required by this
12 section, and take duplicate receipts therefor, one of which he
13 shall retain and the other he shall file with the county clerk;
14 and the county clerk shall charge the ~~[treasurer]~~ collector-
15 treasurer with the amounts so receipted for, to be accounted for
16 at the annual settlement.

17 3. The ~~[township collector]~~ collector-treasurer, in like
18 manner, on or before the twentieth day of each month, shall pay
19 over to the township trustee and ex officio treasurer ~~[after~~
20 ~~deducting his commission]~~ all township taxes and funds of every
21 kind belonging to the township, collected by him during the
22 preceding month, and take duplicate receipts therefor, one of
23 which he shall retain and the other he shall deposit with the
24 township clerk, who shall charge the township trustee and ex
25 officio treasurer with the amount so receipted.

26 [4. The township collector shall receive a commission of
27 two and one-half percent on the first forty thousand dollars
28 collected; one percent on the next forty thousand dollars

1 collected; and three-fourths of one percent on the remainder of
2 all moneys collected by him.]

3 139.440. 1. If any [township collector] collector-
4 treasurer shall fail or refuse to file the statement required by
5 section 139.430, or, having filed such statement, shall neglect
6 or refuse to pay over to the county [treasurer and ex officio
7 collector] treasury the state and county taxes collected by him
8 or her during the preceding month, as shown by such statement,
9 the county clerk, immediately after such default, and not later
10 than the fifteenth day of the month in which such statement was
11 or should have been made, shall certify such fact to the director
12 of revenue and the prosecuting attorney of the county; and the
13 director of revenue and the prosecuting attorney shall proceed
14 against such defaulting [township collector] collector-treasurer
15 in the same manner as is provided by section 139.270 for
16 proceeding against defaulting county collectors [and ex officio
17 county collectors,] and the [township collector] collector-
18 treasurer shall [forfeit his commission] on all moneys collected
19 and wrongfully withheld, [and otherwise] be liable to all the
20 penalties imposed by section 139.270.

21 2. The county clerk shall certify a copy of such monthly
22 statement to the director of revenue within the time prescribed
23 for certifying the statements of the county collectors and [ex
24 officio collectors] collector-treasurers.

25 139.450. The [ex officio collector] collector-treasurer
26 shall include in his monthly statement all such sums collected
27 for the preceding month [as may have been paid to him by the
28 township collectors up to the time of making his monthly

1 statement,] which have not been included in any previous
2 statements, and shall include in his annual settlement, as
3 provided in this chapter and in the general revenue law, the
4 whole amount of taxes collected [by the several township
5 collectors of his county] as shown by the annual settlements [of
6 the township collectors] with the county commission as provided
7 in section 139.420.

8 139.460. 1. The [township collector] collector-treasurer
9 shall be required to draw or procure a plat of each school
10 district or fractional part thereof in his [township] county, and
11 shall keep a true and correct account of all school moneys
12 collected by him or her in each school district or fractional
13 part thereof; and when said collector pays the moneys so
14 collected by him or her to the township treasurer or school
15 district treasurer, he or she shall state the amount collected
16 from each school district or fractional part thereof, and take
17 duplicate receipts therefor, one of which he or she shall retain,
18 and file the other with the township clerk.

19 2. As soon as the school funds are apportioned, the
20 township treasurer shall apply to the county [treasurer]
21 collector-treasurer for the school moneys belonging to each
22 school district or fractional part thereof, in his or her
23 township, and the county [treasurer] collector-treasurer shall
24 pay over to him or her all of said school money, taking duplicate
25 receipts therefor, one of which he or she shall file with the
26 township clerk and one of which shall be retained.

27 3. The township treasurer shall safely keep such money
28 until paid out upon the order of the board of directors of the

1 various school districts in his or her township.

2 4. When any school district is divided by township or
3 county lines, the district shall be considered in the township or
4 county in which the schoolhouse is located, and the township
5 treasurer holding any money belonging to fractional parts of
6 districts in which no schoolhouse is located shall pay over all
7 such money to the township treasurer of the township in which the
8 fractional part of the district having the schoolhouse is
9 located, taking duplicate receipts therefor, one of which shall
10 be filed with the township clerk, and the township treasurer
11 shall settle annually with the township board on or before the
12 twentieth day of March in each year.

13 140.150. 1. All lands, lots, mineral rights, and royalty
14 interests on which taxes or neighborhood improvement district
15 special assessments are delinquent and unpaid are subject to sale
16 to discharge the lien for the delinquent and unpaid taxes or
17 special assessments as provided for in this chapter on the fourth
18 Monday in August of each year.

19 2. No real property, lots, mineral rights, or royalty
20 interests shall be sold for state, county or city taxes or
21 special assessments without judicial proceedings, unless the
22 notice of sale contains the names of all record owners thereof,
23 or the names of all owners appearing on the land tax book and all
24 other information required by law. Delinquent taxes or unpaid
25 special assessments, penalty, interest and costs due thereon may
26 be paid to the county collector at any time before the property
27 is sold therefor.

28 3. The entry in the back tax book by the county clerk of

1 the delinquent lands, lots, mineral rights, and royalty interests
2 constitutes a levy upon the delinquent lands, lots, mineral
3 rights, and royalty interests for the purpose of enforcing the
4 lien of delinquent and unpaid taxes or special assessments as
5 provided in section 67.469, RSMo, together with penalty, interest
6 and costs.

7 165.071. 1. At least once in every month the county
8 collector in all counties of the first and second classes and the
9 [township collector] collector-treasurer in counties having
10 township organization shall pay over to the treasurer of the
11 school board of all seven-director districts all moneys received
12 and collected by him to which the board is entitled and take
13 duplicate receipts from the treasurer, one of which he shall file
14 with the secretary of the school board and the other he shall
15 file in his settlement with the county commission.

16 2. The county collector in counties of the third and fourth
17 classes, except in counties under township organization, shall
18 pay over to the county treasurer at least once in every month all
19 moneys received and collected by him which are due each school
20 district and shall take duplicate receipts therefor, one of which
21 he shall file in his settlement with the county commission. The
22 county treasurer in such counties shall pay over to the treasurer
23 of the school board of seven-director districts, at least once in
24 every month, all moneys so received by him to which the board is
25 entitled. Upon payment he shall take duplicate receipts from the
26 treasurer of the school board, one of which he shall file with
27 the secretary of the school board, and the other he shall file in
28 his settlement with the county commission.

1 169.586. Notwithstanding the provisions of any other law to
2 the contrary, a board of education may establish as an employer a
3 special pay plan for its employees under sections 401(a) and
4 403(b) of the federal Internal Revenue Code, 26 U.S.C. 401(a) and
5 403(b). The special pay plan established under the authority of
6 this section shall be subject to oversight under section 105.661,
7 RSMo.

8 190.010. 1. An ambulance district may be created,
9 incorporated and managed as provided in sections 190.001 to
10 190.090 and may exercise the powers herein granted or necessarily
11 implied. Notwithstanding the provisions of subsection 2 of
12 section 190.015, an ambulance district may include municipalities
13 or territory not in municipalities or both or territory in one or
14 more counties; except, that the provisions of sections 190.001 to
15 190.090 are not effective in counties having a population of more
16 than four hundred thousand inhabitants at the time the ambulance
17 district is formed. The territory contained within the corporate
18 limits of an existing ambulance district shall not be
19 incorporated in another ambulance district. The territory
20 contained within the corporate limits of an ambulance district
21 shall not be required to be contiguous, but shall be located
22 within a five-mile radius of other territory contained within the
23 corporate limits of the ambulance district. Ambulance districts
24 created and still operating before August 1, 1998, in counties of
25 less than four hundred thousand population are authorized to
26 continue operation subject to sections 190.001 to 190.090 if the
27 population of the county within the ambulance district exceeds
28 four hundred thousand after August 1, 1998.

1 2. When an ambulance district is organized it shall be a
2 body corporate and a political subdivision of the state and shall
3 be known as "..... Ambulance District", and in that
4 name may sue and be sued, levy and collect taxes within the
5 limitations of sections 190.001 to 190.090 and the constitution
6 and issue bonds as provided in sections 190.001 to 190.090.

7 190.015. 1. Whenever the creation of an ambulance district
8 is desired, a number of voters residing in the proposed district
9 equal to ten percent of the vote cast for governor in the
10 proposed district in the next preceding gubernatorial election
11 may file with the county clerk in which the territory or the
12 greater part thereof is situated a petition requesting the
13 creation thereof. In case the proposed district [which shall be
14 contiguous] is situated in two or more counties, the petition
15 shall be filed in the office of the county clerk of the county in
16 which the greater part of the area is situated, and the
17 commissioners of the county commission of the county shall set
18 the petition for public hearing. The petition shall set forth:

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

21 (2) The names of the municipalities located within the
22 area;

23 (3) The name of the proposed district;

24 (4) The population of the district which shall not be less
25 than two thousand inhabitants;

26 (5) The assessed valuation of the area, which shall not be
27 less than ten million dollars; and

28 (6) A request that the question be submitted to the voters

1 residing within the limits of the proposed ambulance district
2 whether they will establish an ambulance district pursuant to the
3 provisions of sections 190.001 to 190.090 to be known as
4 "..... Ambulance District" for the purpose of
5 establishing and maintaining an ambulance service.

6 2. In any county with a charter form of government and with
7 more than one million inhabitants, fire protection districts
8 created under chapter 321, RSMo, may choose to create an
9 ambulance district with boundaries congruent with each
10 participating fire protection district's existing boundaries
11 provided no ambulance district already exists in whole or part of
12 any district being proposed and the dominant provider of
13 ambulance services within the proposed district as of September
14 1, 2005, discontinues ambulance services, and the board of each
15 participating district, by a majority vote, approves the
16 formation of such a district and participating fire protection
17 districts are contiguous. Upon approval by the fire protection
18 district boards, subsection 1 of this section shall be followed
19 for formation of the ambulance district. Services provided by a
20 district under this subsection shall only include emergency
21 ambulance services as defined in section 321.225, RSMo.

22 190.090. 1. Two or more organized ambulance districts may
23 consolidate into one ambulance district[, if the territory of the
24 consolidated district is contiguous,] by following the procedures
25 set forth in this section.

26 2. If the consolidation of existing ambulance districts is
27 desired, a number of voters residing in an existing ambulance
28 district equal to ten percent of the vote cast for governor in

1 the existing district in the next preceding gubernatorial
2 election may file with the county clerk in which the territory or
3 greater part of the proposed consolidated district is situated a
4 petition requesting the consolidation of two or more existing
5 ambulance districts.

6 3. The petition shall be in the following form:

7 We, the undersigned voters of the ambulance district
8 do hereby petition that existing ambulance districts be
9 consolidated into one consolidated ambulance district.

10 4. An alternative procedure of consolidation may be
11 followed, if the board of directors of the existing ambulance
12 districts pass a resolution in the following form:

13 Be it resolved by the board of directors of the ambulance
14 district that the ambulance districts be consolidated into
15 one consolidated ambulance district.

16 5. Upon the filing of a petition, or a resolution, with the
17 county clerk from each of the ambulance districts proposed to be
18 consolidated, the county clerk shall present the petition or
19 resolution to the commissioners of the county commission having
20 jurisdiction who shall thereupon order the submission of the
21 question to the voters of the districts. The filing of each of
22 the petitions in the ambulance districts shall have occurred
23 within a continuous twelve-month period.

24 6. The notice shall set forth the names of the existing
25 ambulance districts to be included in the consolidated district.

26 7. The question shall be submitted in substantially the
27 following form:

28 Shall the existing ambulance districts be consolidated

1 into one ambulance district?

2 8. If the county commission having jurisdiction finds that
3 the question to consolidate the districts received a majority of
4 the votes cast, the commission shall make and enter its order
5 declaring that the proposition passed.

6 9. Within thirty days after the district has been declared
7 consolidated, the county commission shall divide the district
8 into six election districts and shall order an election to be
9 held and conducted as provided in section 190.050 for the
10 election of directors.

11 10. Within thirty days after the election of the initial
12 board of directors of the district, the directors shall meet and
13 the time and place of the first meeting of the board shall be
14 designated by the county commission. At the first meeting the
15 newly elected board of directors shall choose a name for the
16 consolidated district and shall notify the clerk of the county
17 commission of each county within which the consolidated district
18 is located of the name of the consolidated district.

19 11. On the thirtieth day following the election of the
20 board of directors, the existing ambulance districts shall cease
21 to exist and the consolidated district shall assume all of the
22 powers and duties exercised by those districts. All assets and
23 obligations of the existing ambulance districts shall become
24 assets and obligations of the consolidated district.

25 190.292. 1. In lieu of the tax levy authorized under
26 section 190.305 for emergency telephone services, the county
27 commission of any county may impose a county sales tax for the
28 provision of central dispatching of fire protection, including

1 law enforcement agencies, emergency ambulance service or any
2 other emergency services, including emergency telephone services,
3 which shall be collectively referred to herein as "emergency
4 services", and which may also include the purchase and
5 maintenance of communications and emergency equipment, including
6 the operational costs associated therein, in accordance with the
7 provisions of this section.

8 2. Such county commission may, by a majority vote of its
9 members, submit to the voters of the county, at a public
10 election, a proposal to authorize the county commission to impose
11 a tax under the provisions of this section. If the residents of
12 the county present a petition signed by a number of residents
13 equal to ten percent of those in the county who voted in the most
14 recent gubernatorial election, then the commission shall submit
15 such a proposal to the voters of the county.

16 3. The ballot of submission shall be in substantially the
17 following form:

18 Shall the county of (insert name of
19 county) impose a county sales tax of (insert rate
20 of percent) percent for the purpose of providing central
21 dispatching of fire protection, emergency ambulance service,
22 including emergency telephone services, and other emergency
23 services?

24 YES NO

25
26 If a majority of the votes cast on the proposal by the qualified
27 voters voting thereon are in favor of the proposal, then the
28 ordinance shall be in effect as provided herein. If a majority

1 of the votes cast by the qualified voters voting are opposed to
2 the proposal, then the county commission shall have no power to
3 impose the tax authorized by this section unless and until the
4 county commission shall again have submitted another proposal to
5 authorize the county commission to impose the tax under the
6 provisions of this section, and such proposal is approved by a
7 majority of the qualified voters voting thereon.

8 4. The sales tax may be imposed at a rate not to exceed one
9 percent on the receipts from the sale at retail of all tangible
10 personal property or taxable services at retail within any county
11 adopting such tax, if such property and services are subject to
12 taxation by the state of Missouri under the provisions of
13 sections 144.010 to 144.525, RSMo. The sales tax shall not be
14 collected prior to thirty-six months before operation of the
15 central dispatching of emergency services.

16 5. Except as modified in this section, all provisions of
17 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
18 under this section.

19 6. Any tax imposed pursuant to section 190.305 shall
20 terminate at the end of the tax year in which the tax imposed
21 pursuant to this section for emergency services is certified by
22 the board to be fully operational. Any revenues collected from
23 the tax authorized under section 190.305 shall be credited for
24 the purposes for which they were intended.

25 7. At least once each calendar year, the board, as
26 established by subsection 11 of this section, shall establish a
27 tax rate, not to exceed the amount authorized, that together with
28 any surplus revenues carried forward will produce sufficient

1 revenues to fund the expenditures authorized by sections 190.290
2 to 190.296. Amounts collected in excess of that necessary within
3 a given year shall be carried forward to subsequent years. The
4 board shall make its determination of such tax rate each year no
5 later than September first and shall fix the new rate which shall
6 be collected as provided in sections 190.290 to 190.296.

7 Immediately upon making its determination and fixing the rate,
8 the board shall publish in its minutes the new rate, and it shall
9 notify every retailer by mail of the new rate.

10 8. Immediately upon the affirmative vote of voters of such
11 a county on the ballot proposal to establish a county sales tax
12 pursuant to the provisions of this section, the county commission
13 shall appoint the initial members of a board to administer the
14 funds and oversee the provision of emergency services in the
15 county. Beginning with the general election in 1994, all board
16 members shall be elected according to this section and other
17 applicable laws of this state. At the time of the appointment of
18 the initial members of the board, the commission shall relinquish
19 and no longer exercise the duties prescribed in this chapter with
20 regard to the provision of emergency services and such duties
21 shall be exercised by the board.

22 9. The initial board shall consist of seven members
23 appointed without regard to political affiliation, three of whom
24 shall be selected from, and who shall represent, the fire
25 protection districts, ambulance districts, sheriff's department,
26 municipalities, and any other emergency services. Four of the
27 members of the board shall not be selected from or represent the
28 fire protection districts, ambulance districts, sheriff's

1 department, municipalities, or any other emergency services. Any
2 individual serving on the board on August 28, 2004, may continue
3 to serve and seek reelection or reappointment to the board,
4 notwithstanding any provisions of this subsection. This initial
5 board shall serve until its successor board is duly elected and
6 installed in office. The commission shall ensure geographic
7 representation of the county by appointing no more than four
8 members from each district of the county commission.

9 10. Beginning in 1994, three members shall be elected from
10 each district of the county commission and one member shall be
11 elected at large. The members of the board shall annually elect,
12 from among their number, the chairman of the board. Of those
13 first elected, four members from districts of the county
14 commission shall be elected for terms of two years and two
15 members from districts of the county commission and the member at
16 large shall be elected for terms of four years. In 1996, and
17 thereafter, all terms of office shall be four years. The
18 election of the board members shall be conducted at the first
19 municipal election held in a calendar year.

20 11. When the board is organized, it shall be a body
21 corporate and a political subdivision of the state and shall be
22 known as the "..... Emergency Services Board".

23 12. This section shall only apply to any county of the
24 third classification without a township form of government and
25 with more than twenty-four thousand five hundred but less than
26 twenty-four thousand six hundred inhabitants.

27 190.335. 1. In lieu of the tax levy authorized under
28 section 190.305 for emergency telephone services, the county

1 commission of any county may impose a county sales tax for the
2 provision of central dispatching of fire protection, including
3 law enforcement agencies, emergency ambulance service or any
4 other emergency services, including emergency telephone services,
5 which shall be collectively referred to herein as "emergency
6 services", and which may also include the purchase and
7 maintenance of communications and emergency equipment, including
8 the operational costs associated therein, in accordance with the
9 provisions of this section.

10 2. Such county commission may, by a majority vote of its
11 members, submit to the voters of the county, at a public
12 election, a proposal to authorize the county commission to impose
13 a tax under the provisions of this section. If the residents of
14 the county present a petition signed by a number of residents
15 equal to ten percent of those in the county who voted in the most
16 recent gubernatorial election, then the commission shall submit
17 such a proposal to the voters of the county.

18 3. The ballot of submission shall be in substantially the
19 following form:

20 Shall the county of (insert
21 name of county) impose a county sales tax of
22 (insert rate of percent) percent for the purpose of providing
23 central dispatching of fire protection, emergency ambulance
24 service, including emergency telephone services, and other
25 emergency services?

26 YES NO

27

28 If a majority of the votes cast on the proposal by the qualified

1 voters voting thereon are in favor of the proposal, then the
2 ordinance shall be in effect as provided herein. If a majority
3 of the votes cast by the qualified voters voting are opposed to
4 the proposal, then the county commission shall have no power to
5 impose the tax authorized by this section unless and until the
6 county commission shall again have submitted another proposal to
7 authorize the county commission to impose the tax under the
8 provisions of this section, and such proposal is approved by a
9 majority of the qualified voters voting thereon.

10 4. The sales tax may be imposed at a rate not to exceed one
11 percent on the receipts from the sale at retail of all tangible
12 personal property or taxable services at retail within any county
13 adopting such tax, if such property and services are subject to
14 taxation by the state of Missouri under the provisions of
15 sections 144.010 to 144.525, RSMo. The sales tax shall not be
16 collected prior to thirty-six months before operation of the
17 central dispatching of emergency services.

18 5. Except as modified in this section, all provisions of
19 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed
20 under this section.

21 6. Any tax imposed pursuant to section 190.305 shall
22 terminate at the end of the tax year in which the tax imposed
23 pursuant to this section for emergency services is certified by
24 the board to be fully operational. Any revenues collected from
25 the tax authorized under section 190.305 shall be credited for
26 the purposes for which they were intended.

27 7. At least once each calendar year, the governing body
28 shall establish a tax rate, not to exceed the amount authorized,

1 that together with any surplus revenues carried forward will
2 produce sufficient revenues to fund the expenditures authorized
3 by this act. Amounts collected in excess of that necessary
4 within a given year shall be carried forward to subsequent years.
5 The governing body shall make its determination of such tax rate
6 each year no later than September first and shall fix the new
7 rate which shall be collected as provided in this act.

8 Immediately upon making its determination and fixing the rate,
9 the governing body shall publish in its minutes the new rate, and
10 it shall notify every retailer by mail of the new rate.

11 8. Immediately upon the affirmative vote of voters of such
12 a county on the ballot proposal to establish a county sales tax
13 pursuant to the provisions of this section, the county commission
14 shall appoint the initial members of a board to administer the
15 funds and oversee the provision of emergency services in the
16 county. Beginning with the general election in 1994, all board
17 members shall be elected according to this section and other
18 applicable laws of this state. At the time of the appointment of
19 the initial members of the board, the commission shall relinquish
20 and no longer exercise the duties prescribed in this chapter with
21 regard to the provision of emergency services and such duties
22 shall be exercised by the board.

23 9. The initial board shall consist of seven members
24 appointed without regard to political affiliation, who shall be
25 selected from, and who shall represent, the fire protection
26 districts, ambulance districts, sheriff's department,
27 municipalities, any other emergency services and the general
28 public. This initial board shall serve until its successor board

1 is duly elected and installed in office. The commission shall
2 ensure geographic representation of the county by appointing no
3 more than four members from each district of the county
4 commission.

5 10. Beginning in 1994, three members shall be elected from
6 each district of the county commission and one member shall be
7 elected at large, such member to be the chairman of the board.
8 Of those first elected, four members from districts of the county
9 commission shall be elected for terms of two years and two
10 members from districts of the county commission and the member at
11 large shall be elected for terms of four years. In 1996, and
12 thereafter, all terms of office shall be four years.

13 11. Notwithstanding the provisions of subsections 8 to 10
14 of this section to the contrary, in any county of the first
15 classification with more than two hundred forty thousand three
16 hundred but fewer than two hundred forty thousand four hundred
17 inhabitants, any emergency telephone service 911 board appointed
18 by the county under section 190.309 which is in existence on the
19 date the voters approve a sales tax under this section shall
20 continue to exist and shall have the powers set forth under
21 section 190.339.

22 198.345. Nothing in sections 198.200 to 198.350 shall
23 prohibit a nursing home district from establishing and
24 maintaining assisted living facilities in any county of the third
25 classification without a township form of government and with
26 more than twenty-eight thousand two hundred but fewer than
27 twenty-eight thousand three hundred inhabitants or any county of
28 the third classification without a township form of government

1 and with more than nine thousand five hundred fifty but fewer
2 than nine thousand six hundred fifty inhabitants. For purposes
3 of this section, "assisted living facility" shall mean any
4 premises developed as a social model environment which is
5 utilized by its owner, operator, or manager to provide no fewer
6 services than accommodation, board, and meals to three or more
7 residents who are not related within the fourth degree of
8 consanguinity or affinity to the owner, operator, or manager of
9 the facility, and who are not in need of skilled health care in a
10 medical model environment.

11 205.010. Any county, subject to the provisions of the
12 Constitution of the state of Missouri, may establish, maintain,
13 manage and operate a public health center in the following
14 manner: Whenever the county commission shall be presented with a
15 petition signed by at least ten percent or more of the voters of
16 the county, as determined by the number of votes cast for
17 governor at the preceding general election, asking that an annual
18 tax not in excess of forty cents on each one hundred dollars of
19 the assessed valuation of property in the county, be levied for
20 the establishment, maintenance, management and operation of a
21 county health center and the maintenance of the personnel
22 required for operation of the health center, or by majority vote
23 of the county commission in any county of the first
24 classification with more than eighty-two thousand but fewer than
25 eighty-two thousand one hundred inhabitants, or by majority vote
26 of the county commission in any county of the third
27 classification without a township form of government and with
28 more than sixteen thousand six hundred but fewer than sixteen

1 thousand seven hundred inhabitants, the county commission shall
2 submit the question to the voters of the county at an election.

3 210.860. 1. The governing body of any county or city not
4 within a county may, after voter approval pursuant to this
5 section, levy a tax not to exceed twenty-five cents on each one
6 hundred dollars of assessed valuation on taxable property in the
7 county for the purpose of providing counseling, family support,
8 and temporary residential services to persons eighteen years of
9 age or less and those services described in section 210.861. The
10 question shall be submitted to the qualified voters of the county
11 or city not within a county at a county or state general, primary
12 or special election upon the motion of the governing body of the
13 county or city not within a county or upon the petition of eight
14 percent of the qualified voters of the county determined on the
15 basis of the number of votes cast for governor in such county or
16 city not within a county at the last gubernatorial election held
17 prior to the filing of the petition. The election officials of
18 the county or city not within a county shall give legal notice as
19 provided in chapter 115, RSMo. The question shall be submitted
20 in substantially the following form:

21 Shall County (City) be authorized to levy a tax
22 of cents on each one hundred dollars of assessed
23 valuation on taxable property in the county (city) for the
24 purpose of establishing a community children's services fund for
25 purposes of providing funds for counseling and related services
26 to children and youth in the county (city) eighteen years of age
27 or less and services which will promote healthy lifestyles among
28 children and youth and strengthen families?

1 [] YES

 [] NO

2
3 If a majority of the votes cast on the question by the qualified
4 voters voting thereon are in favor of the question, then the tax
5 shall be levied and collected as otherwise provided by law. If a
6 majority of the votes cast on the question by the qualified
7 voters voting thereon are opposed to the question, then the tax
8 shall not be levied unless and until the question is again
9 submitted to the qualified voters of the county or city not
10 within a county and a majority of such voters are in favor of
11 such a tax, and not otherwise.

12 2. All revenues generated by the tax prescribed in this
13 section shall be deposited in the county treasury or, in a city
14 not within a county, to the board established by law to
15 administer such fund to the credit of a special "Community
16 Children's Services Fund" to accomplish the purposes set out
17 herein and shall be used for no other purpose. Such fund shall
18 be administered by and expended only upon approval by a board of
19 directors, established pursuant to section 210.861.

20 210.861. 1. When the tax prescribed by section 210.860 or
21 section 67.1775, RSMo, is established, the governing body of the
22 city or county shall appoint a board of directors consisting of
23 nine members, who shall be residents of the city or county. All
24 board members shall be appointed to serve for a term of three
25 years, except that of the first board appointed, three members
26 shall be appointed for one-year terms, three members for two-year
27 terms and three members for three-year terms. Board members may
28 be reappointed. In a city not within a county, or any county of

1 the first classification with a charter form of government with a
2 population not less than nine hundred thousand inhabitants, or
3 any county of the first classification with a charter form of
4 government with a population not less than two hundred thousand
5 inhabitants and not more than six hundred thousand inhabitants,
6 or any noncharter county of the first classification with a
7 population not less than one hundred seventy thousand and not
8 more than two hundred thousand inhabitants, or any noncharter
9 county of the first classification with a population not less
10 than eighty thousand and not more than eighty-three thousand
11 inhabitants, or any third classification county with a population
12 not less than twenty-eight thousand and not more than thirty
13 thousand inhabitants, or any county of the third classification
14 with a population not less than nineteen thousand five hundred
15 and not more than twenty thousand inhabitants the members of the
16 community mental health board of trustees appointed pursuant to
17 the provisions of sections 205.975 to 205.990, RSMo, shall be the
18 board members for the community children's services fund. The
19 directors shall not receive compensation for their services, but
20 may be reimbursed for their actual and necessary expenses.

21 2. The board shall elect a chairman, vice chairman,
22 treasurer, and such other officers as it deems necessary for its
23 membership. Before taking office, the treasurer shall furnish a
24 surety bond, in an amount to be determined and in a form to be
25 approved by the board, for the faithful performance of his duties
26 and faithful accounting of all moneys that may come into his
27 hands. The treasurer shall enter into the surety bond with a
28 surety company authorized to do business in Missouri, and the

1 cost of such bond shall be paid by the board of directors. The
2 board shall administer and expend all funds generated pursuant to
3 section 210.860 or section 67.1775, RSMo, in a manner consistent
4 with this section.

5 3. The board may contract with public or not-for-profit
6 agencies licensed or certified where appropriate to provide
7 qualified services and may place conditions on the use of such
8 funds. The board shall reserve the right to audit the
9 expenditure of any and all funds. The board and any agency with
10 which the board contracts may establish eligibility standards for
11 the use of such funds and the receipt of services. No member of
12 the board shall serve on the governing body, have any financial
13 interest in, or be employed by any agency which is a recipient of
14 funds generated pursuant to section 210.860 or section 67.1775,
15 RSMo.

16 4. Revenues collected and deposited in the community
17 children's services fund may be expended for the purchase of the
18 following services:

19 (1) Up to thirty days of temporary shelter for abused,
20 neglected, runaway, homeless or emotionally disturbed youth;
21 respite care services; and services to unwed mothers;

22 (2) Outpatient chemical dependency and psychiatric
23 treatment programs; counseling and related services as a part of
24 transitional living programs; home-based and community-based
25 family intervention programs; unmarried parent services; crisis
26 intervention services, inclusive of telephone hotlines; and
27 prevention programs which promote healthy lifestyles among
28 children and youth and strengthen families;

1 (3) Individual, group, or family professional counseling
2 and therapy services; psychological evaluations; and mental
3 health screenings.

4 5. Revenues collected and deposited in the community
5 children's services fund may not be expended for inpatient
6 medical, psychiatric, and chemical dependency services, or for
7 transportation services.

8 217.905. 1. The commission shall have the following
9 powers:

10 (1) To acquire title to the property historically utilized
11 as the Missouri state penitentiary and to acquire by gift or
12 bequest from public or private sources property adjacent thereto
13 and necessary or appropriate to the successful redevelopment of
14 the Missouri state penitentiary property;

15 (2) To lease or sell real property to developers who will
16 utilize the property consistent with the master plan for the
17 property and to hold proceeds from such transactions outside the
18 state treasury;

19 (3) To adopt bylaws for the regulation of its affairs and
20 the conduct of its business;

21 (4) To hire employees necessary to perform the commission's
22 work;

23 (5) To contract and to be contracted with, including, but
24 without limitation, the authority to enter into contracts with
25 cities, counties and other political subdivisions, agencies of
26 the state of Missouri and public agencies pursuant to sections
27 70.210 to 70.325, RSMo, and otherwise, and to enter into
28 contracts with other entities, in connection with the acquisition

1 by gift or bequest and in connection with the planning,
2 construction, financing, leasing, subleasing, operation and
3 maintenance of any real property or facility and for any other
4 lawful purpose, and to sue and to be sued;

5 (6) To receive for its lawful activities [any rentals,
6 proceeds from the sale of real estate,] contributions or moneys
7 appropriated or otherwise designated for payment to the authority
8 by municipalities, counties, state or other political
9 subdivisions or public agencies or by the federal government or
10 any agency or officer thereof or from any other sources and to
11 apply for grants and other funding and deposit those funds in the
12 Missouri state penitentiary redevelopment fund;

13 (7) To disburse funds for its lawful activities and fix
14 salaries and wages of its employees;

15 (8) To invest any of the commission's funds in such types
16 of investments as shall be determined by a resolution adopted by
17 the commission;

18 (9) To borrow money for the acquisition, construction,
19 equipping, operation, maintenance, repair, remediation or
20 improvement of any facility or real property to which the
21 commission holds title and for any other proper purpose, and to
22 issue negotiable notes, bonds and other instruments in writing as
23 evidence of sums borrowed;

24 (10) To perform all other necessary and incidental
25 functions, and to exercise such additional powers as shall be
26 conferred by the general assembly; and

27 (11) To purchase insurance, including self-insurance, of
28 any property or operations of the commission or its members,

1 directors, officers and employees, against any risk or hazard,
2 and to indemnify its members, agents, independent contractors,
3 directors, officers and employees against any risk or hazard.
4 The commission is specifically authorized to purchase insurance
5 from the Missouri public entity risk management fund and is
6 hereby determined to be a "public entity" as defined in section
7 537.700, RSMo.

8 2. In no event shall the state be liable for any deficiency
9 or indebtedness incurred by the commission.

10 3. The Missouri state penitentiary redevelopment commission
11 is a state commission for purposes of section 105.711, RSMo, and
12 all members of the commission shall be entitled to coverage under
13 the state legal expense fund.

14 231.444. 1. In addition to other levies authorized by law,
15 the governing body of any county of the third classification
16 without a township form of government having a population in
17 excess of four thousand two hundred and less than six thousand
18 according to the most recent decennial census or any county of
19 the third classification without a township form of government
20 and with more than two thousand three hundred but fewer than two
21 thousand four hundred inhabitants may by ordinance levy and
22 impose a tax pursuant to this section which shall not exceed the
23 rate of twenty-five cents on each acre of real property in the
24 county which is classified as agricultural and horticultural
25 property pursuant to section 137.016, RSMo.

26 2. The proceeds of the tax authorized pursuant to this
27 section shall be collected by the county collector and remitted
28 to the county treasurer who shall deposit such proceeds in a

1 special fund to be known as the "Special Road Rock Fund". All
2 moneys in the special road rock fund shall be appropriated by the
3 county governing body for the sole purpose of purchasing road
4 rock to be placed on county roads within the boundaries of the
5 county.

6 3. The ordinance levying and imposing a tax pursuant to
7 subsection 1 of this section shall not be effective unless the
8 county governing body submits to the qualified voters of the
9 county a proposal to authorize the county governing body to levy
10 and impose the tax at an election permitted pursuant to section
11 115.123, RSMo. The ballot of submission proposing the tax shall
12 be in substantially the following form:

13 Shall the county of (county's name) be authorized
14 to levy and impose a tax on all real property in the county which
15 is classified as agricultural or horticultural property at a rate
16 not to exceed (rate of tax) cents per acre with all
17 the proceeds of the tax to be placed in the "Special Road Rock
18 Fund" and used solely for the purpose of purchasing road rock to
19 be placed on county roads within the boundaries of the county?

20 YES NO

21 4. If a majority of the qualified voters of the county
22 voting on the proposal vote "YES", then the governing body of the
23 county may by ordinance levy and impose the tax authorized by
24 this section in an amount not to exceed the rate proposed in the
25 ballot of submission. If a majority of the qualified voters of
26 the county voting on the proposal vote "NO", then the governing
27 body of the county shall not levy and impose such tax. Nothing
28 in this section shall prohibit a rejected proposal from being

1 resubmitted to the qualified voters of the county at an election
2 permitted pursuant to section 115.123, RSMo.

3 233.295. 1. Whenever a petition, signed by the owners of a
4 majority of the acres of land, within a road district organized
5 under the provisions of sections 233.170 to 233.315 shall be
6 filed with the county commission of any county in which such
7 district is situated, setting forth the name of the district and
8 the number of acres owned by each signer of such petition and the
9 whole number of acres in such district, the county commission
10 shall have power, if in its opinion the public good will be
11 thereby advanced, to disincorporate such road district. No such
12 road district shall be disincorporated until notice is published
13 in at least one newspaper of general circulation in the county
14 where the district is situated for four weeks successively prior
15 to the hearing of such petition.

16 2. In any county with a population of at least thirty-two
17 thousand inhabitants which adjoins a county of the first
18 classification which contains a city with a population of one
19 hundred thousand or more inhabitants that adjoins no other county
20 of the first classification, whenever a petition signed by at
21 least fifty registered voters residing within the district
22 organized under the provisions of sections 233.170 to 233.315 is
23 filed with the county clerk of the county in which the district
24 is situated, setting forth the name of the district and
25 requesting the disincorporation of such district, the county
26 clerk shall certify for election the following question to be
27 voted upon by the eligible voters of the district:

28 Shall the..... incorporated road

1 district organized under the provisions of sections 233.170 to
2 233.315, RSMo, be dissolved?

3 [] YES [] NO

4 If a majority of the persons voting on the question are in favor
5 of the proposition, then the county commission shall
6 disincorporate the road district.

7 3. The petition filed pursuant to subsection 2 of this
8 section shall be submitted to the clerk of the county no later
9 than eight weeks prior to the next countywide election at which
10 the question will be voted upon.

11 4. Notwithstanding other provisions of this section to the
12 contrary, in any county of the first classification with more
13 than one hundred four thousand six hundred but less than one
14 hundred four thousand seven hundred inhabitants, any petition to
15 disincorporate a road district organized under sections 233.170
16 to 233.315 shall be presented to the county commission or similar
17 authority. The petition shall be signed by the lesser of fifty
18 or a majority of the registered voters residing within the
19 district, shall state the name of the district, and shall request
20 the disincorporation of the district. If a petition is submitted
21 as authorized in this section, and it is the opinion of the
22 county commission that the public good will be advanced by the
23 disincorporation after providing notice and a hearing as required
24 in this section, then the county commission shall disincorporate
25 the road district. This subsection shall not apply to any road
26 district located in two counties.

27 5. Notwithstanding other provisions of this section to the
28 contrary, in any county of the third classification without a

1 township form of government and with more than thirty-four
2 thousand but fewer than thirty-four thousand one hundred
3 inhabitants, any petition to disincorporate a road district
4 organized under sections 233.170 to 233.315 shall be presented to
5 the county commission or similar authority. The petition shall
6 be signed by the lesser of fifty or a majority of the registered
7 voters residing within the district, shall state the name of the
8 district, and shall request the disincorporation of the district.
9 If a petition is submitted as authorized in this section, and it
10 is the opinion of the county commission that the public good will
11 be advanced by the disincorporation after providing notice and a
12 hearing as required in this section, then the county commission
13 shall disincorporate the road district. This subsection shall
14 not apply to any road district located in two counties.

15 6. Notwithstanding other provisions of this section to the
16 contrary, in any county of the second classification with more
17 than fifty-four thousand two hundred but fewer than fifty-four
18 thousand three hundred inhabitants, any petition to
19 disincorporate a road district organized under sections 233.170
20 to 233.315 shall be presented to the county commission or similar
21 authority. The petition shall be signed by the lesser of fifty
22 or a majority of the registered voters residing within the
23 district, shall state the name of the district, and shall request
24 the disincorporation of the district. If a petition is submitted
25 as authorized in this section, and it is the opinion of the
26 county commission that the public good will be advanced by the
27 disincorporation after providing notice and a hearing as required
28 in this section, then the county commission shall disincorporate

1 the road district. This subsection shall not apply to any road
2 district located in two counties.

3 7. Notwithstanding other provisions of this section to the
4 contrary, in any county of the third classification without a
5 township form of government and with more than twenty-eight
6 thousand six hundred but fewer than twenty-eight thousand seven
7 hundred inhabitants, any petition to disincorporate a road
8 district organized under sections 233.170 to 233.315 shall be
9 presented to the county commission or similar authority. The
10 petition shall be signed by the lesser of fifty or a majority of
11 the registered voters residing within the district, shall state
12 the name of the district, and shall request the disincorporation
13 of the district. If a petition is submitted as authorized in
14 this section, and it is the opinion of the county commission that
15 the public good will be advanced by the disincorporation after
16 providing notice and a hearing as required in this section, then
17 the county commission shall disincorporate the road district.
18 This subsection shall not apply to any road district located in
19 two counties.

20 8. Notwithstanding other provisions of this section to the
21 contrary, in any county of the first classification with more
22 than thirty-nine thousand seven hundred but fewer than
23 thirty-nine thousand eight hundred inhabitants, any petition to
24 disincorporate a road district organized under sections 233.170
25 to 233.315 shall be presented to the county commission or similar
26 authority. The petition shall be signed by the lesser of fifty
27 or a majority of the registered voters residing within the
28 district, shall state the name of the district, and shall request

1 the disincorporation of the district. If a petition is submitted
2 as authorized in this section, and it is the opinion of the
3 county commission that the public good will be advanced by the
4 disincorporation after providing notice and a hearing as required
5 in this section, then the county commission shall disincorporate
6 the road district. This subsection shall not apply to any road
7 district located in two counties.

8 9. Notwithstanding other provisions of this section to the
9 contrary, in any county of the third classification without a
10 township form of government and with more than twenty-one
11 thousand six hundred but fewer than twenty-one thousand seven
12 hundred inhabitants, any petition to disincorporate a road
13 district organized under sections 233.170 to 233.315 shall be
14 presented to the county commission or similar authority. The
15 petition shall be signed by the lesser of fifty or a majority of
16 the registered voters residing within the district, shall state
17 the name of the district, and shall request the disincorporation
18 of the district. If a petition is submitted as authorized in
19 this section, and it is the opinion of the county commission that
20 the public good will be advanced by the disincorporation after
21 providing notice and a hearing as required in this section, then
22 the county commission shall disincorporate the road district.
23 This subsection shall not apply to any road district located in
24 two counties.

25 10. Notwithstanding other provisions of this section to the
26 contrary, in any county of the third classification without a
27 township form of government and with more than thirty-five
28 thousand two hundred but fewer than thirty-five thousand three

1 hundred inhabitants, any petition to disincorporate a road
2 district organized under sections 233.170 to 233.315 shall be
3 presented to the county commission or similar authority. The
4 petition shall be signed by the lesser of fifty or a majority of
5 the registered voters residing within the district, shall state
6 the name of the district, and shall request the disincorporation
7 of the district. If a petition is submitted as authorized in
8 this section, and it is the opinion of the county commission that
9 the public good will be advanced by the disincorporation after
10 providing notice and a hearing as required in this section, then
11 the county commission shall disincorporate the road district.
12 This subsection shall not apply to any road district located in
13 two counties.

14 11. Notwithstanding other provisions of this section to the
15 contrary, in any county of the second classification with more
16 than fifty-two thousand six hundred but fewer than fifty-two
17 thousand seven hundred inhabitants, any petition to
18 disincorporate a road district organized under sections 233.170
19 to 233.315 shall be presented to the county commission or similar
20 authority. The petition shall be signed by the lesser of fifty
21 or a majority of the registered voters residing within the
22 district, shall state the name of the district, and shall request
23 the disincorporation of the district. If a petition is submitted
24 as authorized in this section, and it is the opinion of the
25 county commission that the public good will be advanced by the
26 disincorporation after providing notice and a hearing as required
27 in this section, then the county commission shall disincorporate
28 the road district. This subsection shall not apply to any road

1 district located in two counties.

2 242.560. 1. In counties where the provisions of chapter
3 65, RSMo, are, or may hereafter be in force, the secretary of the
4 board of supervisors shall extend all drainage taxes under the
5 provisions of sections 242.010 to 242.690 on separate tax books
6 for the respective townships in which such lands are situate, and
7 such tax books shall be certified to the [township collectors of
8 such townships] collector-treasurer at the same time and in the
9 same manner as provided for county collectors.

10 2. Such taxes shall be collected by such [township
11 collectors] collector-treasurer at the same time and in the same
12 manner as state and county taxes are collected, and each
13 [township collector] collector-treasurer shall give bond, have
14 the same authority to collect such taxes, receive the same
15 compensation therefor and pay over such taxes to the secretary of
16 board of supervisors, as provided for county collectors under
17 said sections, and shall be subject to the same penalties and
18 liabilities. Such [township collectors] collector-treasurer
19 shall make due return of such tax books under oath in the same
20 manner as required of county collectors.

21 3. The delinquent drainage taxes shall be certified by the
22 secretary of the board of supervisors to the county [treasurer as
23 ex officio collector] collector-treasurer of delinquent taxes,
24 who shall collect such delinquent drainage taxes at the same time
25 and in the same manner as is herein provided for the collection
26 of the delinquent drainage taxes in counties not under the
27 provisions of chapter 65, RSMo. The said [treasurer as ex
28 officio collector] collector-treasurer of delinquent taxes shall

1 give bond, have the same authority to collect such taxes, receive
2 the same compensation therefor and pay over the said taxes to the
3 treasurer of the drainage district as is provided for county
4 collectors under sections 242.010 to 242.690, and shall be
5 subject to the same penalties and liabilities.

6 4. All township drainage tax books, and the return of the
7 collectors of such books, shall be taken as prima facie evidence
8 in all courts of all matters therein contained, and that the
9 delinquent tax shown in such books was properly levied and
10 extended against such lands and remains unpaid. The lien of such
11 tax shall be enforced and suits to collect such delinquent tax
12 shall be instituted and prosecuted in the same manner provided by
13 said sections, except such suits shall be instituted by the
14 drainage district on tax bills duly made out and certified by the
15 county [treasurer as ex officio collector] collector-treasurer of
16 delinquent taxes.

17 245.205. 1. In counties where the provisions of chapter
18 65, RSMo, are or may hereafter be in force, the secretary of the
19 board of supervisors shall extend all levee taxes under the
20 provisions of sections 245.010 to 245.280 on separate tax books
21 for the respective townships in which such lands are situate, and
22 such tax books shall be certified to the [township collectors of
23 such townships] collector-treasurers at the same time and in the
24 same manner as provided for county collectors. Such taxes shall
25 be collected by such [township collectors] collector-treasurers
26 at the same time and in the same manner, as state and county
27 taxes are collected, and each [township collector] collector-
28 treasurer shall give bond, have the same authority to collect

1 such taxes, receive the same compensation therefor and pay over
2 such taxes to the secretary of board of supervisors, as provided
3 for county collectors under sections 245.010 to 245.280 and shall
4 be subject to the same penalties and liabilities. Such [township
5 collectors] collector-treasurers shall make due return of such
6 tax books under oath in the same manner as required of county
7 collectors.

8 2. The delinquent levee taxes shall be certified by the
9 secretary of the board of supervisors to the county [treasurer as
10 ex officio collector] collector-treasurer of delinquent taxes,
11 who shall collect such delinquent levee taxes at the same time
12 and in the same manner as is herein provided for the collection
13 of the delinquent levee taxes in counties not under the
14 provisions of chapter 65, RSMo. The said [treasurer as ex
15 officio collector] collector-treasurer of delinquent levee taxes
16 shall give bond, have the same authority to collect such taxes,
17 receive the same compensation therefor, and pay over the said
18 taxes to the treasurer of the levee district as is provided for
19 county collectors under sections 245.010 to 245.280, and shall be
20 subject to the same penalties and liabilities.

21 3. All township levee tax books, and the return of the
22 collectors of such books, shall be taken as prima facie evidence
23 in all courts of all matters therein contained, and that the
24 delinquent tax shown in such books was properly levied and
25 extended against such lands and remains unpaid. The lien of such
26 tax shall be enforced and suits to collect such delinquent tax
27 shall be instituted and prosecuted in the same manner provided by
28 sections 245.010 to 245.280, except such suits shall be

1 instituted by the levee district on tax bills duly made out and
2 certified by the county [treasurer as ex officio collector]
3 collector-treasurer of delinquent taxes.

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

21 2. The initial members of the board shall be appointed by
22 the circuit court and one shall serve until the immediately
23 following first Tuesday after the first Monday in June, two shall
24 serve until the first Tuesday after the first Monday in June on
25 the second year following their appointment and the remaining
26 appointees shall serve until the first Tuesday after the first
27 Monday in June on the third year following their appointment. On
28 the expiration of such terms and on the expiration of any

1 subsequent term, elections shall be held as otherwise provided by
2 law, and such elections [may] shall be held in April pursuant to
3 section 247.180.

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

10 2. Notwithstanding any other provision of law, if there is
11 only one candidate for the post of director of any given
12 subdistrict, then no election shall be held, and the candidate or
13 candidates shall assume the responsibilities of their offices at
14 the same time and in the same manner as if elected. If there is
15 no candidate for the post of any given subdistrict, then no
16 election shall be held for that post and it shall be considered
17 vacant, to be filled pursuant to the provisions of section
18 247.060.

19 250.140. 1. Sewerage services, water services, or water
20 and sewerage services combined, except for water services
21 provided by any city not within a county or any home rule city
22 with more than four hundred thousand inhabitants and located in
23 more than one county, shall be deemed to be furnished to both the
24 occupant and owner of the premises receiving such service and,
25 except as otherwise provided in subsection 2 of this section, the
26 city, town [or], village or sewer district or water supply
27 district organized and incorporated under chapter 247, RSMo,
28 rendering such services shall have power to sue the occupant or

1 owner, or both, of such real estate in a civil action to recover
2 any sums due for such services less any deposit that is held by
3 the city, town, village, or sewer district or water supply
4 district organized and incorporated under chapter 247, RSMo, for
5 such services, plus a reasonable attorney's fee to be fixed by
6 the court.

7 2. [If the occupant of the premises receives the billing,]
8 When the occupant is delinquent in payment for thirty days, the
9 city, town, village, sewer district, or water supply district
10 shall make a good faith effort to notify the owner of the
11 premises receiving such service of the delinquency and the amount
12 thereof. Notwithstanding any other provision of this section to
13 the contrary, when an occupant is delinquent more than ninety
14 days, the owner shall not be liable for sums due for more than
15 ninety days of service. Any notice of termination of service
16 shall be sent to both the occupant and owner of the premises
17 receiving such service[, if such owner has requested in writing
18 to receive any notice of termination and has provided the entity
19 rendering such service with the owner's business addresses]. The
20 provisions of this subsection shall become effective on February
21 1, 2006.

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

27 4. Notwithstanding any other provision of law to the
28 contrary, any water provider who terminates service due to

1 delinquency of payment by a consumer shall not be liable for any
2 civil or criminal damages.

3 263.245. 1. All owners of land in any county with a
4 township form of government, located north of the Missouri River
5 and having no portion of the county located east of U.S. Highway
6 63, located in any county of the third classification without a
7 township form of government and with more than four thousand one
8 hundred but fewer than four thousand two hundred inhabitants, or
9 located in any county of the third classification without a
10 township form of government and with more than two thousand three
11 hundred but fewer than two thousand four hundred inhabitants
12 shall control all brush growing on such owner's property that is
13 designated as the county right-of-way or county maintenance
14 easement part of such owner's property and which is adjacent to
15 any county road. Such brush shall be cut, burned or otherwise
16 destroyed as often as necessary in order to keep such lands
17 accessible for purposes of maintenance and safety of the county
18 road.

19 2. The county commission, either upon its own motion or
20 upon receipt of a written notice requesting the action from any
21 residents of the county in which the county road bordering the
22 lands in question is located or upon written request of any
23 person regularly using the county road, may control such brush so
24 as to allow easy access to the land described in subsection 1 of
25 this section, and for that purpose the county commission, or its
26 agents, servants, or employees shall have authority to enter on
27 such lands without being liable to an action of trespass
28 therefor, and shall keep an accurate account of the expenses

1 incurred in eradicating the brush, and shall verify such
2 statement under seal of the county commission, and transmit the
3 same to the officer whose duty it is or may be to extend state
4 and county taxes on tax books or bills against real estate. Such
5 officer shall extend the aggregate expenses so charged against
6 each tract of land as a special tax, which shall then become a
7 lien on such lands, and be collected as state and county taxes
8 are collected by law and paid to the county commission and
9 credited to the county control fund.

10 3. Before proceeding to control brush as provided in this
11 section, the county commission of the county in which the land is
12 located shall notify the owner of the land of the requirements of
13 this law by certified mail, return receipt requested, from a list
14 supplied by the officer who prepares the tax list, and shall
15 allow the owner of the land thirty days from acknowledgment date
16 of return receipt, or date of refusal of acceptance of delivery
17 as the case may be, to eradicate all such brush growing on land
18 designated as the county right-of-way or county maintenance
19 easement part of such owner's land and which is adjacent to the
20 county road. In the event that the property owner cannot be
21 located by certified mail, notice shall be placed in a newspaper
22 of general circulation in the county in which the land is located
23 at least thirty days before the county commission removes the
24 brush pursuant to subsection 2 of this section. Such property
25 owner shall be granted an automatic thirty-day extension due to
26 hardship by notifying the county commission that such owner
27 cannot comply with the requirements of this section, due to
28 hardship, within the first thirty-day period. The property owner

1 may be granted a second extension by a majority vote of the
2 county commission. There shall be no further extensions. For
3 the purposes of this subsection, "hardship" may be financial,
4 physical or any other condition that the county commission deems
5 to be a valid reason to allow an extension of time to comply with
6 the requirements of this section.

7 4. County commissions shall not withhold rock, which is
8 provided from funds from the county aid road trust fund, for
9 maintaining county roads due to the abutting property owner's
10 refusal to remove brush located on land designated as the county
11 right-of-way or county maintenance easement part of such owner's
12 land. County commissions shall use such rock on the county
13 roads, even though the brush is not removed, or county
14 commissions may resort to the procedures in this section to
15 remove the brush.

16 278.240. 1. The board of soil and water conservation
17 district supervisors of the soil and water conservation district
18 in which the watershed district is formed shall act in an
19 advisory capacity to the watershed district board. When a
20 watershed district lies in more than one soil and water
21 conservation district, the combined boards of soil and water
22 conservation district supervisors shall act in an advisory
23 capacity to the watershed district board.

24 2. Five landowners [living] within the watershed district
25 shall be elected to serve as trustees of the watershed district.
26 The trustees shall be elected by a vote of landowners
27 participating in the referendum for the establishment of the
28 watershed district, but the date of the election shall not fall

1 upon the date of any regular political election held in the
2 county. The ballot submitting the proposition to form the
3 watershed district shall be so worded as to clearly state that a
4 tax, not to exceed forty cents on one hundred dollars valuation
5 of all real estate within the watershed district, may be
6 authorized if the watershed district is formed. In watershed
7 districts formed after September 28, 1977, two trustees shall be
8 elected for a term of six years, two shall be elected for a term
9 of four years, and one shall be elected for a term of two years.
10 Their successors shall be elected for terms of six years. In any
11 district in existence on September 28, 1977, the three trustees
12 holding office shall continue as trustees. At the next scheduled
13 election within the watershed district, two additional trustees
14 shall be elected. One of the additional trustees shall be
15 elected for a term of four years and one shall be elected for a
16 term of six years. Each successor shall be elected for a term of
17 six years. In case of the death, loss of landowner standing
18 within the watershed district, or resignation from office of any
19 elected watershed district trustee, his or her successor to the
20 unexpired term shall be appointed by the trustees of that
21 watershed district. A trustee may succeed himself or herself by
22 reelection in this office. The trustees shall elect one of their
23 members as chairman and one of their members as secretary to
24 serve for terms of two years.

25 3. The trustees shall act in all matters pertaining to the
26 watershed district, except those concerning formation,
27 consolidation, expansion or disestablishment of the watershed
28 district. It shall be the responsibility of the secretary of the

1 trustees to see that each soil and water district board included
2 in the watershed district is provided a copy of the minutes of
3 each meeting held by the trustees. The trustees shall be
4 reimbursed for expenses incurred relating to the business of the
5 watershed district.

6 301.025. 1. No state registration license to operate any
7 motor vehicle in this state shall be issued unless the
8 application for license of a motor vehicle or trailer is
9 accompanied by a tax receipt for the tax year which immediately
10 precedes the year in which the vehicle's or trailer's
11 registration is due and which reflects that all taxes, including
12 delinquent taxes from prior years, have been paid, or a statement
13 certified by the county or township collector of the county or
14 township in which the applicant's property was assessed showing
15 that the state and county tangible personal property taxes for
16 such previous tax year and all delinquent taxes due have been
17 paid by the applicant, or a statement certified by the county or
18 township collector for such previous year that no such taxes
19 were assessed or due and the applicant has no unpaid taxes on the
20 collector's tax roll for any subsequent year or, if the applicant
21 is not a resident of this state and serving in the armed forces
22 of the United States, the application is accompanied by a leave
23 and earnings statement from such person verifying such status or,
24 if the applicant is an organization described pursuant to
25 subdivision (5) of section 137.100, RSMo, or subsection 1 of
26 section 137.101, RSMo, the application is accompanied by a
27 document, in a form approved by the director, verifying that the
28 organization is registered with the department of revenue or is

1 determined by the internal revenue service to be a tax-exempt
2 entity. If the director of the department of revenue has been
3 notified by the assessor pursuant to subsection 2 of section
4 137.101, RSMo, that the applicant's personal property is not tax
5 exempt, then the organization's application shall be accompanied
6 by a statement certified by the county or township collector of
7 the county or township in which the organization's property was
8 assessed showing that the state and county tangible personal
9 property taxes for such previous tax year and all delinquent
10 taxes due have been paid by the organization. In the event the
11 registration is a renewal of a registration made two or three
12 years previously, the application shall be accompanied by proof
13 that taxes were not due or have been paid for the two or three
14 years which immediately precede the year in which the motor
15 vehicle's or trailer's registration is due. The county or
16 township collector shall not be required to issue a receipt or
17 certified statement that taxes were not assessed or due for the
18 immediately preceding tax year until all personal property taxes,
19 including all current and delinquent taxes [currently due], are
20 paid. If the applicant was a resident of another county of this
21 state in the applicable preceding years, he or she must submit to
22 the collector in the county or township of residence proof that
23 the personal property tax was paid in the applicable tax years.
24 Every county and township collector shall give each person a tax
25 receipt or a certified statement of tangible personal property
26 taxes paid. The receipt issued by the county collector in any
27 county of the first classification with a charter form of
28 government which contains part of a city with a population of at

1 least three hundred fifty thousand inhabitants which is located
2 in more than one county, any county of the first classification
3 without a charter form of government with a population of at
4 least one hundred fifty thousand inhabitants which contains part
5 of a city with a population of at least three hundred fifty
6 thousand inhabitants which is located in more than one county and
7 any county of the first classification without a charter form of
8 government with a population of at least one hundred ten thousand
9 but less than one hundred fifty thousand inhabitants shall be
10 determined null and void if the person paying tangible personal
11 property taxes issues or passes a check or other similar sight
12 order which is returned to the collector because the account upon
13 which the check or order was drawn was closed or did not have
14 sufficient funds at the time of presentation for payment by the
15 collector to meet the face amount of the check or order. The
16 collector may assess and collect in addition to any other penalty
17 or interest that may be owed, a penalty of ten dollars or five
18 percent of the total amount of the returned check or order
19 whichever amount is greater to be deposited in the county general
20 revenue fund, but in no event shall such penalty imposed exceed
21 one hundred dollars. The collector may refuse to accept any
22 check or other similar sight order in payment of any tax
23 currently owed plus penalty or interest from a person who
24 previously attempted to pay such amount with a check or order
25 that was returned to the collector unless the remittance is in
26 the form of a cashier's check, certified check or money order.
27 If a person does not comply with the provisions of this section,
28 a tax receipt issued pursuant to this section is null and void

1 and no state registration license shall be issued or renewed.
2 Where no such taxes are due each such collector shall, upon
3 request, certify such fact and transmit such statement to the
4 person making the request. Each receipt or statement shall
5 describe by type the total number of motor vehicles on which
6 personal property taxes were paid, and no renewal of any state
7 registration license shall be issued to any person for a number
8 greater than that shown on his or her tax receipt or statement
9 except for a vehicle which was purchased without another vehicle
10 being traded therefor, or for a vehicle previously registered in
11 another state, provided the application for title or other
12 evidence shows that the date the vehicle was purchased or was
13 first registered in this state was such that no personal property
14 tax was owed on such vehicle as of the date of the last tax
15 receipt or certified statement prior to the renewal. The
16 director of revenue shall make necessary rules and regulations
17 for the enforcement of this section, and shall design all
18 necessary forms. If electronic data is not available, residents
19 of counties with a township form of government and with township
20 collectors shall present personal property tax receipts which
21 have been paid for the preceding two years when registering under
22 this section.

23 2. Every county collector in counties with a population of
24 over six hundred thousand and less than nine hundred thousand
25 shall give priority to issuing tax receipts or certified
26 statements pursuant to this section for any person whose motor
27 vehicle registration expires in January. Such collector shall
28 send tax receipts or certified statements for personal property

1 taxes for the previous year within three days to any person who
2 pays the person's personal property tax in person, and within
3 twenty working days, if the payment is made by mail. Any person
4 wishing to have priority pursuant to this subsection shall notify
5 the collector at the time of payment of the property taxes that a
6 motor vehicle registration expires in January. Any person
7 purchasing a new vehicle in December and licensing such vehicle
8 in January of the following year may use the personal property
9 tax receipt of the prior year as proof of payment.

10 3. In addition to all other requirements, the director of
11 revenue shall not register any vehicle subject to the heavy
12 vehicle use tax imposed by Section 4481 of the Internal Revenue
13 Code of 1954 unless the applicant presents proof of payment, or
14 that such tax is not owing, in such form as may be prescribed by
15 the United States Secretary of the Treasury. No proof of payment
16 of such tax shall be required by the director until the form for
17 proof of payment has been prescribed by the Secretary of the
18 Treasury.

19 4. Beginning July 1, 2000, a county or township collector
20 may notify, by ordinary mail, any owner of a motor vehicle for
21 which personal property taxes have not been paid that if full
22 payment is not received within thirty days the collector may
23 notify the director of revenue to suspend the motor vehicle
24 registration for such vehicle. Any notification returned to the
25 collector by the post office shall not result in the notification
26 to the director of revenue for suspension of a motor vehicle
27 registration. Thereafter, if the owner fails to timely pay such
28 taxes the collector may notify the director of revenue of such

1 failure. Such notification shall be on forms designed and
2 provided by the department of revenue and shall list the motor
3 vehicle owner's full name, including middle initial, the owner's
4 address, and the year, make, model and vehicle identification
5 number of such motor vehicle. Upon receipt of this notification
6 the director of revenue may provide notice of suspension of motor
7 vehicle registration to the owner at the owner's last address
8 shown on the records of the department of revenue. Any
9 suspension imposed may remain in effect until the department of
10 revenue receives notification from a county or township collector
11 that the personal property taxes have been paid in full. Upon
12 the owner furnishing proof of payment of such taxes and paying a
13 twenty dollar reinstatement fee to the director of revenue the
14 motor vehicle or vehicles registration shall be reinstated. In
15 the event a motor vehicle registration is suspended for
16 nonpayment of personal property tax the owner so aggrieved may
17 appeal to the circuit court of the county of his or her residence
18 for review of such suspension at any time within thirty days
19 after notice of motor vehicle registration suspension. Upon such
20 appeal the cause shall be heard de novo in the manner provided by
21 chapter 536, RSMo, for the review of administrative decisions.
22 The circuit court may order the director to reinstate such
23 registration, sustain the suspension of registration by the
24 director or set aside or modify such suspension. Appeals from
25 the judgment of the circuit court may be taken as in civil cases.
26 The prosecuting attorney of the county where such appeal is taken
27 shall appear in behalf of the director, and prosecute or defend,
28 as the case may require.

1 5. Beginning July 1, 2005, a city not within a county or
2 any home rule city with more than four hundred thousand
3 inhabitants and located in more than one county may notify, by
4 ordinary mail, any owner of a motor vehicle who is delinquent in
5 payment of vehicle-related fees and fines that if full payment is
6 not received within thirty days, the city not within a county or
7 any home rule city with more than four hundred thousand
8 inhabitants and located in more than one county may notify the
9 director of revenue to suspend the motor vehicle registration for
10 such vehicle. Any notification returned to the city not within a
11 county or any home rule city with more than four hundred thousand
12 inhabitants and located in more than one county by the post
13 office shall not result in the notification to the director of
14 revenue for suspension of a motor vehicle registration. If the
15 vehicle-related fees and fines are assessed against a car that is
16 registered in the name of a rental or leasing company and the
17 vehicle is rented or leased to another person at the time the
18 fees or fines are assessed, the rental or leasing company may
19 rebut the presumption by providing the city not within a county
20 or any home rule city with more than four hundred thousand
21 inhabitants and located in more than one county with a copy of
22 the rental or lease agreement in effect at the time the fees or
23 fines were assessed. A rental or leasing company shall not be
24 charged for fees or fines under this subsection, nor shall the
25 registration of a vehicle be suspended, unless prior written
26 notice of the fees or fines has been given to that rental or
27 leasing company by ordinary mail at the address appearing on the
28 registration and the rental or leasing company has failed to

1 provide the rental or lease agreement copy within fifteen days of
2 receipt of such notice. Any notification to a rental or leasing
3 company that is returned to the city not within a county or any
4 home rule city with more than four hundred thousand inhabitants
5 and located in more than one county by the post office shall not
6 result in the notification to the director of revenue for
7 suspension of a motor vehicle registration. For the purpose of
8 this section, "vehicle-related fees and fines" includes, but is
9 not limited to, traffic violation fines, parking violation fines,
10 vehicle towing, storage and immobilization fees, and any late
11 payment penalties, other fees, and court costs associated with
12 the adjudication or collection of those fines.

13 6. If after notification under subsection 5 of this section
14 the vehicle owner fails to pay such vehicle-related fees and
15 fines to the city not within a county or any home rule city with
16 more than four hundred thousand inhabitants and located in more
17 than one county within thirty days from the date of such notice,
18 the city not within a county or any home rule city with more than
19 four hundred thousand inhabitants and located in more than one
20 county may notify the director of revenue of such failure. Such
21 notification shall be on forms or in an electronic format
22 approved by the department of revenue and shall list the vehicle
23 owner's full name and address, and the year, make, model, and
24 vehicle identification number of such motor vehicle and such
25 other information as the director shall require.

26 7. Upon receipt of notification under subsection 5 of this
27 section, the director of revenue may provide notice of suspension
28 of motor vehicle registration to the owner at the owner's last

1 address shown on the records of the department of revenue. Any
2 suspension imposed may remain in effect until the department of
3 revenue receives notification from a city not within a county or
4 any home rule city with more than four hundred thousand
5 inhabitants and located in more than one county that the
6 vehicle-related fees or fines have been paid in full. Upon the
7 owner furnishing proof of payment of such fees and fines and
8 paying a twenty dollar reinstatement fee to the director of
9 revenue the motor vehicle registration shall be reinstated. In
10 the event a motor vehicle registration is suspended for
11 nonpayment of vehicle-related fees or fines the owner so
12 aggrieved may appeal to the circuit court of the county where the
13 violation occurred for review of such suspension at any time
14 within thirty days after notice of motor vehicle registration
15 suspension. Upon such appeal the cause shall be heard de novo in
16 the manner provided by chapter 536, RSMo, for the review of
17 administrative decisions. The circuit court may order the
18 director to reinstate such registration, sustain the suspension
19 of registration by the director or set aside or modify such
20 suspension. Appeals from the judgment of the circuit court may
21 be taken as in civil cases. The prosecuting attorney of the
22 county where such appeal is taken shall appear in behalf of the
23 director, and prosecute or defend, as the case may require.

24 8. The city not within a county or any home rule city with
25 more than four hundred thousand inhabitants and located in more
26 than one county shall reimburse the department of revenue for all
27 administrative costs associated with the administration of
28 subsections 5 to 8 of this section.

1 9. Any rule or portion of a rule, as that term is defined
2 in section 536.010, RSMo, that is created under the authority
3 delegated in this section shall become effective only if it
4 complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. This
6 section and chapter 536, RSMo, are nonseverable and if any of the
7 powers vested with the general assembly pursuant to chapter 536,
8 RSMo, to review, to delay the effective date or to disapprove and
9 annul a rule are subsequently held unconstitutional, then the
10 grant of rulemaking authority and any rule proposed or adopted
11 after August 28, 2000, shall be invalid and void.

12 311.087. 1. As used in this section, the following terms
13 mean:

14 (1) "Common area", any area designated as a common area in
15 a development plan for the entertainment district approved by the
16 governing body of the city, any area of a public right-of-way
17 that is adjacent to or within the entertainment district when it
18 is closed to vehicular traffic and any other area identified in
19 the development plan where a physical barrier precludes motor
20 vehicle traffic and limits pedestrian accessibility;

21 (2) "Entertainment district", any area located in a home
22 rule city with more than four hundred thousand inhabitants and
23 located in more than one county that:

24 (a) Is located in the city's central business district
25 which is the historic core locally known as the city's downtown
26 area;

27 (b) Contains a combination of entertainment venues, bars,
28 nightclubs, and restaurants; and

1 (c) Is designated as a redevelopment area by the governing
2 body of the city pursuant to the Missouri downtown and rural
3 economic stimulus act, sections 99.915 to 99.1060, RSMo;

4 (3) "Portable bar", any bar, table, kiosk, cart, or stand
5 that is not a permanent fixture and can be moved from place to
6 place;

7 (4) "Promotional association", an association, incorporated
8 in the state of Missouri, which is organized or authorized by one
9 or more property owners located within the entertainment
10 district, who own or otherwise control not less than one hundred
11 thousand square feet of premises designed, constructed, and
12 available for lease for bars, nightclubs, restaurants, and other
13 entertainment venues, for the purpose of organizing and promoting
14 activities within the entertainment district. For purposes of
15 determining ownership or control as set forth in this
16 subdivision, the square footage of premises used for residential,
17 office or retail uses other than bars, nightclubs, restaurants,
18 and other entertainment venues, parking facilities, and hotels
19 within the entertainment district shall not be used in the
20 calculation of square footage.

21 2. Notwithstanding any other provisions of this chapter to
22 the contrary, any person acting on behalf of or designated by a
23 promotional association, who possesses the qualifications
24 required by this chapter, and who meets the requirements of and
25 complies with the provisions of this chapter, may apply for, and
26 the supervisor of alcohol and tobacco control may issue, an
27 entertainment district special license to sell intoxicating
28 liquor by the drink for retail for consumption dispensed from one

1 or more portable bars within the common areas of the
2 entertainment district until 3:00 a.m. on Mondays through
3 Saturdays and from 9:00 a.m. until 12:00 midnight on Sundays.

4 3. An applicant granted an entertainment district special
5 license under this section shall pay a license fee of three
6 hundred dollars per year.

7 4. Notwithstanding any other provision of this chapter to
8 the contrary, on such days and at such times designated by the
9 promotional association, in its sole discretion, provided such
10 times are during the hours a license is allowed under this
11 chapter to sell alcoholic beverages, the promotional association
12 may allow persons to leave licensed establishments, located in
13 portions of the entertainment district designated by the
14 promotional association, with an alcoholic beverage and enter
15 upon and consume the alcoholic beverage within other licensed
16 establishments and common areas located in portions of the
17 entertainment district designated by the promotion association.

18 No person shall take any alcoholic beverage outside the
19 boundaries of the entertainment district or portions of the
20 entertainment district as designated by the promotional
21 association, in its sole discretion. At times when a person is
22 allowed to consume alcoholic beverages dispensed from portable
23 bars and in common areas of all or any portion of the
24 entertainment district designated by the promotional association,
25 the promotional association must ensure that minors can be easily
26 distinguished from persons of legal age buying alcoholic
27 beverages.

28 5. Every licensee within the entertainment district must

1 serve alcoholic beverages in containers that display the
2 licensee's trade name or logo or some other mark that is unique
3 to that licensee.

4 6. The holder of an entertainment district special license
5 is solely responsible for alcohol violations occurring at its
6 portable bar and in any common area.

7 320.121. 1. The provisions of sections 320.106 to 320.161
8 shall not be construed to abrogate or in any way affect the
9 powers of the following political subdivisions to regulate or
10 prohibit fireworks within its corporate limits:

11 (1) Any city, town, or village in this state; or

12 (2) Any county operating under a charter form of
13 government.

14 2. It is unlawful for any manufacturer, distributor,
15 wholesaler, jobber or seasonal retailer to sell or ship by common
16 carrier fireworks to consumers within the corporate limits of the
17 following political subdivisions which prohibit the sale or
18 possession of fireworks:

19 (1) Any city, town, or village in this state; or

20 (2) Any county operating under a charter form of government.

21 321.120. 1. The decree of incorporation shall not become
22 final and conclusive until it has been submitted to an election
23 of the voters residing within the boundaries described in such
24 decree, and until it has been assented to by a majority vote of
25 the voters of the district voting on the question. The decree
26 shall also provide for the holding of the election to vote on the
27 proposition of incorporating the district, and to select three or
28 five persons to act as the first board of directors, and shall

1 fix the date for holding the election.

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

4 Shall there be incorporated a fire protection district?

5 YES NO

6 3. The proposition of electing the first board of directors
7 or the election of subsequent directors may be submitted on a
8 separate ballot or on the same ballot which contains any other
9 proposition of the fire protection district. The ballot to be
10 used for the election of a director or directors shall be
11 substantially in the following form:

12 OFFICIAL BALLOT

13 Instruction to voters:

14 Place a cross (X) mark in the square opposite the name of
15 the candidate or candidates you favor. (Here state the number of
16 directors to be elected and their term of office.)

17 ELECTION

18 (Here insert name of district.) Fire Protection District.

19 (Here insert date of election.)

20 FOR BOARD OF DIRECTORS

21

22

23

24 4. If a majority of the voters voting on the proposition or
25 propositions voted in favor of the proposition to incorporate the
26 district, then the court shall enter its further order declaring
27 the decree of incorporation to be final and conclusive. In the
28 event, however, that the court finds that a majority of the

1 voters voting thereon voted against the proposition to
2 incorporate the district, then the court shall enter its further
3 order declaring the decree of incorporation to be void and of no
4 effect. If the court enters an order declaring the decree of
5 incorporation to be final and conclusive, it shall at the same
6 time designate the first board of directors of the district who
7 have been elected by the voters voting thereon. If a board of
8 three members is elected, the person receiving the third highest
9 number of votes shall hold office for a term of two years, the
10 person receiving the second highest number of votes shall hold
11 office for a term of four years, and the person receiving the
12 highest number of votes shall hold office for a term of six years
13 from the date of the election of the first board of directors and
14 until their successors are duly elected and qualified. If a
15 board of five members is elected, the person who received the
16 highest number of votes shall hold office for a term of six
17 years, the persons who received the second and third highest
18 numbers of votes shall hold office for terms of four years and
19 the persons who received the fourth and fifth highest numbers of
20 votes shall hold office for terms of two years and until their
21 successors are duly elected and qualified. Thereafter, members
22 of the board shall be elected to serve terms of six years and
23 until their successors are duly elected and qualified provided,
24 however, in any county with a charter form of government and with
25 more than two hundred fifty thousand but fewer than three hundred
26 fifty thousand inhabitants, any successor elected and qualified
27 in the year 2005 shall hold office for a term of six years and
28 until his or her successor is duly elected and qualified and any

1 successor elected and qualified in the year 2006 or 2007 shall
2 hold office for a term of five years and until his or her
3 successor is duly elected and qualified, and thereafter, members
4 of the board shall be elected to serve terms of four years and
5 until their successors are duly elected and qualified. The court
6 shall at the same time enter an order of record declaring the
7 result of the election on the proposition, if any, to incur
8 bonded indebtedness.

9 5. Notwithstanding the provisions of subsections 1 to 4 of
10 this section to the contrary, upon a motion by the board of
11 directors in districts where there are three-member boards, and
12 upon approval by the voters in the district, the number of
13 directors may be increased to five, except that in any county of
14 the first classification with a population of more than nine
15 hundred thousand inhabitants such increase in the number of
16 directors shall apply only in the event of a consolidation of
17 existing districts. The ballot to be used for the approval of
18 the voters to increase the number of members on the board of
19 directors of the fire protection district shall be substantially
20 in the following form:

21 Shall the number of members of the board of directors of the
22 (Insert name of district) Fire
23 Protection District be increased to five members?

24 YES NO

25
26 If a majority of the voters voting on the proposition vote in
27 favor of the proposition then at the next election of board
28 members after the voters vote to increase the number of

1 directors, the voters shall select two persons to act in addition
2 to the existing three directors as the board of directors. The
3 court which entered the order declaring the decree of
4 incorporation to be final shall designate the additional board of
5 directors who have been elected by the voters voting thereon as
6 follows: the one receiving the second highest number of votes to
7 hold office for a term of four years, and the one receiving the
8 highest number of votes to hold office for a term of six years
9 from the date of the election of such additional board of
10 directors and until their successors are duly elected and
11 qualified. Thereafter, members of the board shall be elected to
12 serve terms of six years and until their successors are duly
13 elected and qualified, provided however, in any county with a
14 charter form of government and with more than two hundred fifty
15 thousand but fewer than three hundred fifty thousand inhabitants,
16 any successor elected and qualified in the year 2005 shall hold
17 office for a term of six years and until his or her successor is
18 duly elected and qualified and any successor elected and
19 qualified in the year 2006 or 2007 shall hold office for a term
20 of five years and until his or her successor is duly elected and
21 qualified, and thereafter, members of the board shall be elected
22 to serve terms of four years and until their successors are duly
23 elected and qualified.

24 6. Members of the board of directors in office on the date
25 of an election pursuant to subsection 5 of this section to elect
26 additional members to the board of directors shall serve the term
27 to which they were elected or appointed and until their
28 successors are elected and qualified.

1 321.190. Each member of the board may receive an attendance
2 fee not to exceed one hundred dollars for attending each
3 regularly called board meeting, or special meeting, but shall not
4 be paid for attending more than two in any calendar month, except
5 that in a county of the first class having a charter form of
6 government, he shall not be paid for attending more than four in
7 any calendar month. However, no board member shall be paid more
8 than one attendance fee if such member attends more than one
9 board meeting in a calendar week. In addition, the chairman of
10 the board of directors may receive fifty dollars for attending
11 each regularly or specially called board meeting, but shall not
12 be paid the additional fee for attending more than two meetings
13 in any calendar month. Each member of the board shall be
14 reimbursed for his actual expenditures in the performance of his
15 duties on behalf of the district. The secretary and the
16 treasurer, if members of the board of directors, may each receive
17 such additional compensation for the performance of their
18 respective duties as secretary and treasurer as the board shall
19 deem reasonable and necessary, not to exceed one thousand dollars
20 per year. The circuit court having jurisdiction over the
21 district shall have power to remove directors or any of them for
22 good cause shown upon a petition, notice and hearing.

23 321.322. 1. If any property located within the boundaries
24 of a fire protection district shall be included within a city
25 having a population of at least two thousand five hundred but not
26 more than fifty thousand which is not wholly within the fire
27 protection district and which maintains a city fire department,
28 then upon the date of actual inclusion of the property within the

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

27 (1) On or before January first of the second calendar year
28 occurring after the date on which the property was included

1 within the city, the city shall pay to the fire protection
2 district a fee equal to the amount of revenue which would have
3 been generated during the previous calendar year by the fire
4 protection district tax on the property in the area annexed which
5 was formerly a part of the fire protection district;

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

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

22 (4) On or before January first of the fifth calendar year
23 occurring after the date on which the property was included
24 within the city, the city shall pay to the fire protection
25 district a fee equal to two-fifths of the amount of revenue which
26 would have been generated during the previous calendar year by
27 the fire protection district tax on the property in the area
28 annexed which was formerly a part of the fire protection

1 district; and

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

10

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

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

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

25 4. Notwithstanding any other provision of law to the
26 contrary, any city of the third classification with more than
27 thirteen thousand two hundred but fewer than thirteen thousand
28 five hundred inhabitants shall not by annexation, be permitted to

1 annex for fire protection purposes the territory of an existing
2 fire protection district. In the event of any annexation of such
3 territory by such a city, the existing fire protection district
4 shall continue to provide fire protection in such annexed area
5 and shall continue to levy and collect taxes in such area as if
6 the city annexation had not occurred.

7 321.603. In addition to the compensation provided pursuant
8 to section 321.190 for fire protection districts located in a
9 county of the first classification with a charter form of
10 government, each member of any such fire protection district
11 board may receive an attendance fee not to exceed one hundred
12 dollars for attending a board meeting conducted pursuant to
13 chapter 610, RSMo, but such board member shall not be paid for
14 attending more than four such meetings in any calendar month.
15 However, no board member shall be paid more than one attendance
16 fee if such member attends more than one meeting conducted under
17 chapter 610, RSMo, in a calendar week.

18 349.045. 1. Except as provided in subsection 2 of this
19 section, the corporation shall have a board of directors in which
20 all the powers of the corporation shall be vested and which shall
21 consist of any number of directors, not less than five, all of
22 whom shall be duly qualified electors of and taxpayers in the
23 county or municipality; except that, for any industrial
24 development corporation formed by any municipality located wholly
25 within any county of the third or fourth classification,
26 directors may be qualified taxpayers in and registered voters of
27 such county. The directors shall serve as such without
28 compensation except that they shall be reimbursed for their

1 actual expenses incurred in and about the performance of their
2 duties hereunder. The directors shall be resident taxpayers for
3 at least one year immediately prior to their appointment. No
4 director shall be an officer or employee of the county or
5 municipality. All directors shall be appointed by the chief
6 executive officer of the county or municipality with the advice
7 and consent of a majority of the governing body of the county or
8 municipality, and in all counties, other than a city not within a
9 county and counties with a charter form of government, the
10 appointments shall be made by the county commission and they
11 shall be so appointed that they shall hold office for staggered
12 terms. At the time of the appointment of the first board of
13 directors the governing body of the municipality or county shall
14 divide the directors into three groups containing as nearly equal
15 whole numbers as may be possible. The first term of the
16 directors included in the first group shall be two years, the
17 first term of the directors included in the second group shall be
18 four years, the first term of the directors in the third group
19 shall be six years; provided, that if at the expiration of any
20 term of office of any director a successor thereto shall not have
21 been appointed, then the director whose term of office shall have
22 expired shall continue to hold office until a successor shall be
23 appointed by the chief executive officer of the county or
24 municipality with the advice and consent of a majority of the
25 governing body of the county or municipality. The successors
26 shall be resident taxpayers for at least one year immediately
27 prior to their appointment.

28 2. A corporation in a county of the third classification

1 without a township form of government and with more than ten
2 thousand four hundred but fewer than ten thousand five hundred
3 inhabitants shall have a board of directors in which all the
4 powers of the corporation shall be vested and which shall consist
5 of a number of directors not less than the number of townships in
6 such county. All directors shall be duly qualified electors of
7 and taxpayers in the county. Each township within the county
8 shall elect one director to the board. Additional directors may
9 be elected to the board to succeed directors appointed to the
10 board as of the effective date of this section if the number of
11 directors on the effective date of this section exceeds the
12 number of townships in the county. The directors shall serve as
13 such without compensation except that they shall be reimbursed
14 for their actual expenses incurred in the performance of their
15 duties. The directors shall be resident taxpayers for at least
16 one year immediately prior to their election. No director shall
17 be an officer or employee of the county. Upon the expiration of
18 the term of office of any director appointed to the board prior
19 to the effective date of this section, a director shall be
20 elected to succeed him or her; provided that if at the expiration
21 of any term of office of any director a successor thereto shall
22 not have been elected, then the director whose term of office
23 shall have expired shall continue to hold office until a
24 successor shall be elected. The successors shall be resident
25 taxpayers for at least one year immediately prior to their
26 election.

27 447.620. As used in sections 447.620 to 447.640, the
28 following terms mean:

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

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

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

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

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

24 (6) "Parties in interest", any owner or owners of record,
25 occupant, lessee, mortgagee, trustee, personal representative,
26 agent, or other party having an interest in the property as shown
27 by the land records of the recorder of deeds of the county
28 wherein the property is located, except in any municipality

1 contained wholly or partially within a county with a charter form
2 of government and with more than six hundred thousand but less
3 than seven hundred thousand inhabitants, "parties in interest"
4 shall mean owners, lessees, mortgagees, or lienholders whose
5 interest has been recorded or filed in the public records;

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

9 447.622. Any organization may petition to have property
10 declared abandoned pursuant to the provisions of sections 447.620
11 to 447.640 and for temporary possession of such property, if:

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

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

16 (3) The property is a nuisance; and

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

18 447.625. 1. Any petition filed under the provisions of
19 sections 447.620 to 447.640 which pertains to property located
20 within any home rule city [with more than four hundred thousand
21 inhabitants and located in more than one county] shall meet the
22 requirements of this section.

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

25 3. The petition shall contain a prayer for a court order
26 approving the organization's rehabilitation plan and granting
27 temporary possession of the property to the organization. The
28 petition shall also contain a prayer for a sheriff's deed

1 conveying title to the property to the organization upon the
2 completion of rehabilitation when no owner has regained
3 possession of the property pursuant to section 447.638.

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

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

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

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

17 447.640. If an owner does not regain possession of the
18 property in the one-year period following entry of an order
19 granting temporary possession of the property to the
20 organization, the organization may file a petition for judicial
21 deed and, upon due notice to the named defendants, an order may
22 be entered granting a quitclaim judicial deed to the
23 organization. A conveyance by judicial deed shall operate to
24 extinguish all existing ownership interests in, liens on, and
25 other interest in the property, except tax liens. Any party in
26 interest of the property shall present any claim for compensation
27 prior to the entering of the court order conveying title to the
28 organization.

1 473.770. 1. Whenever, in the judgment of any public
2 administrator in any county of the first class, it is necessary
3 for the proper and efficient conduct of the business of his
4 office that he appoint any deputies to assist him in the
5 performance of his official duties as public administrator or as
6 executor, administrator, personal representative, guardian, or
7 conservator in any estates wherein he has been specially
8 appointed, the public administrator may appoint one or more
9 deputies to assist him in the performance of his duties as public
10 administrator and as executor, administrator, personal
11 representative, guardian, or conservator in the estates wherein
12 he has been specially appointed. The appointment shall be in
13 writing and shall be filed with the court, and, upon the filing,
14 the court shall issue under its seal a certificate of the
15 appointment for each deputy, stating that the appointee is vested
16 with the powers and duties conferred by this section. The
17 certificate shall be valid for one year from date, unless
18 terminated prior thereto, and shall be renewed from year to year
19 as long as the appointment remains in force, and may be taken as
20 evidence of the authority of the deputy. The appointment and
21 authority of any deputy may at any time be terminated by the
22 public administrator by notice of the termination filed in the
23 court, and upon termination the deputy shall surrender his
24 certificate of appointment.

25 2. In all first class counties not having a charter form of
26 government and containing a portion of a city having a population
27 of three hundred thousand or more inhabitants, the compensation
28 of each such deputy shall be set by the public administrator,

1 with the approval of the governing body of the county, and shall
2 be paid in equal monthly installments out of the county treasury.
3 In all other first class counties the compensation of each such
4 deputy shall be prescribed and paid by the public administrator
5 out of the fees to which he is legally entitled, and no part of
6 such compensation shall be paid out of any public funds or
7 assessed as costs or allowed in any estate.

8 3. Each deputy so appointed shall be authorized to perform
9 such ministerial and nondiscretionary duties as may be delegated
10 to him by the public administrator, including:

11 (1) Assembling, taking into possession, and listing moneys,
12 checks, notes, stocks, bonds and other securities, and all other
13 personal property of any and all estates in the charge of the
14 public administrator;

15 (2) Depositing all moneys, checks, and other instruments
16 for the payment of money in the bank accounts maintained by the
17 public administrator for the deposit of such funds;

18 (3) Signing or countersigning any and all checks and other
19 instruments for the payment of moneys out of such bank accounts,
20 in pursuance of general authorization by the public administrator
21 to the bank in which the same are deposited, as long as such
22 authorization remains in effect;

23 (4) Entering the safe deposit box of any person or decedent
24 whose estate is in the charge of the public administrator and any
25 safe deposit box maintained by the public administrator for the
26 safekeeping of assets in his charge, as a deputy of the public
27 administrator, pursuant to general authorization given by the
28 public administrator to the bank or safe deposit company in

1 charge of any such safe deposit box, as long as such
2 deputy-authorization remains in effect, and withdrawing therefrom
3 and depositing therein such assets as may be determined by the
4 public administrator. The bank or safe deposit company shall not
5 be charged with notice or knowledge or any limitation of
6 authority of the authorized deputy, unless specially notified in
7 writing thereof by the public administrator, and may allow the
8 deputy access to the safe deposit box, in the absence of notice,
9 to the full extent allowable to the public administrator in
10 person.

11 4. The enumeration of the foregoing powers shall not
12 operate as an exclusion of any powers not specifically conferred.
13 No authorized deputy shall exercise any power, other than as
14 prescribed in this section, which shall require the exercise of a
15 discretion enjoined by law to be exercised personally by the
16 executor, administrator, personal representative, guardian, or
17 conservator in charge of the estate to which the discretionary
18 power refers.

19 5. Notwithstanding the provisions of subsections 3 and 4 of
20 this section to the contrary, a public administrator in a county
21 of the first class having a charter form of government and
22 containing all or part of a city with a population of at least
23 three hundred thousand inhabitants, and a public administrator in
24 any other county of the first classification may delegate to any
25 deputy appointed by him any of the duties of the public
26 administrator enumerated in section 473.743, and sections 475.120
27 and 475.130, RSMo. Such public administrator may also delegate
28 to a deputy who is a licensed attorney the authority to execute

1 inventories, settlements, surety bonds, pleadings and other
2 documents filed in any court in the name of the public
3 administrator, and the same shall have the force and effect as if
4 executed by the public administrator.

5 473.771. 1. Whenever, in the judgment of any public
6 administrator in any county which is not a first class county, it
7 is necessary for the proper and efficient conduct of the business
8 of his office that he appoint a deputy to assist him in the
9 performance of his official duties as public administrator or as
10 executor, administrator, personal representative, guardian, or
11 conservator in any estates wherein he has been specially
12 appointed, the public administrator may appoint a deputy to
13 assist him in the performance of his duties as public
14 administrator and as executor, administrator, personal
15 representative, guardian, or conservator in the estates wherein
16 he has been specially appointed. The appointment shall be in
17 writing and shall be filed with the court, and, upon the filing,
18 the court shall issue under its seal a certificate of the
19 appointment for the deputy, stating that the appointee is vested
20 with the powers and duties conferred by this section. The
21 certificate shall be valid for one year from the date, unless
22 terminated prior thereto, and shall be renewed from year to year
23 as long as the appointment remains in force, and may be taken as
24 evidence of the authority of the deputy. The appointment and
25 authority of a deputy may at any time be terminated by the public
26 administrator by notice of the termination filed in the court,
27 and upon termination the deputy shall surrender his certificate
28 of appointment.

1 2. The compensation of a deputy appointed pursuant to the
2 provisions of this section shall be prescribed and paid by the
3 public administrator out of the fees to which he is legally
4 entitled.

5 3. A deputy appointed pursuant to the provisions of this
6 section shall be authorized to perform such ministerial and
7 nondiscretionary duties as may be delegated to him by the public
8 administrator, including:

9 (1) Assembling, taking into possession, and listing moneys,
10 checks, notes, stocks, bonds and other securities, and all other
11 personal property of any and all estates in the charge of the
12 public administrator;

13 (2) Depositing all moneys, checks, and other instruments
14 for the payment of money in the bank accounts maintained by the
15 public administrator for the deposit of such funds;

16 (3) Signing or countersigning any and all checks and other
17 instruments for the payment of moneys out of such bank accounts,
18 in pursuance of general authorization by the public administrator
19 to the bank in which the same are deposited, as long as such
20 authorization remains in effect;

21 (4) Entering the safe deposit box of any person or decedent
22 whose estate is in the charge of the public administrator and any
23 safe deposit box maintained by the public administrator for the
24 safekeeping of assets in his charge, as a deputy of the public
25 administrator, pursuant to general authorization given by the
26 public administrator to the bank or safe deposit company in
27 charge of any such safe deposit box, as long as such
28 authorization as a deputy remains in effect, and withdrawing

1 therefrom and depositing therein such assets as may be determined
2 by the public administrator. The bank or safe deposit company
3 shall not be charged with notice or knowledge or any limitation
4 of authority of the authorized deputy, unless specially notified
5 in writing thereof by the public administrator, and may allow the
6 deputy access to the safe deposit box, in the absence of notice,
7 to the full extent allowable to the public administrator in
8 person.

9 4. The enumeration of the foregoing powers shall not
10 operate as an exclusion of any powers not specifically conferred.
11 No authorized deputy shall exercise any power, other than as
12 prescribed in this section, which shall require the exercise of a
13 discretion enjoined by law to be exercised personally by the
14 executor, administrator, personal representative, guardian, or
15 conservator in charge of the estate to which the discretionary
16 power refers.

17 5. Notwithstanding the provisions of subsection 3 and 4 of
18 this section to the contrary, a public administrator in any
19 county which is not a county of the first classification may
20 delegate to any deputy appointed by him any of the duties of the
21 public administrator enumerated in section 473.743, and sections
22 475.120 and 475.130, RSMo. Such public administrator may also
23 delegate to a deputy who is a licensed attorney the authority to
24 execute inventories, settlements, surety bonds, pleadings, and
25 other documents filed in any court in the name of the public
26 administrator, and the same shall have the force and effect as if
27 executed by the public administrator.

28 488.2220. 1. In addition to all other court costs for

1 municipal ordinance violations any home rule city with more than
2 four hundred thousand inhabitants and located in more than one
3 county and any home rule city with more than one hundred
4 fifty-one thousand five hundred but fewer than one hundred
5 fifty-one thousand six hundred inhabitants may provide for
6 additional court costs in an amount up to five dollars per case
7 for each municipal ordinance violation case filed before a
8 municipal division judge or associate circuit judge.

9 2. The judge may waive the assessment of the cost in those
10 cases where the defendant is found by the judge to be indigent
11 and unable to pay the costs.

12 3. Such cost shall be calculated by the clerk and disbursed
13 to the city at least monthly. The city shall use such additional
14 costs only for the procurement, installation, maintenance,
15 consulting services, and upkeep of a court information and
16 records management system.

17 559.607. 1. Judges of the municipal division in any
18 circuit, acting through a chief or presiding judge, either may
19 contract with a private or public entity or may employ any
20 qualified person to serve as the city's probation officer to
21 provide probation and rehabilitation services for persons placed
22 on probation for violation of any ordinance of the city,
23 specifically including the offense of operating or being in
24 physical control of a motor vehicle while under the influence of
25 intoxicating liquor or narcotic drugs. The contracting city
26 shall not be required to pay for any part of the cost of
27 probation and rehabilitation services authorized under sections
28 559.600 to 559.615. Persons found guilty or pleading guilty to

1 ordinance violations and placed on probation by municipal or city
2 court judges shall contribute a service fee to the court in the
3 amount set forth in section 559.604 to pay the cost of their
4 probation supervision provided by a probation officer employed by
5 the court or by a contract probation officer as provided for in
6 section 559.604.

7 2. When approved by municipal court judges in [a circuit]
8 the municipal division, the application, judicial order of
9 approval, and the contract shall be forwarded to and filed with
10 the board of probation and parole. The court-approved private or
11 public entity or probation officer employed by the court shall
12 then function as the probation office for the city, pursuant to
13 the terms of the contract or conditions of employment and the
14 terms of probation ordered by the judge. Any city in this state
15 which presently does not have probation services available for
16 persons convicted of its ordinance violations, or that contracts
17 out those services with a private entity may, under the
18 procedures authorized in sections 559.600 to 559.615, contract
19 with a private entity or employ any qualified person and contract
20 with the municipal division to provide such probation supervision
21 and rehabilitation services.

22 Section 1. 1. The governor is hereby authorized to remise,
23 release, and forever quit claim all interest of the state of
24 Missouri in the following described real property located in St.
25 Joseph, Buchanan County, to wit:

26 All of Lot one (1) and the North Sixteen (16) feet of
27 Lot Two (2) in Block Ten (10) in SMITH'S ADDITION to
28 the City of St. Joseph, Missouri.
29 The South forty-four (44) feet of Lot Two (2) and the
30 North Four (4) feet of Lot Three (3) in Block Ten (10)
31 in SMITH'S ADDITION to the City of St. Joseph,

1 Missouri.

2 All of Lot Three (3) except the north four feet thereof
3 and all of Lot Four (4) in Block Ten (10) in SMITH'S
4 ADDITION, to the City of St. Joseph, Missouri.

5
6 2. The commissioner of administration is directed to
7 conduct a public sale of the property by public bid, public
8 auction, or through commercial real estate listing. The
9 commissioner shall set the terms of the sale, including whether
10 or not appraisals are required and whether or not a minimum
11 acceptable bid shall be established.

12 3. The attorney general shall approve the form of the
13 instrument of conveyance.

14 Section 2. 1. The governor is hereby authorized to remise,
15 release, and forever quit claim all interest of the state of
16 Missouri in the following described real property located in Park
17 Hills, St. Francois County, to wit:

18 All of that part of Block 4 of Doe Run Lead Company's
19 Subdivision of the Town of Flat River in St. Francois
20 County, Missouri, as recorded in Book 5 at Pages 6 and
21 7. Begin at the Southeast corner of Lot 13, Block 4 of
22 said Subdivision; thence South 52 degrees 58 minutes
23 West, 135 feet on the North line of Coffman Street to
24 the point of beginning of the tract herein described;
25 thence continue South 52 degrees 58 minutes West, 125
26 feet on the North line of Coffman Street; thence North
27 37 degrees 2 minutes West, 140 feet; thence North 52
28 degrees 58 minutes East, 125 feet; thence South 37
29 degrees 2 minutes East, 140 feet to the point of
30 beginning. The above described tract includes a part
31 of Lots 14, 15 and 16 of Block 4 of said Subdivision
32 and a part of an abandoned railroad right-of-way.

33
34 2. The commissioner of administration is directed to
35 conduct a public sale of the property by public bid, public
36 auction, or through commercial real estate listing. The
37 commissioner shall set the terms of the sale, including whether
38 or not appraisals are required and whether or not a minimum

1 acceptable bid shall be established.

2 3. The attorney general shall approve the form of the
3 instrument of conveyance.

4 Section 3. Notwithstanding any other provisions of law to
5 the contrary, the salary schedules contained in sections 49.082,
6 RSMo, 50.334, RSMo, 50.343, RSMo, 51.281, RSMo, 51.282, RSMo,
7 52.269, RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320,
8 RSMo, 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, and 58.095, RSMo,
9 shall be set as a base schedule for those county officials.

10 Beginning August 28, 2005, the salary commission in all counties
11 except charter counties in this state shall be responsible for
12 the computation of salaries of all county officials; provided,
13 however, that any percentage salary adjustments in a county shall
14 be equal for all such officials in that county.

15 Section 4. 1. Any county of the third classification
16 without a township form of government and with more than eleven
17 thousand seven hundred fifty but fewer than eleven thousand eight
18 hundred fifty inhabitants may impose a sales tax throughout the
19 county for public recreational projects and programs, but the
20 sales tax authorized by this section shall not become effective
21 unless the governing body of such county submits to the qualified
22 voters of the county a proposal to authorize the county to impose
23 the sales tax.

24 2. The ballot submission shall be in substantially the
25 following form:

26 Shall the County of impose a sales tax of up to
27 one percent for the purpose of funding the financing,
28 acquisition, construction, operation, and maintenance of

1 recreational projects and programs, including the acquisition of
2 land for such purposes?

3 [] YES [] NO

4 3. If approved by a majority of qualified voters in the
5 county, the governing body of the county shall appoint a board of
6 directors consisting of nine members. Of the initial members
7 appointed to the board, three members shall be appointed for a
8 term of three years, three members shall be appointed for a term
9 of two years, and three members shall be appointed for a term of
10 one year. After the initial appointments, board members shall be
11 appointed to three-year terms.

12 4. The sales tax may be imposed at a rate of up to one
13 percent on the receipts from the retail sale of all tangible
14 personal property or taxable service within the county, if such
15 property and services are subject to taxation by the state of
16 Missouri under sections 144.010 to 144.525, RSMo.

17 5. All revenue collected from the sales tax under this
18 section by the director of revenue on behalf of a county, less
19 one percent for the cost of collection which shall be deposited
20 in the state's general revenue fund after payment of premiums for
21 surety bonds as provided in section 32.087, RSMo, shall be
22 deposited with the state treasurer in a special trust fund, which
23 is hereby created, to be known as the "County Recreation Sales
24 Trust Fund". Moneys in the fund shall not be deemed to be state
25 funds and shall not be commingled with any funds of the state.
26 The director of revenue shall keep accurate records of the amount
27 of money in the trust fund collected in each county imposing a
28 sales tax under this section, and the records shall be open to

1 the inspection of officers of such county and the general public.
2 Not later than the tenth day of each calendar month, the director
3 of revenue shall distribute all moneys deposited in the trust
4 fund during the preceding calendar month by distributing to the
5 county treasurer, or such officer as may be designated by county
6 ordinance or order, of each county imposing the tax under this
7 section the sum due the county as certified by the director of
8 revenue.

9 6. The director of revenue may authorize the state
10 treasurer to make refunds from the amounts in the trust fund and
11 credited to any county for erroneous payments and overpayments
12 made, and may redeem dishonored checks and drafts deposited to
13 the credit of such counties. Each county shall notify the
14 director of revenue at least ninety days prior to the effective
15 date of the expiration of the sales tax authorized by this
16 section and the director of revenue may order retention in the
17 trust fund for a period of one year of two percent of the amount
18 collected after receipt of such notice to cover possible refunds
19 or overpayments of such tax and to redeem dishonored checks and
20 drafts deposited to the credit of such accounts. After one year
21 has elapsed after the date of expiration of the tax authorized by
22 this section in a county, the director of revenue shall remit the
23 balance in the account to the county and close the account of
24 such county. The director of revenue shall notify each county of
25 each instance of any amount refunded or any check redeemed from
26 receipts due such county.

27 7. The tax authorized under this section may be imposed in
28 accordance with this section by a county in addition to or in

1 lieu of the tax authorized in sections 67.750 to 67.780, RSMo.

2 8. The sales tax imposed under this section shall expire
3 twenty years from the effective date thereof unless an extension
4 of the tax is submitted to and approved by the qualified voters
5 in the county in the manner provided in this section. Each
6 extension of the sales tax shall be for a period of ten years.

7 9. The provisions of this section shall not in any way
8 affect or limit the powers granted to any county to establish,
9 maintain, and conduct parks and other recreational grounds for
10 public recreation.

11 10. Except as modified in this section, the provisions of
12 section 32.085 and 32.087, RSMo, shall apply to the tax imposed
13 under this section.

14 Section 5. 1. The governor is hereby authorized to remise,
15 release, and forever quit claim all interest of the state of
16 Missouri in property owned by the state in Cole County commonly
17 known as the state health lab and the EDP building, if a
18 feasibility study conducted by the office of administration
19 determines that there is no longer any beneficial use for these
20 buildings by the state of Missouri. If the study so concludes,
21 the commissioner of administration shall set the terms of the
22 sale including whether it is a negotiated sale or by public bid
23 or auction. The property to be conveyed is more particularly
24 described as follows:

25 Part of Inlot No. 566, in the City of Jefferson,
26 Missouri, more particularly described as follows:

27 Beginning on the southerly line of said Inlot, at
28 a point 35 feet easterly from the southwesterly corner
29 thereof; thence easterly along the said southerly line,
30 32 feet; thence northerly parallel with Mulberry
31 Street, 86 feet; thence westerly parallel with the
32 southerly line of said Inlot, 32 feet; thence southerly

1 parallel with Mulberry Street, 86 feet, to the point of
2 beginning.

3 ALSO: Part of Inlots Nos. 566 and 567, in the City
4 of Jefferson, Missouri, more particularly described as
5 follows:

6 From the southwesterly corner of said Inlot No.
7 566; thence easterly along the southerly line thereof,
8 67 feet, to the southeasterly corner of a tract
9 conveyed to Joseph R. Kroeger and wife, by deed of
10 record in Book 172, page 693, Cole County Recorder's
11 Office, and the beginning point of this description;
12 thence northerly along the easterly line of the said
13 Kroeger tract, 86 feet, to the northeasterly corner
14 thereof; thence easterly parallel with the southerly
15 line of Inlots Nos. 566 and 567, 51 feet; thence
16 southerly parallel with the easterly line of the said
17 Kroeger tract, 86 feet, to the southerly line of Inlot
18 No. 567; thence westerly along the southerly line of
19 Inlots Nos. 567 and 566, 51 feet, to the beginning
20 point of this description.

21 _____
22 40 feet off of the easterly side of Inlot No. 565
23 in the City of Jefferson, Missouri, and more
24 particularly described as follows:

25 _____
26 Beginning at the northeasterly corner of said
27 Inlot 565 on McCarty Street, thence running westerly
28 along McCarty Street 40 feet; thence southerly parallel
29 with Mulberry Street 198 feet 9 inches to the Public
30 Alley; thence easterly along said alley 40 feet; thence
31 northerly along the line between Inlots Nos. 565 and
32 566, 198 feet 9 inches to the point of beginning.

33 _____
34 Part of Inlot 566 in the City of Jefferson,
35 Missouri, described as follows:

36 Beginning at the northwesterly corner of said
37 inlot; thence easterly along McCarty Street, 35 feet;
38 thence southerly parallel with Mulberry Street, 198
39 feet 9 inches; thence westerly along alley, 35 feet;
40 thence northerly parallel with Mulberry Street, 198
41 feet 9 inches to beginning.

42 _____
43 The southwesterly part of Inlot No. 565, in the
44 City of Jefferson, Missouri, more particularly
45 described as follows:

46 Beginning at the southwesterly corner of said
47 Inlot No. 565; thence northerly with the westerly line
48 thereof, 45 feet; thence easterly parallel with the
49 southerly line thereof, 64 feet 4 1/2 inches; thence
50 southerly parallel with the westerly line, 45 feet, to
51 the southerly line thereof; thence westerly with the

1 southerly line, 64 feet 4 1/2 inches, to the point of
2 beginning.

3
4 Part of Inlot No. 565, in the City of Jefferson,
5 Missouri, more particularly described as follows:

6 Beginning at a point on the westerly line of said
7 Inlot, which said point is 45 feet northerly from the
8 southwesterly corner thereof; thence easterly parallel
9 with McCarty Street, 64 feet 4-1/2 inches; thence
10 northerly parallel with Mulberry Street, 36 feet 10-1/2
11 inches; thence westerly parallel with McCarty Street;
12 64 feet 4-1/2 inches, to the westerly line of said
13 Inlot; thence southerly along the westerly line of said
14 Inlot, 36 feet 10-1/2 inches, to the point of
15 beginning.

16
17 The northeasterly part of Inlot No. 566, in the
18 City of Jefferson, Missouri, more particularly
19 described as follows:

20 Beginning at the northeasterly corner of said
21 Inlot No. 566; thence westerly along the northerly line
22 thereof, 37 feet 4 inches; thence southerly parallel
23 with the easterly line of said Inlot, 112 feet 9
24 inches; thence easterly parallel with the southerly
25 line of said Inlot No. 566, 37 feet 4 inches, to the
26 easterly line of said Inlot; thence northerly along
27 said easterly line, 112 feet 9 inches, to the point of
28 beginning.

29 Also

30 Part of the westerly half of Inlot No. 567, in the
31 City of Jefferson, Missouri, more particularly
32 described as follows:

33 Beginning at the northwesterly corner of said
34 Inlot No. 567; thence easterly along the northerly line
35 thereof, 52 feet 2-1/4 inches; thence southerly
36 parallel with the westerly line of said Inlot, 198 feet
37 9 inches, to the southerly line thereof; thence
38 westerly along the said southerly line, 38 feet 6-1/4
39 inches, more or less, to the southeasterly corner of a
40 tract conveyed to Joseph L. Kroeger and wife, by deed
41 of record in Book 200, page 33, Cole County Recorder's
42 Office; thence northerly along the easterly line
43 thereof, 86 feet, to the northeasterly corner of said
44 tract; thence westerly along the northerly line
45 thereof, 13 feet 8 inches, more or less, to the
46 westerly line of said Inlot No. 567; thence northerly
47 along the said westerly line, 112 feet 9 inches, to the
48 point of beginning.

49
50 Part of Inlot 566 in the City of Jefferson,
51 Missouri, described as follows:

1 Beginning on the northerly line of said Inlot at a
2 point which is 35 feet easterly of the northwest corner
3 thereof, thence easterly along said northerly line 32
4 feet; thence southerly parallel with Mulberry Street
5 112 feet 9 inches; thence westerly parallel with the
6 northerly line of said Inlot 32 feet; thence northerly
7 112 feet 9 inches to point of beginning.

8
9 Part of Inlot No. 567, in the City of Jefferson,
10 Missouri, more particularly described as follows:

11 Beginning on the northerly line of said Inlot No.
12 567, a distance of 12 feet 2 1/4 inches westerly from
13 the northeasterly corner thereof; thence westerly along
14 said northerly line, a distance of 40 feet; thence
15 southerly parallel with the easterly line of said
16 Inlot, a distance of 92 feet 3 inches, to the northerly
17 line of a private alley; thence easterly along said
18 northerly line of said alley and parallel with the
19 northerly line of said Inlot, a distance of 40 feet;
20 thence northerly parallel with the easterly line of
21 said Inlot, a distance of 92 feet 3 inches, to the
22 point of beginning.

23 Also the use of a 10 foot private alley touching
24 upon and immediately adjacent to the southerly boundary
25 line of the above described tract and running to the
26 easterly line of Inlot No. 568.

27
28 Part of Inlots Nos. 567 and 568, in the City of
29 Jefferson, Missouri, more particularly described as
30 follows:

31 Beginning on the northerly line of Inlot No. 568,
32 65 feet westerly from the northeasterly corner of said
33 Inlot; thence westerly along the northerly line of
34 Inlots Nos. 568 and 567, 51 feet 6-3/4 inches; thence
35 southerly parallel with the westerly line of Inlot No.
36 568, 92 feet 3 inches, to the northerly line of a
37 private alley; thence easterly along the northerly line
38 of said alley and parallel with the northerly line of
39 Inlots Nos. 567 and 568, 51 feet 6-3/4 inches; thence
40 northerly parallel with the easterly line of said Inlot
41 No. 568, 92 feet 3 inches, to the point of beginning.

42 Also the use of a ten foot private alley touching
43 upon and immediately adjacent to the southerly boundary
44 line of the above described tract and running to the
45 easterly boundary line of Inlot No. 568.

46
47 Part of Inlot No. 568, in the City of Jefferson,
48 Missouri, more particularly described as follows:

49 Beginning at the northeasterly corner of Inlot No.
50 568; thence westerly along the northerly line thereof,
51 65 feet; thence southerly parallel with the easterly

1 line of said Inlot, 92 feet 3 inches; thence easterly
2 parallel with the northerly line of said Inlot 65 feet,
3 to the easterly line thereof; thence northerly along
4 said easterly line, a distance of 92 feet 3 inches, to
5 the point of beginning.

6 ALSO: A private alley, subject to existing
7 easements, more particularly described as follows:

8 Beginning at a point on the easterly line of said
9 Inlot No. 568, in the City of Jefferson, Missouri, said
10 point being 96 feet 6 inches northerly of the
11 southeasterly corner of said Inlot; thence northerly
12 along the said easterly line, 10 feet; thence westerly
13 parallel with McCarty Street, 156 feet 6-3/4 inches, to
14 a point 52 feet 2-1/4 inches westerly of the easterly
15 line of Inlot No. 567; thence southerly parallel with
16 Broadway Street, 106 feet 6 inches, to the southerly
17 line of Inlot No. 567; thence easterly along the
18 southerly line of said Inlot, 10 feet; thence northerly
19 parallel with Broadway Street, 96 feet 6 inches; thence
20 easterly parallel with McCarty Street, 146 feet 6 3/4
21 inches, to the point of beginning; per Decree of the
22 Circuit Court of Cole County, Missouri, entered March
23 7, 1925.

24
25 Part of Inlot No. 565 in the City of Jefferson,
26 Missouri, described as follows:

27 Beginning at the northwesterly corner of said
28 inlot; thence easterly along the northerly line thereof
29 64 feet 4-1/2 inches; thence southerly parallel with
30 the westerly line of said inlot 80 feet; thence
31 westerly parallel with the northerly line of said inlot
32 64 feet 4-1/2 inches; thence northerly along westerly
33 line of said inlot 80 feet to the point of beginning.

34 Part of Inlot 565 in the City of Jefferson,
35 Missouri, and more particularly described as follows:

36 Beginning at a point on the westerly line of said
37 Inlot 565 which is 80 feet southerly from the
38 northwesterly corner of said Inlot, thence southerly
39 along the westerly line thereof 36 feet 10-1/2 inches,
40 thence easterly parallel with McCarty Street, 64 feet
41 4-1/2 inches, thence northerly parallel with Mulberry
42 Street 36 feet 10-1/2 inches, thence westerly parallel
43 with McCarty Street 64 feet 4-1/2 inches to the point
44 of beginning.

45
46 The northerly parts of Inlots Nos. 569, 570, 571
47 and 572, in the City of Jefferson, County of Cole,
48 Missouri, more particularly described as follows:

49
50 Beginning at the northwesterly corner of said
51 Inlot No. 569; thence southerly along the westerly line

1 of said Inlot No. 569, 63.0 feet more or less to the
2 northerly right-of-way line of U.S. Highway No. 50,
3 thence easterly along said northerly right-of-way line
4 of U.S. Highway No. 50, said Line also being the
5 southerly line of tracts in said Inlots described in
6 Book 238, Page 323; Book 242, Page 338; Book 254, Page
7 856; and Book 258, Page 423, Cole County Recorder's
8 Office, to the westerly line of Lot No. 3 of a
9 Subdivision of Inlots No. 571 and 572, per plat of
10 record in Plat Book 1, page 75, Cole County Recorder's
11 Office; thence continuing northerly along said right-
12 of-way line and said westerly line of Lot No. 3 to the
13 southwesterly corner of Lot #2 of said Subdivision;
14 thence easterly along said right-of-way line and the
15 southerly line of said Lot No. 2, 100.0 feet to the
16 easterly line of said Lot No. 2, said easterly line
17 also being the easterly line of Inlot No. 572 and the
18 westerly line of Broadway Street; thence leaving said
19 northerly line of Hwy. 50, northerly along the easterly
20 line of said Inlot No. 572, 48.75 feet, to the
21 northeasterly corner of Inlot No. 572; thence easterly
22 along the northerly line of said Inlots Nos 572, 571,
23 570 and 569, said northerly line also being the
24 southerly line of a City Alley, 417.6 feet more or less
25 to the point of beginning.

26
27 ALSO: Part of Inlots Nos. 567 and 568 in the City
28 of Jefferson, County of Cole, Missouri, more
29 particularly described as follows:

30
31 Beginning at the Southeasterly corner of said
32 Inlot No. 568; thence northerly along the easterly line
33 of said Inlot No. 568; 106.5 feet; thence westerly
34 parallel with McCarty Street, 156 feet 6-3/4 inches;
35 thence southerly parallel with said easterly line,
36 106.5 feet to the southerly line of Outlot No. 567;
37 thence easterly along the southerly line of Outlots
38 Nos. 567 and 568, 156 feet 6-3/4 inches to the point of
39 beginning.

40
41 2. The commissioner of administration shall set the terms
42 and conditions for the sale as the commissioner deems reasonable.
43 Such terms and conditions may include, but are not limited to,
44 the number of appraisals required, the time, place, and terms of
45 the sale.

46 3. The attorney general shall approve the form of the

1 instrument of conveyance.

2 Section 6. 1. The governor of the state of Missouri is
3 hereby authorized to remise, release, and forever quit claim all
4 interest of the state of Missouri in the following described real
5 property located in Lafayette County, to wit:

6 A part of the South half of Section 22, described as
7 follows:

8 Beginning at a stake 7.15 chains West of the Southeast
9 corner of the West half of the Southeast Quarter of
10 said Section 22, thence North 28.64 chains to a stake
11 on the right bank of the Missouri River; thence in a
12 Southwesterly direction with the meanders of said river
13 37.65 chains to the Section line between Sections 22
14 and 27, thence East on said section line 26.75 chains
15 to the place of beginning, containing 38.27 acres, more
16 or less.

17
18 Also a tract of 3.15 acres being a tract 4.32 chains
19 long North and South by 7.15 chains wide East and West,
20 in the Southeast corner of the West half of the
21 Southeast Quarter of said Section 22.

22
23 Also 37 acres, more or less, described as follows:

24 Part of the North half of Section 27, beginning at the
25 one sixteenth section corner North of the Northeast
26 Quarter of said Section 27, thence South 12.62 chains
27 to a stake, thence South 79 degrees West 16.92 chains
28 to a stake thence North 47 degrees West 25.23 chains to
29 a stake on the right bank of the Missouri River and in
30 the North boundary line of said Section 27, thence East
31 with said boundary line 33.90 chains to the beginning,
32 except from said last described tract the following:
33 Part of the Northwest Quarter of the Northeast Quarter
34 of said Section 27, commencing at a point 1.25 chains
35 South and 20.5 links West of the one sixteenth section
36 corner North of the Northeast Quarter of the said
37 Section 27, thence South 71 degrees and 30 minutes West
38 3.89 chains to a stake on the East side of a road,
39 thence South 3 degrees West parallel with the County
40 road 10.96 chains to a stake, thence East 4.48 chains
41 to a point 20.5 links West of the line between the
42 Northeast Quarter of the Northeast Quarter and the
43 Northwest Quarter of the Northeast Quarter of said
44 Section 27, thence North parallel with said line 11.58
45 chains to the beginning, containing 4.94 acres of land,
46 the land so excepted being the same land conveyed to
47 Peter M. LeNoach and wife by deed of record in the

1 recorder's office in said county in book 234 at page
2 248 all the land hereby conveyed being in Township 51,
3 Range 27 and containing in the aggregate 65.17 acres
4 more or less.

5
6 Also beginning at a point 285 feet North and 325 West
7 of the sixteenth section corner between the Southeast
8 Quarter of Section 22 and the Northeast Quarter of
9 Section 27, Township 51, Range 27, thence East 125
10 feet, thence in a Northwesterly direction with a right
11 hand curve 125 foot radius to a point 3 degrees and 10
12 minutes East of the point of beginning, thence North 3
13 degrees and 10 minutes East 680 feet, thence West 195,
14 thence South parallel with the line between the East
15 and West halves of the Southeast Quarter of said
16 Section 22, 804 feet, thence East 150 feet to the
17 beginning, containing 3.27 acres.

18
19 Also part of the Northwest Quarter of the Northeast
20 Quarter of Section 27, Township 51, Range 27, described
21 as follows: Beginning at a stake 1313.3 feet South and
22 478.6 feet West of the one sixteenth section corner
23 North of the Northeast Quarter of said Section 27,
24 thence West 296 feet to a stake, thence North 301 feet
25 to a stake, thence North 79 degrees East 459.3 feet to
26 a stake in the West side of public road, thence South
27 20 degrees and 30 minutes West 429.6 feet to the place
28 of beginning, and containing 3.16 acres, said last
29 described tract being the same tract conveyed to
30 grantor by John H. Mindrup and wife by deed of record
31 in said recorder's office in book 271 at page 197; and
32 excepting from land above described a roadway conveyed
33 to Peter Roland by deed of record in said recorder's
34 office in book 213 at page 288.

35 2. The commissioner of administration shall set the terms
36 and conditions for the sale as the commissioner deems reasonable.
37 Such terms and conditions may include, but are not limited to,
38 the number of appraisals required, the time, place, and terms of
39 the sale.

40 3. Proceeds from the sale of the property less costs
41 associated with the sale shall be deposited in the veterans
42 commission capitol improvement trust fund.

43 4. The attorney general shall approve the form of the

1 instrument of conveyance.

2 Section 7. 1. The governor is hereby authorized and
3 empowered to sell, transfer, grant, and convey all interest in
4 fee simple absolute in property owned by the state at the Fort
5 Davidson Historic Site to the City of Pilot Knob. The property
6 to be conveyed is more particularly described as follows:

7 A tract of land situated in the City of Pilot Knob,
8 County of Iron and the State of Missouri, lying in Part
9 of Section 30, Township 34 North, Range 4 East of the
10 Fifth Principal Meridian, described as follows, to wit:
11 Commencing at the common corner of Sections 29, 30, 31
12 and 32, Township 34 North, Range 4 East, described on
13 Survey Document Number 600-64159 as shown on a survey
14 by PLS-2550 dated January 20, 2000 and filed with the
15 Missouri Land Survey in Document Number 750-26834;
16 thence along the line between Sections 29 and 30, North
17 00°45'46" East, 982.52 feet to an iron pin with cap by
18 said PLS 2550; thence leaving said section line, West,
19 768.18 feet to an iron pin with cap by said PLS 2550 on
20 the East right-of-way line of a County Road; thence
21 along said County Road, North 30°50'55" West, 596.36
22 feet to the POINT OF BEGINNING of the tract herein
23 described; thence continuing along said East right-of-
24 way line, North 30°50'55" West, 6.84 feet to an iron
25 pin with cap by said PLS 2550; thence leaving said East
26 right-of-way line, North 07°30'05" West, 132.59 feet to
27 a drill rod; thence North 24°07'24" West, 467.55 feet
28 to an iron pin with cap by said PLS 2550; thence North
29 37°10'36" East, 265.27 feet to a drill rod; thence
30 South 25°47'23" East, 332.36 feet to an iron pin;
31 thence South 22°56'24" East, 642.56 feet to an iron
32 pin; thence South 86°24'35" West, 573.80 feet to the
33 point of beginning. Containing 9.07 Acres, more or
34 less and being part of a larger parcel described in
35 Book 359 at Page 756 of the Land Records of Iron
36 County, Missouri.

37
38 2. The commissioner of administration shall set the terms
39 and conditions for the sale as the commissioner deems reasonable.
40 Such terms and conditions may include, but are not limited to,
41 the number of appraisals required, the time, place, and terms of
42 the sale.

1 3. The attorney general shall approve the form of the
2 instrument of conveyance.

3
4 [249.1152. 1. Upon the adoption of a resolution
5 by the governing body of any county of the third
6 classification located within any watershed in this
7 state, or upon the filing of a petition by the property
8 owners residing within the portion of the watershed
9 that is located within the county's boundaries, a
10 watershed improvement district may be proposed as
11 authorized in this section. The resolution or the
12 petition shall contain the following information:

13 (1) The specific description of the watershed,
14 which shall be identical to any United States
15 geological survey designated watershed, and the
16 proposed district within the county including a map
17 illustrating the boundaries of both the watershed and
18 the proposed district;

19 (2) The name of the proposed district;

20 (3) If the creation of the district is proposed
21 by petition filed by property owners, the name and
22 residence of each petitioner; and

23 (4) The purpose of the district.

24 2. Upon the adoption of a resolution proposing
25 the creation of the district under this section, the
26 governing body of the county shall, by order or
27 ordinance, provide a hearing on the creation of the
28 district. The order or ordinance providing a hearing
29 on the creation of such a district shall contain the
30 following information:

31 (1) A description of the boundaries of the
32 proposed district; and

33 (2) The time and place of a hearing to be held to
34 consider establishment of the proposed district.

35 3. Whenever a hearing is held as provided by this
36 section, the governing body of the county approving the
37 proposed district shall:

38 (1) Publish notice of the hearing on two separate
39 occasions in at least one newspaper of general
40 circulation in each county located within the proposed
41 district, with the first publication to occur not more
42 than thirty days before the hearing, and the second
43 publication to occur not more than fifteen days or less
44 than ten days before the hearing. The purpose of the
45 district shall be published in the hearing notice;

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

48 (3) Rule upon all protests, which determinations

1 shall be final.

2 4. Following the hearing, if the governing body
3 of any county located within the proposed district
4 decides to establish the proposed district, the county
5 shall adopt an order to that effect. If the governing
6 body of any county located within the proposed district
7 receives a petition signed by at least twenty percent
8 of the property owners in the proposed district
9 requesting establishment of the proposed district then
10 the county shall adopt an order to that effect. An
11 order adopted under this subsection shall contain the
12 following:

13 (1) The description of the boundaries of the
14 watershed, which shall be identical to any United
15 States geological survey designated watershed, and the
16 boundaries of the district within the county;

17 (2) A statement that a watershed improvement
18 district has been established;

19 (3) The name of the district;

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

22 (5) The purpose of the district.

23 5. A district established under this section may,
24 at a general or primary election, submit to the
25 qualified voters within the district boundaries a real
26 property tax that shall not exceed five cents per one
27 hundred dollars assessed valuation to fund the
28 operation of the district. The ballot of submission
29 shall be in substantially the following form:

30 Shall the (name of district) impose a
31 real property tax within the district at a rate of not
32 more than (insert amount) dollars per
33 hundred dollars of assessed valuation to fund the
34 operation of the district?

35 [] YES [] NO

36
37 If you are in favor of the question, place an "X" in
38 the box opposite "YES". If you are opposed to the
39 question, place an "X" in the box opposite "NO".
40

41 If a majority of the votes cast in each county that is
42 part of the district favor the proposal, then the real
43 property tax shall become effective in the district on
44 the first day of the year following the year of the
45 election. If a majority of the votes cast in each
46 county that is a part of the district oppose the
47 proposal, then that county shall not impose the real
48 property tax authorized in this section until after the
49 county governing body has submitted another such real
50 property tax proposal and the proposal is approved by a
51 majority of the qualified voters voting thereon.

1 However, if a real property tax proposal is not
2 approved, the governing body of the county shall not
3 resubmit a proposal to the voters under this section
4 sooner than twelve months from the date of the last
5 proposal submitted under this section.

6 6. The real property tax authorized by this
7 section is in addition to all other real property taxes
8 allowed by law.

9 7. Once the real property tax authorized by this
10 section is abolished or terminated by any means, all
11 funds remaining in the trust fund shall be used solely
12 for the purposes approved in the ballot question
13 authorizing the tax. The tax shall not be abolished or
14 terminated while the district has any financing or
15 other obligations outstanding. Any funds in the trust
16 fund which are not needed for current expenditures may
17 be invested by the district in the securities described
18 in subdivisions (1) to (12) of subsection 1 of section
19 30.270, RSMo, or repurchase agreements secured by such
20 securities.

21 8. There is hereby created a board of trustees to
22 administer any district created and the expenditure of
23 revenue generated under this section. The board shall
24 consist of at least three but not more than ten
25 individuals from the district. The board shall be
26 appointed by the governing body of each county in the
27 district. The membership of the board shall to the
28 extent practicable be in proportion to the number of
29 people living in the watershed in each county. Each
30 county located within the district shall be represented
31 on the board by at least one trustee. Of the initial
32 trustees appointed from each county, a majority shall
33 serve terms of one year, and the remainder shall serve
34 terms of two years, as determined by lot. After the
35 initial appointments of the trustees, the trustees
36 shall be elected by the property owners within the
37 district. Each trustee may be elected to no more than
38 five consecutive two-year terms. Vacancies shall be
39 filled by the board. Each trustee shall serve until a
40 successor is elected and sworn. The trustees shall not
41 receive compensation for their services, but may be
42 reimbursed for their actual and necessary expenses.
43 The board shall elect a chair and other officers
44 necessary for its membership.

45 9. A watershed improvement district created under
46 this section is authorized to own, install, operate,
47 and maintain decentralized or individual on-site
48 wastewater treatment plants. A watershed improvement
49 district created under this section shall be a body
50 corporate and a political subdivision of the state of
51 Missouri, shall be capable of suing and being sued in

1 contract in its corporate name, and shall be capable of
2 holding such real and personal property necessary for
3 corporate purposes. The district shall implement
4 procedures to regulate the area within and consistent
5 with the purpose of the district and to educate
6 property owners about the requirements imposed by the
7 district.

8 10. A watershed improvement district created
9 under this section shall have the power to borrow money
10 and incur indebtedness and evidence the same by
11 certificates, notes, or debentures, to issue bonds and
12 use any one or more lawful funding methods the district
13 may obtain for its purposes at such rates of interest
14 as the district may determine. Any bonds, notes, and
15 other obligations issued or delivered by the district
16 may be secured by mortgage, pledge, or deed of trust of
17 any or all of the property within the district. Every
18 issue of such bonds, notes, or other obligations shall
19 be payable out of property and revenues of the district
20 and may be further secured by other property within the
21 district, which may be pledged, assigned, mortgaged, or
22 a security interest granted for such payment, without
23 preference or priority of the first bonds issued,
24 subject to any agreement with the holders of any other
25 bonds pledging any specified property or revenues.
26 Such bonds, notes, or other obligations shall be
27 authorized by resolution of the district board, and
28 shall bear such date or dates, and shall mature at such
29 time or times, but not in excess of thirty years, as
30 the resolution shall specify. Such bonds, notes, or
31 other obligations shall be in such denomination, bear
32 interest at such rate or rates, be in such form, either
33 coupon or registered, be issued as current interest
34 bonds, compound interest bonds, variable rate bonds,
35 convertible bonds, or zero coupon bonds, be issued in
36 such manner, be payable in such place or places, and be
37 subject to redemption as such resolution may provide,
38 notwithstanding section 108.170, RSMo. The bonds,
39 notes, or other obligations may be sold at either
40 public or private sale, at such interest rates, and at
41 such price or prices as the district shall determine.

42 11. The county commission of any county located
43 within a watershed improvement district may authorize
44 individual properties to be served by the district by
45 adoption of a resolution or upon the filing of a
46 petition signed by at least twenty percent of the
47 property owners of the proposed area. The resolution
48 or petition shall describe generally the size and
49 location of the proposed area.

50 12. In the event that any property within a
51 watershed improvement district proposed under this

1 section lies within or is serviced by any existing
2 sewer district formed under this chapter, chapter 204,
3 or chapter 250, RSMo, the property shall not become
4 part of the watershed improvement district formed under
5 this section unless the existing sewer district agrees
6 to refrain from providing service or to discontinue
7 service to the property. No property shall become part
8 of the watershed district until the owner of that
9 property has paid in full all outstanding costs owed to
10 an existing sewer district formed under this chapter,
11 chapter 204, or chapter 250, RSMo.

12 13. No service shall be initiated to any property
13 lying within the watershed improvement district created
14 under this section unless the property owner elects to
15 have the service provided by the district.

16 14. Any on-site wastewater treatment systems
17 installed on any property that participates in the
18 watershed improvement district formed under this
19 section shall meet all applicable standards for such
20 on-site wastewater treatment systems under sections
21 701.025 to 701.059, RSMo, and as required by rules or
22 regulations promulgated by the appropriate state
23 agencies.

24 15. Property owners participating in the
25 watershed improvement district formed under this
26 section shall be required as a condition of continued
27 participation to have a maintenance plan approved by
28 the watershed improvement district for the on-site
29 wastewater treatment systems on their properties. Such
30 property owners shall also execute a utilities easement
31 to allow the district access to the system for
32 maintenance purposes and inspections. The property
33 owner shall provide satisfactory proof that periodic
34 maintenance is performed on the sewage system. The
35 level of satisfactory proof required and the frequency
36 of periodic proof shall be determined by the board of
37 trustees.

38 16. In the event that the district is dissolved
39 or terminated by any means, the governing bodies of the
40 counties in the district shall appoint a person to act
41 as trustee for the district so dissolved or terminated.
42 Before beginning the discharge of duties, the trustee
43 shall take and subscribe an oath to faithfully
44 discharge the duties of the office, and shall give bond
45 with sufficient security, approved by the governing
46 bodies of the counties, to the use of the dissolved or
47 terminated district, for the faithful discharge of
48 duties. The trustee shall have and exercise all powers
49 necessary to liquidate the district, and upon
50 satisfaction of all remaining obligations of the
51 district, shall pay over to the county treasurer of

1 each county in the district and take receipt for all
2 remaining moneys in amounts based on the ratio the levy
3 of each county bears to the total levy for the district
4 in the previous three years or since the establishment
5 of the district, whichever time period is shorter.
6 Upon payment to the county treasurers, the trustee
7 shall deliver to the clerk of the governing body of any
8 county in the district all books, papers, records, and
9 deeds belonging to the dissolved district.]

10
11 [249.1154. The governing body of any county, by
12 order or ordinance or upon the filing of a petition
13 signed by at least twenty percent of the property
14 owners in an area proposed for designation under this
15 section, may designate groundwater depletion areas
16 within a watershed improvement district created under
17 section 249.1150 or 249.1152 and may require well
18 volume monitoring.]

19
20 Section B. Because immediate action is necessary to provide
21 funding for necessary infrastructure, the enactment of section
22 94.838 of section A of this act is deemed necessary for the
23 immediate preservation of the public health, welfare, peace, and
24 safety, and is hereby declared to be an emergency act within the
25 meaning of the constitution, and the enactment of section 94.838
26 of section A of this act shall be in full force and effect upon
27 its passage and approval.