

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 22
94TH GENERAL ASSEMBLY

Reported from the Committee on Local Government April 25, 2007 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0382L.08C

AN ACT

To repeal sections 41.655, 50.327, 50.332, 50.565, 50.660, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 84.330, 87.006, 88.832, 89.010, 89.400, 94.660, 94.870, 94.875, 99.847, 100.050, 100.059, 105.452, 105.971, 110.130, 110.140, 110.150, 137.055, 137.100, 137.115, 141.150, 141.640, 144.030, 144.062, 162.431, 163.011, 182.015, 190.052, 190.305, 206.090, 226.527, 228.110, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.829, 393.847, 393.900, 393.933, 409.107, 432.070, 473.743, 479.010, 479.011, 537.035, 650.340, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833

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

merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred fifty-eight new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

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

Section A. Sections 41.655, 50.327, 50.332, 50.565, 50.660, 52.290, 52.312, 52.315, 2 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 3 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 4 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 84.330, 87.006, 88.832, 89.010, 89.400, 94.660, 5 94.870, 94.875, 99.847, 100.050, 100.059, 105.452, 105.971, 110.130, 110.140, 110.150, 6 137.055, 137.100, 137.115, 141.150, 141.640, 144.030, 144.062, 162.431, 163.011, 182.015, 7 190.052, 190.305, 206.090, 226.527, 228.110, 238.202, 238.207, 238.208, 238.225, 238.230, 8 238.275, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 9 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.829, 393.847, 10 393.900, 393.933, 409.107, 432.070, 473.743, 479.010, 479.011, 537.035, 650.340, RSMo, 11 section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth 12 general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, 13 eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by 14 conference committee substitute for senate substitute for senate committee substitute for house 15 committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for 16 senate committee substitute for senate bill no. 1155, ninety-second general assembly, second 17 regular session, and section 67.2505, as enacted by senate substitute for senate committee 18 substitute for house committee substitute for house bill no. 833 merged with house committee 19 substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second 20 regular session, are repealed and one hundred fifty-eight new sections enacted in lieu thereof, to 21 be known as sections 41.655, 50.032, 50.327, 50.332, 50.565, 50.660, 52.290, 52.312, 52.315, 22 52.317, 58.500, 64.940, 66.010, 67.048, 67.110, 67.304, 67.319, 67.320, 67.410, 67.463, 67.797, 23 67.997, 67.1000, 67.1003, 67.1016, 67.1181, 67.1360, 67.1451, 67.1461, 67.1545, 67.2040, 24 67.2500, 67.2505, 67.2510, 67.2555, 70.220, 70.226, 70.515, 70.545, 71.011, 71.012, 72.080, 25 77.020, 78.610, 79.050, 84.330, 87.006, 88.832, 89.010, 89.400, 92.500, 94.660, 94.870, 94.875, 26 94.950, 99.847, 99.1200, 100.050, 100.059, 105.452, 110.130, 110.140, 110.150, 137.055, 27 137.092, 137.100, 137.115, 141.150, 141.640, 144.030, 144.062, 162.431, 163.011, 163.016, 28 163.038, 182.015, 190.052, 190.053, 190.305, 204.600, 204.602, 204.604, 204.606, 204.608, 29 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628,

30 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656,
31 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674, 205.563,
32 206.090, 226.527, 228.110, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 247.060,
33 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 321.162,
34 321.688, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.829, 393.847,
35 393.900, 393.933, 409.107, 432.070, 473.743, 479.010, 479.011, 537.035, 644.597, 644.598,
36 644.599, 650.340, 1, and 2, to read as follows:

41.655. **1.** The governing body or county planning commission, if any, of any county
2 of the second classification with more than forty-eight thousand two hundred but fewer than
3 forty-eight thousand three hundred inhabitants shall provide for the planning, zoning, subdivision
4 and building within all or any portion of the unincorporated area extending three thousand feet
5 outward from the boundaries of any military base located in such county and the area within the
6 perimeter of accident potential zones one and two [if the county has a zoning commission and
7 a board of adjustment established under sections 64.510 to 64.727, RSMo]. As used in this
8 section, the term "accident potential zones one and two" means any land area [that was]
9 identified in the [April, 1976] **current** Air Installation Compatible Use Zone Report at the north
10 and south ends of the clear zone of a military installation located in any county of the second
11 classification with more than forty-eight thousand two hundred but fewer than forty-eight
12 thousand three hundred inhabitants and which is in significant danger of aircraft accidents by
13 being beneath that airspace where the potential for aircraft accidents is most likely to occur.

2. The governing body of any county of the second classification with more than
15 forty-eight thousand two hundred but fewer than forty-eight thousand three hundred
16 inhabitants may adopt, administer, and enforce airport hazard area zoning regulations
17 that are substantially similar to the airport hazard area zoning regulations in sections
18 **67.1200 to 67.1222, RSMo**, subject to any exceptions listed in this section. Such exceptions
19 are as follows:

(1) All definitions in section **67.1200, RSMo**, shall apply, except that any reference
21 to a political subdivision in sections **67.1200 to 67.1222, RSMo**, shall be construed to
22 include any county of the second classification with more than forty-eight thousand two
23 hundred but fewer than forty-eight thousand three hundred inhabitants;

(2) Sections **67.1207 and 67.1212, RSMo**, shall not apply;

(3) The county shall employ any existing airport planning commission or airport
26 zoning commission as created in section **67.1210, RSMo**, or shall form such commission,
27 with the following exceptions:

(a) The commission shall consist of five members as follows:

- 29 **a. Three residents of the county, with at least two of such county residents residing**
30 **in the township containing the military base;**
- 31 **b. The presiding county commissioner or such commissioner's designee; and**
32 **c. The county road commissioner;**
- 33 **(b) The commission may appoint an ex officio military liaison from the armed**
34 **forces of the United States who is stationed at the military base;**
- 35 **(c) The terms of office of each member under this section shall be identical to the**
36 **terms of office in section 67.1210, RSMo, with the member chosen to serve as chair serving**
37 **for an initial term of two years. The commission shall elect its chairman;**
- 38 **(4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo, shall apply in their**
39 **entirety, except that any reference to a municipality in such sections shall be construed to**
40 **include any county of the second classification with more than forty-eight thousand two**
41 **hundred but fewer than forty-eight thousand three hundred inhabitants;**
- 42 **(5) Section 67.1220 shall apply in its entirety, except that the board of variance shall**
43 **consist of three members as follows:**
- 44 **(a) Three residents of the county, with at least two of such county residents residing**
45 **in the township containing the military base;**
- 46 **(b) The board shall elect its chairman.**

50.032. No county shall receive any state funds unless the county has determined,
2 **by order or ordinance, to agree to engage in mediation if a dispute concerning a financial**
3 **expenditure arises between such county and another county as to which county is fully**
4 **responsible or if both counties are partially responsible for paying such expenses.**
5 **Mediation under this section shall be nonbinding and independently administered. The**
6 **counties shall mutually agree upon a qualified independent and neutral county**
7 **commissioner of a county not involved in the dispute to serve as mediator, and shall share**
8 **the costs of the mediator. If the counties cannot mutually agree upon a county**
9 **commissioner to serve as mediator, the matter shall be resolved by a three-person**
10 **arbitration panel consisting of a county commissioner selected by each county, and one**
11 **person selected by such selected county commissioners. In the event that a three-person**
12 **arbitration panel is necessary, each county shall jointly and equally bear with the other**
13 **county the expense of the arbitration. The mediation or arbitration shall take place within**
14 **thirty days of the selection of the mediator or arbitration panel. Any decision issued by an**
15 **arbitration panel may be appealed to the circuit court to determine the portion of expenses**
16 **each county shall be responsible for paying.**

 50.327. Notwithstanding any other provisions of law to the contrary, the salary schedules
2 contained in [section] sections 49.082, [RSMo, sections] 50.334 [and], 50.343, 51.281, [RSMo,]

3 51.282, [RSMo,] 52.269, [RSMo,] 53.082, [RSMo,] 53.083, [RSMo,] 54.261, [RSMo,] 54.320,
4 [RSMo,] 55.091, [RSMo,] 56.265, [RSMo,] 57.317, [RSMo,] 58.095, [RSMo,] and 473.742,
5 RSMo, shall be set as a base schedule for those county officials[, unless the current salary of such
6 officials, as of August 28, 2005, is lower than the compensation provided under the salary
7 schedules. Beginning August 28, 2005] . **Except when it is necessary to increase newly**
8 **elected or reelected county officials' salaries in accordance with section 13, article VII,**
9 **Constitution of Missouri, to comply with the requirements of this section,** the salary
10 commission in all counties except charter counties in this state shall be responsible for the
11 computation of salaries of all county officials; provided, however, that any percentage salary
12 adjustments in a county shall be equal for all such officials in that county. **If the salary**
13 **commission votes to decrease the compensation of a county official, a vote of two-thirds or**
14 **more of all the members of the salary commission shall be required before the salary or**
15 **other compensation of any county official shall be decreased below the compensation being**
16 **paid for the particular official on the date the salary commission votes, and all officials**
17 **shall receive the same percentage decrease.**

50.332. Each county officer in all counties except first class counties having a charter
2 form of government **or any city not within a county** may, subject to the approval of the
3 governing body of the county, contract with the governing body of any municipality located
4 within such county, either in whole or in part, to perform the same type of duties for such
5 municipality as such county officer is performing for the county. Any compensation paid by a
6 municipality for services rendered pursuant to this section shall be paid directly to the county[,
7 or county officer, or both, as provided in the provisions of the contract, and any compensation
8 allowed any county officer under any such contract may be retained by such officer in addition
9 to all other compensation provided by law].

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

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

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

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

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

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

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

21 (5) Any **county** law enforcement-related expense, including those of the prosecuting
22 attorney, approved by the board of trustees for the county law enforcement restitution fund that
23 is reasonably related to investigation, charging, preparation, trial, and disposition of criminal
24 cases before the courts of the state of Missouri.

25 4. The county commission may not reduce any law enforcement agency's budget as a
26 result of funds the law enforcement agency receives from the county law enforcement restitution
27 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
28 funding received from other county, state, or federal funds.

29 5. County law enforcement restitution funds shall be audited as are all other county
30 funds.

31 6. No court may order the assessment and payment authorized by this section if the plea
32 of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving, any
33 charge of violating a traffic control signal or sign, or any charge which is a class C misdemeanor
34 or an infraction. No assessment and payment ordered pursuant to this section may exceed three
35 hundred dollars for any charged offense.

50.660. 1. All contracts shall be executed in the name of the county, or in the name of
2 a township in a county with a township form of government, by the head of the department or
3 officer concerned, except contracts for the purchase of supplies, materials, equipment or services
4 other than personal made by the officer in charge of purchasing in any county or township having
5 the officer. No contract or order imposing any financial obligation on the county or township
6 is binding on the county or township unless it is in writing and unless there is a balance
7 otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash
8 balance otherwise unencumbered in the treasury to the credit of the fund from which payment
9 is to be made, each sufficient to meet the obligation incurred and unless the contract or order
10 bears the certification of the accounting officer so stating; except that in case of any contract for
11 public works or buildings to be paid for from bond funds or from taxes levied for the purpose
12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized

13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five
18 hundred copies per issue, if there is one, except that the advertising is not required in case of
19 contracts or purchases involving an expenditure of less than [four thousand five hundred] **six**
20 **thousand** dollars. It is not necessary to obtain bids on any purchase in the amount of four
21 thousand five hundred dollars or less made from any one person, firm or corporation during any
22 period of ninety days. All bids for any contract or purchase may be rejected and new bids
23 advertised for. Contracts which provide that the person contracting with the county or township
24 shall, during the term of the contract, furnish to the county or township at the price therein
25 specified the supplies, materials, equipment or services other than personal therein described,
26 in the quantities required, and from time to time as ordered by the officer in charge of purchasing
27 during the term of the contract, need not bear the certification of the accounting officer, as herein
28 provided; but all orders for supplies, materials, equipment or services other than personal shall
29 bear the certification. In case of such contract, no financial obligation accrues against the county
30 or township until the supplies, materials, equipment or services other than personal are so
31 ordered and the certificate furnished.

32 **2. Notwithstanding the provisions of subsection 1 of this section to the contrary,**
33 **advertising shall not be required in any county in the case of contracts or purchases**
34 **involving an expenditure of less than six thousand dollars.**

52.290. 1. In all counties except counties [of the first classification] having a charter
2 form of government and any city not within a county, the collector shall collect on behalf of the
3 county a fee for the collection of delinquent and back taxes of seven percent on all sums
4 collected to be added to the face of the tax bill and collected from the party paying the tax.
5 Two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into
6 the county general fund, two-sevenths of the fees collected pursuant to the provisions of this
7 section shall be paid into the tax maintenance fund of the county as required by section 52.312
8 and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid
9 into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.

10 2. In all counties [of the first classification] having a charter form of government and any
11 city not within a county, the collector shall collect on behalf of the county and pay into the
12 county general fund a fee for the collection of delinquent and back taxes of two percent on all
13 sums collected to be added to the face of the tax bill and collected from the party paying the tax
14 except that in a county with a charter form of government and with more than two hundred fifty

15 thousand but less than [three] **seven** hundred [fifty] thousand inhabitants, the collector shall
16 collect on behalf of the county a fee for the collection of delinquent and back taxes of three
17 percent on all sums collected to be added to the face of the tax bill and collected from the party
18 paying the tax. [Two-thirds of the fees collected pursuant to the provisions of this section shall
19 be paid into the county general fund and one-third of the fees collected pursuant to this section
20 shall be paid into the tax maintenance fund of the county as required by section 52.312, RSMo.]

21 **If a county is required by section 52.312 to establish a tax maintenance fund, one-third of**
22 **the fees collected under this subsection shall be paid into that fund; otherwise, all fees**
23 **collected under the provisions of this subsection shall be paid into the county general fund.**

24 3. Such county collector may accept credit cards as proper form of payment of
25 outstanding delinquent and back taxes due. No county collector may charge a surcharge for
26 payment by credit card.

52.312. Notwithstanding any provisions of law to the contrary, in addition to fees
2 provided for in this chapter, or any other provisions of law in conflict with the provisions of this
3 section, all counties, including [a] **any** county with a charter form of government and with more
4 than two hundred fifty thousand but less than [three] **seven** hundred [fifty] thousand inhabitants,
5 other than counties of the first classification having a charter form of government and any city
6 not within a county, subject to the provisions of this section, shall establish a fund to be known
7 as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected
8 for the purpose of funding additional costs and expenses incurred in the office of collector.

52.315. 1. The two-sevenths collected to fund the tax maintenance fund pursuant to
2 section 52.290 **and all moneys collected to fund the tax maintenance fund under subsection**
3 **2 of section 52.290** shall be transmitted monthly for deposit into the tax maintenance fund and
4 used for additional administration and operation costs for the office of collector. Any costs shall
5 include, but shall not be limited to, those costs that require any additional out-of-pocket expense
6 by the office of collector and it may include reimbursement to county general revenue for the
7 salaries of employees of the office of collector for hours worked and any other expenses
8 necessary to conduct and execute the duties and responsibilities of such office.

9 2. The tax maintenance fund may also be used by the collector for training, purchasing
10 new or upgrading information technology, equipment or other essential administrative expenses
11 necessary to carry out the duties and responsibilities of the office of collector, including anything
12 necessarily pertaining thereto.

13 3. The collector has the sole responsibility for all expenditures made from the tax
14 maintenance fund and shall approve all expenditures from such fund. All such expenditures
15 from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of
16 county general revenue for the operation of the office of collector.

17 4. The tax maintenance fund may be audited by the appropriate auditing agency. Any
18 unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year
19 with interest.

 52.317. 1. Any county subject to the provisions of section 52.312 shall provide moneys
2 for budget purposes in an amount not less than the approved budget in the previous year and
3 shall include the same percentage adjustments in compensation as provided for other county
4 employees as effective January first each year. Any moneys accumulated and remaining in the
5 tax maintenance fund as of December thirty-first each year in all counties of the first
6 classification [without a charter form of government] and any county with a charter form of
7 government and with more than two hundred fifty thousand but less than [three] **seven** hundred
8 [fifty] thousand inhabitants shall be limited to an amount equal to one-half of the previous year's
9 approved budget for the office of collector, and any moneys accumulated and remaining in the
10 tax maintenance fund as of December thirty-first each year in all counties other than counties of
11 the first classification and any city not within a county, which collect more than four million
12 dollars of all current taxes charged to be collected, shall be limited to an amount equal to the
13 previous year's approved budget for the office of collector. Any moneys remaining in the tax
14 maintenance fund as of December thirty-first each year that exceed the above-established limits
15 shall be transferred to county general revenue by the following January fifteenth of each year.

16 2. For one-time expenditures directly attributable to any department, office, institution,
17 commission, or county court, the county commission may budget such expenses in a common
18 fund or account so that any such expenditures separately budgeted do not appear in any specific
19 department, county office, institution, commission, or court budget.

 58.500. Upon delivery of any money to the [treasurer] **public administrator, he or she**
2 shall [place it to the credit of the city or county; if it be other property he shall, within thirty
3 days, sell it at public auction, upon ten days' public notice, by publication in some newspaper
4 printed in the city or county, if there be any, and if there be none, then by posting not less than
5 six written or printed bills, giving notice of time and place of sale of such other property; and
6 shall, in like manner, place the proceeds to the credit of the city or county] **follow the**
7 **procedures as set out in section 473.743, RSMo.**

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

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

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

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

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

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

18 (6) To borrow money for the acquisition, planning, construction, equipping, operation,
19 maintenance, repair, extension and improvement of any facility, or any part or parts thereof,
20 which it has the power to own or to operate, and to issue negotiable notes, bonds, or other
21 instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

22 (a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by
23 the commissioners of the authority which shall set out the estimated cost to the authority of the
24 proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued,
25 their purpose or purposes, their date or dates, denomination or denominations, rate or rates of
26 interest, time or times of payment, both of principal and of interest, place or places of payment
27 and all other details in connection therewith. Any such bonds or notes may be subject to such
28 provision for redemption prior to maturity, with or without premium, and at such times and upon
29 such conditions as may be provided by the resolution.

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

35 (c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds
36 or notes and if payable to bearer, may contain such registration provisions as to either principal
37 and interest, or principal only, as may be provided in the resolution authorizing the same which
38 resolution may also provide for the exchange of registered and coupon bonds or notes. Such
39 bonds or notes and any coupons attached thereto shall be signed in such manner and by such
40 officers of the authority as may be provided for by the resolution authorizing the same. The
41 authority may provide for the replacement of any bond or note which shall become mutilated,
42 destroyed or lost.

43 (d) Bonds or notes issued by an authority shall be payable as to principal, interest and
44 redemption premium, if any, out of the general funds of the authority, including rents, revenues,
45 receipts and income derived and to be derived for the use of any facility or combination of
46 facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or
47 in part from the proceeds of such bonds or notes, including but not limited to stadium rentals,
48 concessions, parking facilities and from funds derived from any other facilities or part or parts
49 thereof, owned or operated by the authority, all or any part of which rents, revenues, receipts and
50 income the authority is authorized to pledge for the payment of said principal, interest, and
51 redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute
52 an indebtedness of the authority within the meaning of any constitutional or statutory restriction,
53 limitation or provision, and such bonds or notes shall not be payable out of any funds raised or
54 to be raised by taxation. Bonds or notes issued pursuant to this section may be further secured
55 by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to
56 or any part thereof or upon any leasehold interest or other property owned by the authority, or
57 any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or
58 notes shall be disbursed in such manner and under such restrictions as the authority may provide
59 in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed
60 of trust.

61 (e) It shall be the duty of the authority to fix and maintain rates and make and collect
62 charges for the use and services of its interest in the facility or facilities or any part thereof
63 operated by the authority which shall be sufficient to pay the cost of operation and maintenance
64 thereof, to pay the principal of and interest on any such bonds or notes and to provide funds
65 sufficient to meet all requirements of the resolution by which such bonds or notes have been
66 issued.

67 (f) The resolution authorizing the issuance of any such bonds or notes may provide for
68 the allocation of rents, revenues, receipts and income derived and to be derived by the authority
69 from the use of any facility or part thereof into such separate accounts as shall be deemed to be
70 advisable to assure the proper operation and maintenance of any facility or part thereof and the
71 prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such
72 accounts may include reserve accounts necessary for the proper operation and maintenance of
73 any such facility or any part thereof, and for the payment of any such bonds or notes. Such
74 resolution may include such other covenants and agreements by the authority as in its judgment
75 are advisable or necessary properly to secure the payment of such bonds or notes.

76 (g) The authority may issue negotiable refunding bonds or notes for the purpose of
77 refunding, extending or unifying the whole or any part of such bonds or notes then outstanding,
78 which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be

79 refunded and the accrued interest thereon to the date of such refunding, including any redemption
80 premium. The authority may provide for the payment of interest on such refunding bonds or
81 notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not
82 exceed the maximum rate of interest hereinbefore provided.

83 (7) To condemn any and all rights or property, of any kind or character, necessary for the
84 purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and
85 in the manner provided in chapter 523, RSMo; provided, however, that no property now or
86 hereafter vested in or held by the state or by any county, city, village, township or other political
87 subdivisions shall be taken by the authority without the authority or consent of such political
88 subdivisions;

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

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

96 3. Any expenditure made by the authority located in a county with a charter form of
97 government and with more than six hundred thousand but fewer than seven hundred thousand
98 inhabitants, that is over [five] **twenty-five** thousand dollars, including professional service
99 contracts, must be competitively bid.

66.010. 1. Any first class county framing and adopting a charter for its own government
2 under the provisions of section 18, article VI of the constitution of this state, may prosecute and
3 punish violations of its county ordinances in the circuit court of such counties in the manner and
4 to the extent herein provided or in a county municipal court [if creation of a county municipal
5 court is authorized by such charter]. In addition, the county may prosecute and punish municipal
6 ordinance violations in the county municipal court pursuant to a contract with any municipality
7 within the county. Any county municipal court established pursuant to the provisions of this
8 section shall have jurisdiction over violations of that county's ordinances and the ordinances of
9 municipalities with which the county has a contract to prosecute and punish violations of
10 municipal ordinances of the city. Costs and procedures in any such county municipal court shall
11 be governed by the provisions of law relating to municipal ordinance violations in municipal
12 divisions of circuit courts.

13 2. In any county which has elected to establish a county municipal court pursuant to this
14 section, the judges for such court shall be appointed by the county executive of such county,
15 subject to confirmation by the legislative body of such county in the same manner as

16 confirmation for other county appointed officers. The number of judges appointed, and
17 qualifications for their appointment, shall be established by ordinance of the county.

18 3. The number of divisions of such county municipal court and its term shall be
19 established by ordinance of the county.

20 4. **Except in any county with a charter form of government and with more than six**
21 **hundred thousand but fewer than seven hundred thousand inhabitants,** the ordinance of the
22 county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at
23 locations outside the county seat. **In any county with a charter form of government and with**
24 **more than six hundred thousand but fewer than seven hundred thousand inhabitants, the**
25 **ordinance of the county may provide for regular sessions of court in the evening hours**
26 **after 6:00 p.m. and at locations outside the county seat.**

27 5. Judges of the county municipal court shall be licensed to practice law in this state and
28 shall be residents of the county in which they serve. Municipal court judges shall not accept or
29 handle cases in their practice of law which are inconsistent with their duties as a municipal court
30 judge and shall not be a judge or prosecutor for any other court.

31 6. In establishing the county municipal court, provisions shall be made for appropriate
32 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone
33 or written communication without personal appearance, or to plead guilty and deliver by mail
34 or electronic transfer or other approved method the specified amount of the fine and costs as
35 otherwise provided by law, within a specified period of time.

36 7. In a county municipal court established pursuant to this section, the county may
37 provide by ordinance for court costs not to exceed the sum which may be provided by
38 municipalities for municipal violations before municipal courts. The county municipal judge
39 may assess costs against a defendant who pleads guilty or is found guilty except in those cases
40 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs
41 authorized in this subsection are in addition to service costs, witness fees and jail costs that may
42 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such
43 costs shall be collected by the authorized clerk and deposited into the county treasury.

44 8. Provisions shall be made for recording of proceedings, except that if such proceedings
45 are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or
46 commissioner shall have the right of a trial de novo. The procedures for perfecting the right of
47 a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo,
48 except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such
49 cases. In the event that such proceedings are recorded, all final decisions of the county municipal
50 court shall be appealable on such record to the appellate court with appropriate jurisdiction.

51 9. Any person charged with the violation of a county ordinance in a county which has
52 established a county municipal court under the provisions of this section shall, upon request, be
53 entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard
54 with a record being made.

55 10. In the event that a court is established pursuant to this section, the circuit judges of
56 the judicial circuit with jurisdiction within that county may authorize the judges of the county
57 municipal court to act as commissioners to hear in the first instance nonfelony violations of state
58 law involving motor vehicles as provided by local rule.

**67.048. Any county board that receives funding from the county treasury and
2 whose members are appointed by the county commission shall submit an annual report to
3 the county commission at the end of each fiscal year itemizing its expenditures.**

67.110. 1. Each political subdivision in the state, except counties, shall fix its ad
2 valorem property tax rates as provided in this section not later than September first for entry in
3 the tax books. Before the governing body of each political subdivision of the state, except
4 counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall
5 present to its governing body the following information for each tax rate to be levied: The
6 assessed valuation by category of real, personal and other tangible property in the political
7 subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as
8 provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real,
9 personal and other tangible property in the political subdivisions for the preceding taxable year,
10 the amount of revenue required to be provided from the property tax as set forth in the annual
11 budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any
12 political subdivision whose taxes are collected by the county collector of revenue fail to fix its
13 ad valorem property tax rate by September first, then no tax rate other than the rate, if any,
14 necessary to pay the interest and principal on any outstanding bonds shall be certified for that
15 year.

16 2. The governing body shall hold at least one public hearing on the proposed rates of
17 taxes at which citizens may be heard prior to their approval. The governing body shall determine
18 the time and place for such hearing. A notice stating the hour, date and place of the hearing shall
19 be published in at least one newspaper qualified under the laws of the state of Missouri of
20 general circulation in the county within which all or the largest portion of the political
21 subdivision is situated, or such notice shall be posted in at least three public places within the
22 political subdivision; except that, in any county of the first class having a charter form of
23 government, such notice may be published in a newspaper of general circulation within the
24 political subdivision even though such newspaper is not qualified under the laws of Missouri for
25 other legal notices. Such notice shall be published or posted at least seven days prior to the date

26 of the hearing. The notice shall include the assessed valuation by category of real, personal and
27 other tangible property in the political subdivision for the fiscal year for which the tax is to be
28 levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category
29 of real, personal and other tangible property in the political subdivision for the preceding taxable
30 year, for each rate to be levied the amount of revenue required to be provided from the property
31 tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates
32 proposed to be set for the various purposes of taxation. The tax rates shall be calculated to
33 produce substantially the same revenues as required in the annual budget adopted as provided
34 in this chapter. Following the hearing the governing body of each political subdivision shall fix
35 the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at
36 such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise
37 available to the taxpayer. Nothing in this section absolves political subdivisions of
38 responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed
39 valuation occur that would alter the tax rate calculations.

40 3. Each political subdivision of the state shall fix its property tax rates in the manner
41 provided in this section for each fiscal year which begins after December 31, 1976. New or
42 increased tax rates for political subdivisions whose taxes are collected by the county collector
43 approved by voters after September first of any year shall not be included in that year's tax levy
44 except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

45 **4. In addition to the information required under subsections 1 and 2 of this section,**
46 **each political subdivision shall also include the increase in tax revenue due to an increase**
47 **in assessed value as a result of new construction and improvement and the increase, both**
48 **in dollar value and percentage, in tax revenue as a result of reassessment if the proposed**
49 **tax rate is adopted.**

67.304. 1. The governing body of any municipality or county may authorize any
2 organization to stand in a road in such municipality or county to solicit a charitable
3 contribution. Any organization seeking authorization under this section shall file a written
4 application with the governing body no later than the eleventh day before the solicitation
5 is to begin. The application shall include:

- 6 (1) The date and time the solicitation is to occur;
7 (2) The location of the solicitation; and
8 (3) The number of solicitors to be involved at each location of the solicitation.

9 2. The governing body may require the applicant to obtain a permit or to pay a
10 reasonable fee to receive the authorization.

11 3. The governing body may require proof of liability insurance in the amount
12 determined by the municipality or county to cover damages that may arise from the

13 solicitation. The insurance shall provide coverage against claims against the applicant and
14 claims against the governing body.

15 4. Collections shall only be conducted at intersections controlled by electronic
16 signal lights or by four-way stop signs.

17 5. The governing body may set a minimum age requirement for all individuals
18 participating in charitable solicitation activities under this section.

67.319. 1. The provisions of this section shall apply to contracts for construction
2 awarded by political subdivisions of the state of Missouri, and by any public governmental
3 body as defined in section 610.010, RSMo, and shall be known as the "Political Subdivision
4 Construction Bidding Standards Act". For purposes of this section the term "contracts
5 for construction" shall mean the construction, alteration, or repair of any building,
6 structure, highway, bridge, street, viaduct, water or sewer line or system, or pipeline, or
7 demolition, moving, or excavation connected therewith, and shall include the furnishing
8 of surveying, construction engineering, planning or management services, or labor,
9 material, or equipment, as required to perform work under the contract for construction.
10 Nothing in this section shall be construed to require the design or engineering of any
11 project as defined by section 8.287, RSMo, to be awarded by competitive bidding, if the
12 contract for such services is under a separate contract from a contract for construction and
13 is awarded under sections 8.285 to 8.291, RSMo, or to construction management services
14 governed by sections 8.675 to 8.687, RSMo. Neither shall this section be construed to apply
15 to contracts awarded for the "design/build" method of project delivery, if the political
16 subdivision's procurement of "design/build" projects is otherwise authorized by law, local
17 charter, ordinance, order, or resolution.

18 2. Contracts for construction by any political subdivision shall be advertised and
19 bids solicited and awarded in compliance with other Missouri statutes, state rules, and
20 federal and state funding requirements applicable to the specific political subdivision
21 which are in effect on August 28, 2007, or as such requirements may be enacted or
22 amended, and any provision of a local charter, ordinance, order, resolution, or policy
23 applicable to the specific political subdivision which are in effect or which are subsequently
24 adopted by the political subdivision after August 28, 2007.

25 3. If a political subdivision is not subject to a specific requirement for advertising
26 for bids or soliciting, awarding, or rejecting bids under requirements specified in
27 subsection 2 of this section regarding contracts for construction, the political subdivision
28 shall comply with the following provisions when soliciting bids and awarding construction
29 contracts of ten thousand dollars or more:

30 (1) Contracts for construction shall be advertised in advance of the acceptance of
31 bids. If no provision of state law, state rule, federal or state funding requirement, or local
32 charter, ordinance, order, resolution, or policy requiring advertising otherwise applies,
33 bids shall be solicited by advertisement for a minimum of five days in one newspaper of
34 general circulation in a county where the political subdivision is located, with the first
35 advertisement for bids appearing in the newspaper at least thirty days in advance of the
36 date stated in the advertisement for acceptance of bids. For contracts for construction of
37 over one-hundred thousand dollars, bids shall also be advertised by providing project and
38 bid solicitation information at least thirty days in advance of bid opening to one or more
39 commercial or not-for-profit organization, which regularly provides information on
40 contracts to be awarded to construction contractors. Project advertisements and bid
41 solicitations shall state the deadline for submission of bids and the time and place where
42 bids shall be received and opened;

43 (2) In absence of a bid award or rejection standard specified under subsection 2 of
44 this section, contracts for construction shall be awarded in compliance with this
45 subdivision. If no provision of state law, state rule, federal or state funding requirement,
46 or local charter, ordinance, order, resolution, or policy otherwise applies, the contract shall
47 be awarded to the lowest qualified responsible bidder that submits a bid which is
48 responsive to the contract as advertised by the political subdivision. The political
49 subdivision may reject the low bidder by declaring the bidder ineligible for contract award
50 based on the bidder's failure to provide a performance or payment bond as required by
51 section 107.170, RSMo, the bidder's nonperformance on previous contracts with the
52 political subdivision, or other reasons specified as to the bidder's inability to adequately
53 perform the contract. The reasons for bid rejection or award of the contract to another
54 bidder shall be stated in writing to the low bidder within five business days of the rejection
55 of the bid.

56 4. Notwithstanding any other provision of state law, state rule, or federal or state
57 funding requirement to the contrary, or any provision of a charter, ordinance, order,
58 resolution, or policy to the contrary, adopted by a political subdivision, no contract for
59 construction shall be awarded in violation of the following requirements:

60 (1) No bid shall be opened in advance of the advertised deadline for submission of
61 bids or in place other than that specified in the original solicitation of bids or in an
62 amendment to the solicitation communicated in advance to all known bidders;

63 (2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the
64 project for which bids were solicited is cancelled, bids shall be returned to the bidder
65 unopened;

66 **(3) No bid shall be accepted after the advertised deadline for acceptance of bids;**

67 **(4) All bids received shall be held secure and confidential from all persons until the**
68 **bids are opened at the time and place announced by the political subdivision. Bids shall**
69 **be opened in a public meeting, as defined in chapter 610, RSMo.**

70 **Nothing in this section shall be construed to prohibit acceptance and processing of bids**
71 **through an established program of electronic bidding by computer, provided bids accepted**
72 **and processed electronically shall meet standards of confidentiality established by the**
73 **requirements of the electronic bidding program which are comparable to requirements for**
74 **written bids established by this section.**

75 **5. Any person submitting a bid, or who would have submitted a bid except for**
76 **violations of subsection 4 of this section, shall have standing to seek equitable relief and**
77 **monetary damages in a court of competent jurisdiction for monetary losses resulting from**
78 **violations of subsection 4 of this section, including but not limited to, setting aside award**
79 **of a contract, ordering a contract to be re-bid, requiring award of a contract to a different**
80 **bidder than originally awarded, awarding monetary damages deemed appropriate by the**
81 **court, including award of reasonable attorney's fees, or awarding a combination of such**
82 **forms of relief.**

83 **6. Nothing in this section shall be construed to require acceptance of a bid which**
84 **exceeds the amount estimated by the political subdivision for the contract. Neither shall**
85 **anything in this section prohibit a political subdivision from awarding contracts without**
86 **competitive bidding when the political subdivision deems it necessary to remove an**
87 **immediate danger to the public health or safety, to prevent loss to public or private**
88 **property which requires government action, or to prevent an interruption of or to restore**
89 **an essential public service.**

 67.320. 1. Any county of the first classification with more than one hundred ninety-eight
2 thousand but less than one hundred ninety-nine thousand two hundred inhabitants may prosecute
3 and punish violations of its county orders in the circuit court of such counties in the manner and
4 to the extent herein provided or in a county municipal court if creation of a county municipal
5 court is approved by order of the county commission. The county may adopt orders with penal
6 provisions consistent with state law [but only in the areas of traffic violations, solid waste
7 management and animal control] **in all subject areas of the county's orders and ordinances.**
8 Any county municipal court established pursuant to the provisions of this section shall have
9 jurisdiction over violations of that county's orders and the ordinances of municipalities with
10 which the county has a contract to prosecute and punish violations of municipal ordinances of
11 the municipality.

12 2. In any county which has elected to establish a county municipal court pursuant to this
13 section, the judges for such court shall be appointed by the county commission of such county,
14 subject to confirmation by the legislative body of such county in the same manner as
15 confirmation for other county appointed officers. The number of judges appointed, and
16 qualifications for their appointment, shall be established by order of the commission.

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

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

 67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted
2 pursuant to section 67.400 shall:

3 (1) Set forth those conditions detrimental to the health, safety or welfare of the residents
4 of the city, town, village, or county the existence of which constitutes a nuisance;

5 (2) Provide for duties of inspectors with regard to such buildings or structures and shall
6 provide for duties of the building commissioner or designated officer or officers to supervise all
7 inspectors and to hold hearings regarding such buildings or structures;

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

16 (4) Provide that upon failure to commence work of reconditioning or demolition within
17 the time specified or upon failure to proceed continuously with the work without unnecessary
18 delay, the building commissioner or designated officer or officers shall call and have a full and
19 adequate hearing upon the matter, giving the affected parties at least ten days' written notice of
20 the hearing. Any party may be represented by counsel, and all parties shall have an opportunity
21 to be heard. After the hearings, if the evidence supports a finding that the building or structure
22 is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town,
23 village, or county, the building commissioner or designated officer or officers shall issue an order
24 making specific findings of fact, based upon competent and substantial evidence, which shows
25 the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the
26 residents of the city, town, village, or county and ordering the building or structure to be

27 demolished and removed, or repaired. If the evidence does not support a finding that the
28 building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents
29 of the city, town, village, or county, no order shall be issued;

30 (5) Provide that if the building commissioner or other designated officer or officers issue
31 an order whereby the building or structure is demolished, secured, or repaired, or the property
32 is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of
33 finance, who shall cause [a special tax bill or assessment therefor against the property to be
34 prepared and collected by the city collector or other official collecting taxes, unless] **the certified**
35 **cost to be included in a special tax bill or added to the annual real estate tax bill, at the**
36 **collecting official's option, for the property and the certified cost shall be collected by the**
37 **city collector or other official collecting taxes in the same manner and procedure for**
38 **collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered**
39 **delinquent, and the collection of the delinquent bill shall be governed by the laws**
40 **governing delinquent and back taxes. If the building or structure is demolished, secured or**
41 **repaired by a contractor pursuant to an order issued by the city, town, village, or county and such**
42 **contractor files a mechanic's lien against the property where the dangerous building is located.**
43 The contractor may enforce this lien as provided in sections 429.010 to 429.360, RSMo. [Except
44 as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid
45 in installments over a period of not more than ten years.] The tax bill from date of its issuance
46 shall be deemed a personal debt against the property owner and shall also be a lien on the
47 property until paid. A city not within a county or a city with a population of at least four hundred
48 thousand located in more than one county, notwithstanding any charter provision to the contrary,
49 may, by ordinance, provide that upon determination by the city that a public benefit will be
50 gained the city may discharge the special tax bill, including the costs of tax collection, accrued
51 interest and attorneys fees, if any.

52 2. If there are proceeds of any insurance policy based upon a covered claim payment
53 made for damage or loss to a building or other structure caused by or arising out of any fire,
54 explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up
55 to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or
56 ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the
57 face value of the policy covering a building or other structure:

58 (1) The insurer shall withhold from the covered claim payment up to twenty-five percent
59 of the covered claim payment, and shall pay such moneys to the city to deposit into an
60 interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority
61 over any obligation under the order or ordinance;

62 (2) The city or county shall release the proceeds and any interest which has accrued on
63 such proceeds received under subdivision (1) of this subsection to the insured or as the terms of
64 the policy and endorsements thereto provide within thirty days after receipt of such insurance
65 moneys, unless the city or county has instituted legal proceedings under the provisions of
66 subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the
67 provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that
68 necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the
69 removal, securing, repair and cleanup of the building or structure, and the lot on which it is
70 located, less salvage value, shall be paid to the insured;

71 (3) [If there are no proceeds of any insurance policy as set forth in this subsection, at the
72 request of the taxpayer, the tax bill may be paid in installments over a period of not more than
73 ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

74 (4)] This subsection shall apply to fire, explosion, or other casualty loss claims arising
75 on all buildings and structures;

76 [(5)] (4) This subsection does not make the city or county a party to any insurance
77 contract, and the insurer is not liable to any party for any amount in excess of the proceeds
78 otherwise payable under its insurance policy.

79 3. The governing body of any city not within a county and the governing body of any city
80 with a population of three hundred fifty thousand or more inhabitants which is located in more
81 than one county may enact their own ordinances pursuant to section 67.400 and are exempt from
82 subsections 1 and 2 of this section.

83 4. Notwithstanding the provisions of section 82.300, RSMo, any city may prescribe and
84 enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section
85 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment,
86 or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the
87 owner of the property is not also a resident of the property, then such fine may not exceed two
88 thousand dollars.

89 5. The ordinance may also provide that a city not within a county or a city with a
90 population of at least three hundred fifty thousand located in more than one county may seek to
91 recover the cost of demolition prior to the occurrence of demolition, as described in this
92 subsection. The ordinance may provide that if the building commissioner or other designated
93 officer or officers issue an order whereby the building or structure is ordered to be demolished,
94 secured or repaired, and the owner has been given an opportunity for a hearing to contest such
95 order, then the building commissioner or other designated officer or officers may solicit no less
96 than two independent bids for such demolition work. The amount of the lowest bid, including
97 offset for salvage value, if any, plus reasonable anticipated costs of collection, including

98 attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause
99 a special tax bill to be issued against the property owner to be prepared and collected by the city
100 collector or other official collecting taxes. The municipal clerk or other officer in charge of
101 finance shall discharge the special tax bill upon documentation by the property owner of the
102 completion of the ordered repair or demolition work. Upon determination by the municipal clerk
103 or other officer in charge of finance that a public benefit is secured prior to payment of the
104 special tax bill, the municipal clerk or other officer in charge of finance may discharge the
105 special tax bill upon the transfer of the property. The payment of the special tax bill shall be held
106 in an interest-bearing account. Upon full payment of the special tax bill, the building
107 commissioner or other designated officer or officers shall, within one hundred twenty days
108 thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including
109 the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of
110 finance who shall, if the actual cost differs from the paid amount by greater than two percent of
111 the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is
112 greater, cause a special tax bill or assessment for the difference against the property to be
113 prepared and collected by the city collector or other official collecting taxes. If the building
114 commissioner or other designated officer or officers shall not, within one hundred twenty days
115 after full payment, cause the ordered work to be completed, then the full amount of the payment,
116 plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at
117 the request of the taxpayer the tax bill for the difference may be paid in installments over a
118 period of not more than ten years. The tax bill for the difference from the date of its issuance
119 shall be deemed a personal debt against the property owner and shall also be a lien on the
120 property until paid.

67.463. 1. At the hearing to consider the proposed improvements and assessments, the
2 governing body shall hear and pass upon all objections to the proposed improvements and
3 proposed assessments, if any, and may amend the proposed improvements, and the plans and
4 specifications therefor, or assessments as to any property, and thereupon by ordinance or
5 resolution the governing body of the city or county shall order that the improvement be made and
6 direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

7 2. After construction of the improvement has been completed in accordance with the
8 plans and specifications therefor, the governing body shall compute the final costs of the
9 improvement and apportion the costs among the property benefited by such improvement in such
10 equitable manner as the governing body shall determine, charging each parcel of property with
11 its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the
12 improvement or the amount of general obligation bonds issued or to be issued therefor as special
13 assessments against the property described in the assessment roll.

14 3. After the passage or adoption of the ordinance or resolution assessing the special
15 assessments, the city clerk or county clerk shall mail a notice to each property owner within the
16 district which sets forth a description of each parcel of real property to be assessed which is
17 owned by such owner, the special assessment assigned to such property, and a statement that the
18 property owner may pay such assessment in full, together with interest accrued thereon from the
19 effective date of such ordinance or resolution, on or before a specified date determined by the
20 effective date of the ordinance or resolution, or may pay such assessment in annual installments
21 as provided in subsection 4 of this section.

22 4. The special assessments shall be assessed upon the property included therein
23 concurrent with general property taxes, and shall be payable in substantially equal annual
24 installments for a duration stated in the ballot measure prescribed in subsection 2 of section
25 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an
26 assessment in each year thereafter levied and collected in the same manner with the proceeds
27 thereof used solely for maintenance of the improvement, taking into account such assessments
28 and interest thereon, as the governing body determines. The first installment shall be payable
29 after the first collection of general property taxes following the adoption of the assessment
30 ordinance or resolution unless such ordinance or resolution was adopted and certified too late
31 to permit its collection at such time. All assessments shall bear interest at such rate as the
32 governing body determines, not to exceed the rate permitted for bonds by section 108.170,
33 RSMo. Interest on the assessment between the effective date of the ordinance or resolution
34 assessing the assessment and the date the first installment is payable shall be added to the first
35 installment. The interest for one year on all unpaid installments shall be added to each
36 subsequent installment until paid. In the case of a special assessment by a city, all of the
37 installments, together with the interest accrued or to accrue thereon, may be certified by the city
38 clerk to the county clerk in one instrument at the same time. Such certification shall be good for
39 all of the installments, and the interest thereon payable as special assessments.

40 5. Special assessments shall be collected and paid over to the city treasurer or county
41 treasurer in the same manner as taxes of the city or county are collected and paid. **In any county**
42 **of the first classification with more than one hundred thirty-five thousand four hundred**
43 **but fewer than one hundred thirty-five thousand five hundred inhabitants, the county**
44 **collector may collect a fee as prescribed by section 52.260, RSMo, for collection of**
45 **assessments under this section.**

67.797. 1. When a regional recreational district is organized in only one county, the
2 executive, as that term is defined in subdivision (4) of section 67.750, with the advice and
3 consent of the governing body of the county shall appoint a board of directors for the district
4 consisting of seven persons, chosen from the residents of the district. Where the district is in

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

15 2. The directors appointed to the regional recreation district shall hold office for
16 three-year terms, except that of the members first appointed, two shall hold office for one year,
17 two shall hold office for two years and three shall hold office for three years. The executives of
18 the counties within the regional recreational district shall meet to determine and implement a fair
19 allocation of the staggered terms among the counties, provided that counties eligible to appoint
20 more than one board member may not appoint board members with identical initial terms until
21 each of a one-year, two-year and three-year initial term has been applied to such county. On the
22 expiration of such initial terms of appointment and on the expiration of any subsequent term, the
23 resulting vacancies shall be filled by the executives of the respective counties, with the advice
24 and consent of the respective governing bodies. All vacancies on the board shall be filled in the
25 same manner for the duration of the term being filled. Board members shall serve until their
26 successors are named and such successors have commenced their terms as board members.
27 Board members shall be eligible for reappointment. Upon the petition of the county executive
28 of the county from which the board member received his or her appointment, the governing body
29 of the county may remove any board member for misconduct or neglect of duties.

30 3. Notwithstanding any other provision of sections 67.750 to 67.799, to the contrary,
31 after August 28, 2004, in any district located in whole or in part in any county of the first
32 classification with more than one hundred eighty-four thousand but less than one hundred
33 eighty-eight thousand inhabitants, upon the expiration of such initial terms of appointment and
34 on the expiration of any subsequent term, the resulting vacancies shall be filled by election at the
35 next regularly scheduled election date throughout the district. In the event that a vacancy exists
36 before the expiration of a term, the governing body of the county shall appoint a member for the
37 remainder of the unexpired term. Board members shall be elected for terms of three years. Such
38 elections shall be held according to this section and the applicable laws of this state. If no person
39 files as a candidate for election to the vacant office within the applicable deadline for filing as
40 a candidate, then the governing body of any such county shall appoint a person to be a member

41 of the board for a term of three years. Any appointed board members shall be eligible to run for
42 office.

43 4. Directors shall immediately after their appointment meet and organize by the election
44 of one of their number president, and by the election of such other officers as they may deem
45 necessary. The directors shall make and adopt such bylaws, rules and regulations for their
46 guidance and for the government of the parks, neighborhood trails and recreational grounds and
47 facilities as may be expedient, not inconsistent with sections 67.792 to 67.799. They shall have
48 the exclusive control of the expenditures of all money collected to the credit of the regional
49 recreational fund and of the supervision, improvement, care and custody of public parks,
50 neighborhood trails, recreational facilities and grounds owned, maintained or managed by the
51 district. All moneys received for such purposes shall be deposited in the treasury of the county
52 containing the largest portion of the district to the credit of the regional recreational fund and
53 shall be kept separate and apart from the other moneys of such county. Such board shall have
54 power to purchase or otherwise secure ground to be used for such parks, neighborhood trails,
55 recreational grounds and facilities, shall have power to appoint suitable persons to maintain such
56 parks, neighborhood trails and recreational facilities and administer recreational programs and
57 fix their compensation, and shall have power to remove such appointees.

58 5. The board of directors may issue debt for the district pursuant to section 67.798.

59 6. If a county, or a portion of a county, not previously part of any district, shall enter a
60 district, the executives of the new member county and any previous member counties shall
61 promptly meet to apportion the board seats among the counties participating in the enlarged
62 district. All purchases in excess of ten thousand dollars used in the construction or maintenance
63 of any public park, neighborhood trail or recreational facility in the regional recreation district
64 shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo,
65 or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The
66 board of the district shall have the same discretion, powers and duties as the commissioner of
67 administration has in sections 34.040 and 34.042, RSMo.

68 **7. Notwithstanding any other provisions in this section to the contrary, when a**
69 **regional recreational district is organized in only one county on land owned solely by the**
70 **county, the governing body of the county shall have exclusive control of the expenditures**
71 **of all moneys collected to the credit of the regional recreational fund, and of the**
72 **supervision, improvement, care, and custody of public parks, neighborhood trails,**
73 **recreational facilities, and grounds owned, maintained, or managed by the county within**
74 **the district.**

67.997. 1. The governing body of any county of the third classification without a
2 township form of government and with more than eighteen thousand one hundred but

3 fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance,
4 a sales tax on all retail sales made within the county which are subject to sales tax under
5 chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one
6 percent, and shall be imposed solely for the purpose of funding senior services and youth
7 programs provided by the county. One-half of all revenue collected under this section, less
8 one-half the cost of collection shall be used solely to fund any service or activity deemed
9 necessary by the senior service tax commission established in this section, and one-half of
10 all revenue collected under this section, less one-half the cost of collection shall be used
11 solely to fund all youth programs administered by an existing county community task
12 force. The tax authorized in this section shall be in addition to all other sales taxes imposed
13 by law, and shall be stated separately from all other charges and taxes. The order or
14 ordinance shall not become effective unless the governing body of the county submits to the
15 voters residing within the county at a state general, primary, or special election a proposal
16 to authorize the governing body of the county to impose a tax under this section.

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

19 Shall (insert the name of the county) impose a sales tax at a rate of (insert
20 rate of percent) percent, with half of the revenue from the tax, less one-half the cost of
21 collection, to be used solely to fund senior services provided by the county and half of the
22 revenue from the tax, less one-half the cost of collection, to be used solely to fund youth
23 programs provided by the county?

24 ☐ YES

☐ NO

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

28
29 If a majority of the votes cast on the question by the qualified voters voting thereon are in
30 favor of the question, then the tax shall become effective on the first day of the second
31 calendar quarter immediately following the approval of the tax or notification to the
32 department of revenue administered by the department of revenue. If a majority of the
33 votes cast on the question by the qualified voters voting thereon are opposed to the
34 question, then the tax shall not become effective unless and until the question is
35 resubmitted under this section to the qualified voters and such question is approved by a
36 majority of the qualified voters voting on the question.

37 3. On or after the effective date of any tax authorized under this section, the county
38 which imposed the tax shall enter into an agreement with the director of the department

39 of revenue for the purpose of collecting the tax authorized in this section. On or after the
40 effective date of the tax the director of revenue shall be responsible for the administration,
41 collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo,
42 shall apply. All revenue collected under this section by the director of the department of
43 revenue on behalf of any county, except for one percent for the cost of collection which
44 shall be deposited in the state's general revenue fund, shall be deposited in a special trust
45 fund, which is hereby created and shall be known as the "Senior Services and Youth
46 Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes.
47 Moneys in the fund shall not be deemed to be state funds, and shall not be commingled
48 with any funds of the state. The director may make refunds from the amounts in the trust
49 fund and credited to the county for erroneous payments and overpayments made, and may
50 redeem dishonored checks and drafts deposited to the credit of such county. Any funds
51 in the special trust fund which are not needed for current expenditures shall be invested
52 in the same manner as other funds are invested. Any interest and moneys earned on such
53 investments shall be credited to the fund.

54 4. In order to permit sellers required to collect and report the sales tax to collect the
55 amount required to be reported and remitted, but not to change the requirements of
56 reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid
57 fractions of pennies, the governing body of the county may authorize the use of a bracket
58 system similar to that authorized in section 144.285, RSMo, and notwithstanding the
59 provisions of that section, this new bracket system shall be used where this tax is imposed
60 and shall apply to all taxable transactions. Beginning with the effective date of the tax,
61 every retailer in the county shall add the sales tax to the sale price, and this tax shall be a
62 debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same
63 manner as the purchase price. For purposes of this section, all retail sales shall be deemed
64 to be consummated at the place of business of the retailer.

65 5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the
66 state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply
67 to the collection of the tax, and all exemptions granted to agencies of government,
68 organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made
69 applicable to the imposition and collection of the tax. The same sales tax permit, exemption
70 certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the
71 administration and collection of the state sales tax shall satisfy the requirements of this
72 section, and no additional permit or exemption certificate or retail certificate shall be
73 required; except that, the director of revenue may prescribe a form of exemption certificate
74 for an exemption from the tax. All discounts allowed the retailer under the state sales tax

for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

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

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

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

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

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective

110 until the question is resubmitted under this section to the qualified voters and the repeal
111 is approved by a majority of the qualified voters voting on the question.

112 **8. If the tax is repealed or terminated by any means, all funds remaining in the**
113 **special trust fund shall continue to be used solely for the designated purposes, and the**
114 **county shall notify the director of the department of revenue of the action at least thirty**
115 **days before the effective date of the repeal and the director may order retention in the trust**
116 **fund, for a period of one year, of two percent of the amount collected after receipt of such**
117 **notice to cover possible refunds or overpayment of the tax and to redeem dishonored**
118 **checks and drafts deposited to the credit of such accounts. After one year has elapsed after**
119 **the effective date of abolition of the tax in such county, the director shall remit the balance**
120 **in the account to the county and close the account of that county. The director shall notify**
121 **each county of each instance of any amount refunded or any check redeemed from receipts**
122 **due the county.**

123 **9. Each county imposing the tax authorized in this section shall establish a senior**
124 **services tax commission to administer the portion of the sales tax revenue dedicated to**
125 **providing senior services. Such commission shall consist of seven members appointed by**
126 **the county commission. The county commission shall determine the qualifications, terms**
127 **of office, compensation, powers, duties, restrictions, procedures, and all other necessary**
128 **functions of the commission.**

67.1000. 1. The governing body of any county or of any city which is the county seat
2 of any county or which now or hereafter has a population of more than three thousand five
3 hundred inhabitants and which has heretofore been authorized by the general assembly, or of any
4 other city which has a population of more than eighteen thousand and less than forty-five
5 thousand inhabitants located in a county of the first classification with a population over two
6 hundred thousand adjacent to a county of the first classification with a population over nine
7 hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient
8 guests of hotels or motels situated in the city or county, which shall be not more than five percent
9 per occupied room per night, except that such tax shall not become effective unless the
10 governing body of the city or county submits to the voters of the city or county at an election
11 permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city
12 or county to impose a tax under the provisions of this section and section 67.1002. The tax
13 authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping
14 room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax
15 shall be used by the city or county solely for funding a convention and visitors bureau which
16 shall be a general not-for-profit organization with whom the city or county has contracted, and

17 which is established for the purpose of promoting the city or county as a convention, visitor and
18 tourist center. Such tax shall be stated separately from all other charges and taxes.

19 **2. In any county of the third classification without a township form of government**
20 **and with more than forty-one thousand one hundred but fewer than forty-one thousand**
21 **two hundred inhabitants, "transient guests", as used in this section and section 67.1002,**
22 **means a person or persons who occupy a room or rooms in a hotel or motel for ninety days**
23 **or less during any calendar quarter.**

2 [67.1000. The governing body of any county or of any city which is the
3 county seat of any county or which now or hereafter has a population of more
4 than three thousand five hundred inhabitants and which has heretofore been
5 authorized by the general assembly, or of any city which has a population of at
6 least seventeen thousand but not more than forty-five thousand inhabitants
7 located in a county of the first classification with a charter form of government
8 with a population of at least two hundred thousand inhabitants but not more than
9 three hundred thousand inhabitants may impose a tax on the charges for all
10 sleeping rooms paid by the transient guests of hotels or motels situated in the city
11 or county, which shall be not more than five percent per occupied room per night,
12 except that such tax shall not become effective unless the governing body of the
13 city or county submits to the voters of the city or county at an election permitted
14 pursuant to section 115.123, RSMo, a proposal to authorize the governing body
15 of the city or county to impose a tax pursuant to the provisions of this section and
16 section 67.1002. The tax authorized by this section and section 67.1002 shall be
17 in addition to the charge for the sleeping room and shall be in addition to any and
18 all taxes imposed by law and the proceeds of such tax shall be used by the city
19 or county solely for funding a convention and visitors bureau which shall be a
20 general not-for-profit organization with whom the city or county has contracted,
21 and which is established for the purpose of promoting the city or county as a
22 convention, visitor and tourist center. Such tax shall be stated separately from
23 all other charges and taxes.]

2 67.1003. 1. The governing body of any city or county, other than a city or county already
3 imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and
4 motels situated in such city or county or a portion thereof pursuant to any other law of this state,
5 having more than three hundred fifty hotel and motel rooms inside such city or county or (1) a
6 county of the third classification with a population of more than seven thousand but less than
7 seven thousand four hundred inhabitants; (2) or a third class city with a population of greater
8 than ten thousand but less than eleven thousand located in a county of the third classification
9 with a township form of government with a population of more than thirty thousand; (3) or a
10 county of the third classification with a township form of government with a population of more
than twenty thousand but less than twenty-one thousand; (4) or any third class city with a

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

25 2. Notwithstanding any other provision of law to the contrary, the tax authorized in this
26 section shall not be imposed in any city or county already imposing such tax pursuant to any
27 other law of this state, except that cities of the third class having more than two thousand five
28 hundred hotel and motel rooms, and located in a county of the first classification in which and
29 where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and
30 motels situated in such county is imposed, may impose the tax authorized by this section of not
31 more than one-half of one percent per occupied room per night.

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

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

37 ☐ YES ☐ NO

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

67.1016. 1. The governing body of any county of the second, third, or fourth
2 **classification may impose, by order or ordinance, a tax on the charges for all sleeping**
3 **rooms paid by the transient guests of hotels or motels situated in the county or a portion**
4 **thereof. The tax shall be not more than one cent per occupied room per night, and shall**
5 **be imposed solely for the purpose of promoting tourism related activities in the county.**
6 **The tax authorized in this section shall be in addition to the charge for the sleeping room**

7 and all other taxes imposed by law, and shall be stated separately from all other charges
8 and taxes.

9 2. No such order or ordinance shall become effective unless the governing body of
10 the county submits to the voters of the county at a state general, primary, or special
11 election a proposal to authorize the governing body of the county to impose a tax under this
12 section. If a majority of the votes cast on the question by the qualified voters voting
13 thereon are in favor of the question, then the tax shall become effective on the first day of
14 the second calendar quarter following the calendar quarter in which the election was held.
15 If a majority of the votes cast on the question by the qualified voters voting thereon are
16 opposed to the question, then the tax shall not become effective unless and until the
17 question is resubmitted under this section to the qualified voters of the county and such
18 question is approved by a majority of the qualified voters voting on the question.

19 3. All revenue generated by the tax shall be collected by the county collector of
20 revenue, shall be deposited in a special trust fund, and shall be used solely for the
21 designated purposes. If the tax is repealed, all funds remaining in the special trust fund
22 shall continue to be used solely for the designated purposes. Any funds in the special trust
23 fund that are not needed for current expenditures may be invested by the governing body
24 in accordance with applicable laws relating to the investment of other county funds. Any
25 interest and moneys earned on such investments shall be credited to the fund.

26 4. Upon adoption of the tax under this section, there shall be established in each
27 county adopting the tax a "Tourism Commission", to consist of five members appointed
28 by the governing body of the county. No more than one member of the tourism commission
29 shall be a member of the governing body of the county. Of the initial members appointed,
30 two shall hold office for one year, two shall hold office for two years, and one shall hold
31 office for three years. Members appointed after expiration of the initial terms shall be
32 appointed to a three-year term. Each member may be reappointed. Vacancies shall be
33 filled by appointment by the governing body of the county for the remainder of the
34 unexpired term. The members shall not receive compensation for their services, but may
35 be reimbursed for their actual and necessary expenses incurred in service of the tourism
36 commission.

37 5. The governing body of any county that has adopted the tax authorized in this
38 section may submit the question of repeal of the tax to the voters on any date available for
39 elections for the county. If a majority of the votes cast on the proposal are in favor of
40 repeal, that repeal shall become effective on December thirty-first of the calendar year in
41 which such repeal was approved. If a majority of the votes cast on the question by the
42 qualified voters voting thereon are opposed to the repeal, then the tax authorized in this

43 section shall remain effective until the question is resubmitted under this section to the
44 qualified voters of the county, and the repeal is approved by a majority of the qualified
45 voters voting on the question.

46 **6. Whenever the governing body of any county that has adopted the tax authorized**
47 **in this section receives a petition, signed by a number of registered voters of the county**
48 **equal to at least two percent of the number of registered voters of the county voting in the**
49 **last gubernatorial election, calling for an election to repeal the tax imposed under this**
50 **section, the governing body shall submit to the voters of the county a proposal to repeal the**
51 **tax. If a majority of the votes cast on the question by the qualified voters voting thereon**
52 **are in favor of the repeal, that repeal shall become effective on December thirty-first of the**
53 **calendar year in which such repeal was approved. If a majority of the votes cast on the**
54 **question by the qualified voters voting thereon are opposed to the repeal, then the tax shall**
55 **remain effective until the question is resubmitted under this section to the qualified voters**
56 **of the county and the repeal is approved by a majority of the qualified voters voting on the**
57 **question.**

58 **7. As used in this section, "transient guests" means a person or persons who occupy**
59 **a room or rooms in a hotel or motel for thirty-one days or less during any calendar**
60 **quarter.**

67.1181. Any political subdivision authorized by this chapter to collect and expend
2 **tax revenues imposed by such political subdivision for the advertising and promotion of**
3 **tourism shall perform, or cause to be performed, an audit of its finances at least once every**
4 **five calendar years if no other statutory auditing requirement exists for such political**
5 **subdivision. The political subdivision shall pay the actual cost of the audit from the**
6 **revenues for operating costs. The first such audit required by this section shall be**
7 **completed no later than January 1, 2009.**

67.1360. The governing body of:

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

4 (2) A county with a population of over nine thousand six hundred and less than twelve
5 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
6 submits the issue to the voters of such county prior to January 1, 2003;

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

10 (4) Any fourth class city having, according to the last federal decennial census, a
11 population of more than one thousand eight hundred fifty inhabitants but less than one thousand

12 nine hundred fifty inhabitants in a county of the first classification with a charter form of
13 government and having a population of greater than six hundred thousand but less than nine
14 hundred thousand inhabitants;

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

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

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

23 (8) Any third class city with a population of more than three thousand two hundred but
24 less than three thousand three hundred located in a county of the third classification having a
25 population of more than thirty-five thousand but less than thirty-six thousand;

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

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

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

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

36 (13) Any city of the third class with a population of more than seven thousand two
37 hundred but less than seven thousand five hundred within a county of the third classification with
38 a population of more than twenty-one thousand but less than twenty-three thousand;

39 (14) Any fourth class city having a population of more than two thousand eight hundred
40 but less than three thousand one hundred inhabitants in a county of the third classification with
41 a township form of government having a population of more than eight thousand four hundred
42 but less than nine thousand inhabitants;

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

- 46 (16) Any third class city with a population of more than three thousand eight hundred
47 but less than four thousand inhabitants located in a county of the third classification with a
48 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- 49 (17) Any fourth class city with a population of more than four thousand three hundred
50 but less than four thousand five hundred inhabitants located in a county of the third classification
51 without a township form of government with a population greater than sixteen thousand but less
52 than sixteen thousand two hundred inhabitants;
- 53 (18) Any fourth class city with a population of more than two thousand four hundred but
54 less than two thousand six hundred inhabitants located in a county of the first classification
55 without a charter form of government with a population of more than fifty-five thousand but less
56 than sixty thousand inhabitants;
- 57 (19) Any fourth class city with a population of more than two thousand five hundred but
58 less than two thousand six hundred inhabitants located in a county of the third classification with
59 a population of more than nineteen thousand one hundred but less than nineteen thousand two
60 hundred inhabitants;
- 61 (20) Any county of the third classification without a township form of government with
62 a population greater than sixteen thousand but less than sixteen thousand two hundred
63 inhabitants;
- 64 (21) Any county of the second classification with a population of more than forty-four
65 thousand but less than fifty thousand inhabitants;
- 66 (22) Any third class city with a population of more than nine thousand five hundred but
67 less than nine thousand seven hundred inhabitants located in a county of the first classification
68 without a charter form of government and with a population of more than one hundred
69 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;
- 70 (23) Any city of the fourth classification with more than five thousand two hundred but
71 less than five thousand three hundred inhabitants located in a county of the third classification
72 without a township form of government and with more than twenty-four thousand five hundred
73 but less than twenty-four thousand six hundred inhabitants;
- 74 (24) Any third class city with a population of more than nineteen thousand nine hundred
75 but less than twenty thousand in a county of the first classification without a charter form of
76 government and with a population of more than one hundred ninety-eight thousand but less than
77 one hundred ninety-eight thousand two hundred inhabitants;
- 78 (25) Any city of the fourth classification with more than two thousand six hundred but
79 less than two thousand seven hundred inhabitants located in any county of the third classification
80 without a township form of government and with more than fifteen thousand three hundred but
81 less than fifteen thousand four hundred inhabitants;

82 (26) Any county of the third classification without a township form of government and
83 with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

84 (27) Any city of the fourth classification with more than five thousand four hundred but
85 fewer than five thousand five hundred inhabitants and located in more than one county;

86 (28) Any city of the fourth classification with more than six thousand three hundred but
87 fewer than six thousand five hundred inhabitants and located in more than one county **through**
88 **the creation of a tourism district which may include, in addition to the geographic area of**
89 **such city, the area encompassed by the portion of the school district, located within a**
90 **county of the first classification with more than ninety-three thousand eight hundred but**
91 **fewer than ninety-three thousand nine hundred inhabitants, having an average daily**
92 **attendance for school year 2006 between one thousand nine hundred and two thousand;**

93 (29) Any city of the fourth classification with more than seven thousand seven hundred
94 but less than seven thousand eight hundred inhabitants located in a county of the first
95 classification with more than ninety-three thousand eight hundred but less than ninety-three
96 thousand nine hundred inhabitants;

97 (30) Any city of the fourth classification with more than two thousand nine hundred but
98 less than three thousand inhabitants located in a county of the first classification with more than
99 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
100 inhabitants; [or]

101 (31) Any city of the third classification with more than nine thousand three hundred but
102 less than nine thousand four hundred inhabitants; or

103 **(32) Any city of the fourth classification with more than three thousand eight**
104 **hundred but fewer than three thousand nine hundred inhabitants and located in any**
105 **county of the first classification with more than thirty-nine thousand seven hundred but**
106 **fewer than thirty-nine thousand eight hundred inhabitants;**

107 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
108 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
109 recreational boats which are used by transients for sleeping, which shall be at least two percent,
110 but not more than five percent per occupied room per night, except that such tax shall not
111 become effective unless the governing body of the city or county submits to the voters of the city
112 or county at a state general, primary or special election, a proposal to authorize the governing
113 body of the city or county to impose a tax pursuant to the provisions of this section and section
114 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
115 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
116 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
117 of tourism. Such tax shall be stated separately from all other charges and taxes.

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

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

(1) At least eighteen years of age; and

(2) Be either:

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

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

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

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

If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district.

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

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

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

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

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

37 (4) The director or directors to be elected shall be elected at large. The person receiving
38 the most votes shall be elected to the position having the longest term; the person receiving the
39 second highest votes shall be elected to the position having the next longest term and so forth.
40 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
41 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
42 elected, the director receiving the least number of votes shall serve for a two-year term, until
43 such director's successor is elected. For any district formed on or after August 28, 2003, for the
44 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
45 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of
46 directors are elected, the director receiving the least number of votes shall serve for a two-year
47 term, until such director's successor is elected;

48 (5) Successor directors shall be elected in the same manner as the initial directors. The
49 date of the election of successor directors shall be specified by the municipal clerk which date
50 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
51 expiring director. Each successor director shall serve a term for the length specified prior to the
52 election by the district, which term shall be at least three years and not more than four years, and
53 shall continue until such director's successor is elected. In the event of a vacancy on the board
54 of directors, the remaining directors shall elect an interim director to fill the vacancy for the
55 unexpired term.

56 5. If the petition provides that the board is to be appointed by the municipality, such
57 appointments shall be made by the chief elected officer of the municipality with the consent of
58 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
59 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
60 term and the remaining one-half shall be appointed to serve for a four-year term until such
61 director's successor is appointed; provided that, if there is an odd number of directors, the last
62 person appointed shall serve a two-year term. For any district formed on or after August 28,
63 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
64 and one-half shall be appointed to serve for the term specified by the district for successor
65 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
66 person appointed shall serve for a two-year term; provided that each director shall serve until
67 such director's successor is appointed. Successor directors shall be appointed in the same manner
68 as the initial directors and shall serve for a term of years specified by the district prior to the
69 appointment, which term shall be at least three years and not more than four years.

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

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

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

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

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

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

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

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

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

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

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

24 (9) If the district is a political subdivision, to levy real property taxes and business
25 license taxes in the county seat of a county of the first classification containing a population of
26 at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such
27 assessments or taxes shall be levied on any property exempt from taxation pursuant to
28 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2)
29 and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections
30 67.1401 to 67.1571;

- 31 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
32 67.1401 to 67.1571;
- 33 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the
34 following:
- 35 (a) The district's real property, except for public rights-of-way for utilities;
- 36 (b) The district's personal property, except in a city not within a county; or
- 37 (c) Any of the district's interests in such real or personal property, except for public
38 rights-of-way for utilities;
- 39 (12) To borrow money from any public or private source and issue obligations and
40 provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- 41 (13) To loan money as provided in sections 67.1401 to 67.1571;
- 42 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
43 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- 44 (15) To enter into one or more agreements with the municipality for the purpose of
45 abating any public nuisance within the boundaries of the district including, but not limited to,
46 the stabilization, repair or maintenance or demolition and removal of buildings or structures,
47 provided that the municipality has declared the existence of a public nuisance;
- 48 (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install,
49 repair, maintain, and equip any of the following public improvements:
- 50 (a) Pedestrian or shopping malls and plazas;
- 51 (b) Parks, lawns, trees, and any other landscape;
- 52 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
- 53 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
54 signs and signals, utilities, drainage, water, storm and sewer systems, and other site
55 improvements;
- 56 (e) Parking lots, garages, or other facilities;
- 57 (f) Lakes, dams, and waterways;
- 58 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
59 awnings, canopies, walls, and barriers;
- 60 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
61 kiosks;
- 62 (i) Paintings, murals, display cases, sculptures, and fountains;
- 63 (j) Music, news, and child-care facilities; and
- 64 (k) Any other useful, necessary, or desired improvement;
- 65 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
66 parks, and other real property and improvements located within its boundaries for public use;

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

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

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

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

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

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

80 (24) To support business activity and economic development in the district including,
81 but not limited to, the promotion of business activity, development and retention, and the
82 recruitment of developers and businesses;

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

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

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

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

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

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

92 (1) Within its blighted area, to contract with any private property owner to demolish and
93 remove, renovate, **construct**, reconstruct, or rehabilitate any building or structure owned by such
94 private property owner; and

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

99 3. Each district shall annually reimburse the municipality for the reasonable and actual
100 expenses incurred by the municipality to establish such district and review annual budgets and
101 reports of such district required to be submitted to the municipality; provided that, such annual

102 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
103 in such year.

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

108 5. The governing body of the municipality establishing the district shall not decrease the
109 level of publicly funded services in the district existing prior to the creation of the district or
110 transfer the financial burden of providing the services to the district unless the services at the
111 same time are decreased throughout the municipality, nor shall the governing body discriminate
112 in the provision of the publicly funded services between areas included in such district and areas
113 not so included.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
2 district sales and use tax on all retail sales made in such district which are subject to taxation
3 pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats
4 or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this
5 section may be imposed in increments of one-eighth of one percent, up to a maximum of one
6 percent. Such district sales and use tax may be imposed for any district purpose designated by
7 the district in its ballot of submission to its qualified voters; except that, no resolution adopted
8 pursuant to this section shall become effective unless the board of directors of the district
9 submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales
10 and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the
11 proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of
12 the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

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

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

19 ☐ YES

☐ NO

20

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

23 3. Within ten days after the qualified voters have approved the imposition of the sales
24 and use tax, the district shall, in accordance with section [32.097] **32.087**, RSMo, notify the

25 director of the department of revenue. The sales and use tax authorized by this section shall
26 become effective on the first day of the second calendar quarter after the director of the
27 department of revenue receives notice of the adoption of such tax.

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

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

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

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

40 8. All revenue received by the district from a sales and use tax imposed pursuant to this
41 section which is designated for a specific purpose shall be deposited into a special trust fund and
42 expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant
43 to this section, all funds remaining in the special trust fund shall continue to be used solely for
44 the specific purpose designated in the resolution adopted by the qualified voters. Any funds in
45 such special trust fund which are not needed for current expenditures may be invested by the
46 board of directors pursuant to applicable laws relating to the investment of other district funds.

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

52 **10. Notwithstanding the provisions of chapter 115, RSMo, an election for a district**
53 **sales and use tax under this section shall be conducted in accordance with the provisions**
54 **of this section.**

67.2040. 1. The governing body of any county of the third classification without a
2 **township form of government and with more than forty-one thousand one hundred but**
3 **fewer than forty-one thousand two hundred inhabitants may impose, by order or**
4 **ordinance, a sales tax on all retail sales made within the county which are subject to sales**
5 **tax under chapter 144, RSMo. The tax authorized in this section shall be equal to one-**
6 **eighth of one percent, and shall be imposed solely for the purpose of funding construction**

7 for a shelter for women and children, as defined in section 455.200, RSMo. The tax
8 authorized in this section shall be in addition to all other sales taxes imposed by law, and
9 shall be stated separately from all other charges and taxes. The order or ordinance shall
10 not become effective unless the governing body of the county submits to the voters residing
11 within the county at a state general, primary, or special election, a proposal to authorize
12 the governing body of the county to impose a tax under this section.

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

15 Shall (insert the name of the political subdivision) impose a sales tax at a rate
16 of (insert rate of percent) percent, solely for the purpose of funding construction for
17 a shelter for women and children?

18 ☐ YES

☐ NO

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

22
23 If a majority of the votes cast on the question by the qualified voters voting thereon are in
24 favor of the question, then the tax shall become effective on the first day of the second
25 calendar quarter immediately following notification to the department of revenue. If a
26 majority of the votes cast on the question by the qualified voters voting thereon are
27 opposed to the question, then the tax shall not become effective unless and until the
28 question is resubmitted under this section to the qualified voters and such question is
29 approved by a majority of the qualified voters voting on the question.

30 3. All revenue collected under this section by the director of the department of
31 revenue on behalf of any county, except for one percent for the cost of collection which
32 shall be deposited in the state's general revenue fund, shall be deposited in a special trust
33 fund, which is hereby created and shall be known as the "Women's and Children's Shelter
34 Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund
35 shall not be deemed to be state funds, and shall not be commingled with any funds of the
36 state. The director may make refunds from the amounts in the trust fund and credited to
37 the county for erroneous payments and overpayments made, and may redeem dishonored
38 checks and drafts deposited to the credit of such county. Any funds in the special trust
39 fund which are not needed for current expenditures shall be invested in the same manner
40 as other funds are invested. Any interest and moneys earned on such investments shall be
41 credited to the fund.

42 **4. On or after the effective date of the tax, the director of revenue shall be**
43 **responsible for the administration, collection, enforcement, and operation of the tax, and**
44 **sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to**
45 **collect and report the sales tax to collect the amount required to be reported and remitted,**
46 **but not to change the requirements of reporting or remitting the tax, or to serve as a levy**
47 **of the tax, and in order to avoid fractions of pennies, the governing body of the county may**
48 **authorize the use of a bracket system similar to that authorized in section 144.285, RSMo,**
49 **and notwithstanding the provisions of that section, this new bracket system shall be used**
50 **where this tax is imposed and shall apply to all taxable transactions. Beginning with the**
51 **effective date of the tax, every retailer in the county shall add the sales tax to the sale price,**
52 **and this tax shall be a debt of the purchaser to the retailer until paid, and shall be**
53 **recoverable at law in the same manner as the purchase price. For purposes of this section,**
54 **all retail sales shall be deemed to be consummated at the place of business of the retailer.**

55 **5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the**
56 **state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply**
57 **to the collection of the tax, and all exemptions granted to agencies of government,**
58 **organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made**
59 **applicable to the imposition and collection of the tax. The same sales tax permit, exemption**
60 **certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the**
61 **administration and collection of the state sales tax shall satisfy the requirements of this**
62 **section, and no additional permit or exemption certificate or retail certificate shall be**
63 **required; except that, the director of revenue may prescribe a form of exemption certificate**
64 **for an exemption from the tax. All discounts allowed the retailer under the state sales tax**
65 **for the collection of and for payment of taxes are hereby allowed and made applicable to**
66 **the tax. The penalties for violations provided in section 32.057, RSMo, and sections**
67 **144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any**
68 **person is delinquent in the payment of the amount required to be paid under this section,**
69 **or in the event a determination has been made against the person for taxes and penalty**
70 **under this section, the limitation for bringing suit for the collection of the delinquent tax**
71 **and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.**

72 **6. Any sales tax imposed under this section shall expire three years after the date**
73 **such tax becomes effective, unless such tax is repealed under this section before the**
74 **expiration date provided for in this subsection.**

75 **7. The governing body of any county that has adopted the sales tax authorized in**
76 **this section may submit the question of repeal of the tax to the voters on any date available**

77 for elections for the county. The ballot of submission shall be in substantially the following
78 form:

79 Shall (insert the name of the political subdivision) repeal the sales tax imposed
80 at a rate of (insert rate of percent) percent for the purpose of funding construction
81 for a shelter for women and children?

82 ☐ YES

☐ NO

83

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

86

87 If a majority of the votes cast on the question by the qualified voters voting thereon are in
88 favor of repeal, that repeal shall become effective on December thirty-first of the calendar
89 year in which such repeal was approved. If a majority of the votes cast on the question by
90 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized
91 in this section shall remain effective until the question is resubmitted under this section to
92 the qualified voters and the repeal is approved by a majority of the qualified voters voting
93 on the question.

94 8. Whenever the governing body of any county that has adopted the sales tax
95 authorized in this section receives a petition, signed by ten percent of the registered voters
96 of the county voting in the last gubernatorial election, calling for an election to repeal the
97 sales tax imposed under this section, the governing body shall submit to the voters of the
98 county a proposal to repeal the tax. If a majority of the votes cast on the question by the
99 qualified voters voting thereon are in favor of the repeal, the repeal shall become effective
100 on December thirty-first of the calendar year in which such repeal was approved. If a
101 majority of the votes cast on the question by the qualified voters voting thereon are
102 opposed to the repeal, then the sales tax authorized in this section shall remain effective
103 until the question is resubmitted under this section to the qualified voters and the repeal
104 is approved by a majority of the qualified voters voting on the question.

105 9. If the tax is repealed or terminated by any means, all funds remaining in the
106 special trust fund shall continue to be used solely for the designated purposes, and the
107 county shall notify the director of the department of revenue of the action at least thirty
108 days before the effective date of the repeal and the director may order retention in the trust
109 fund, for a period of one year, of two percent of the amount collected after receipt of such
110 notice to cover possible refunds or overpayment of the tax and to redeem dishonored
111 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
112 the effective date of abolition of the tax in such county, the director shall remit the balance

113 **in the account to the county and close the account of that county. The director shall notify**
114 **each county of each instance of any amount refunded or any check redeemed from receipts**
115 **due the county.**

67.2500. 1. **A theater, cultural arts, and entertainment district may be established**
2 **in the manner provided in section 67.2505 by the governing body of any county, city, town,**
3 **or village that has adopted transect-based zoning under chapter 89, RSMo, any county**
4 **described in this subsection, or any city, town, or village that is within [a first class county**
5 **with a charter form of government with a population over two hundred fifty thousand that**
6 **adjoins a first class county with a charter form of government with a population over nine**
7 **hundred thousand, or that is within] such counties:**

8 (1) Any county with a charter form of government and with more than two hundred fifty
9 thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural
10 arts, and entertainment district in the manner provided in section 67.2505] ;

11 (2) Any county of the first classification with more than ninety-three thousand eight
12 hundred but fewer than ninety-three thousand nine hundred inhabitants;

13 (3) Any county of the first classification with more than one hundred eighty-four
14 thousand but fewer than one hundred eighty-eight thousand inhabitants;

15 (4) Any county with a charter form of government and with more than six hundred
16 thousand but fewer than seven hundred thousand inhabitants;

17 (5) Any county of the first classification with more than one hundred thirty-five
18 thousand four hundred but fewer than one hundred thirty-five thousand five hundred
19 inhabitants;

20 (6) Any county of the first classification with more than one hundred four thousand
21 six hundred but fewer than one hundred four thousand seven hundred inhabitants.

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

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

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

27 (2) "Qualified electors", "qualified voters", or "voters", registered voters residing within
28 the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant
29 to chapter 115, RSMo, or, if there are no persons eligible to be registered voters residing in the
30 district or subdistrict, proposed district or subdistrict, property owners, including corporations
31 and other entities, that are owners of real property;

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

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

67.2505. 1. A district may be created to fund, promote, and provide educational, civic,
2 musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events
3 or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public
4 improvements, **infrastructure**, transportation projects, and related facilities in the district.

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

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

8 4. The district shall include a minimum of [fifty] **twenty-five** contiguous acres.

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

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

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

20 (2) The name of the proposed district;

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

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

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

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

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

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

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

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

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

39 7. Upon the filing **and approval** of a petition pursuant to this section, the governing
40 body of any city, town, or village described in this section [may] **shall** pass a resolution
41 containing the following information:

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

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

45 (3) The time frame and manner for the filing of protests;

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

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

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

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

54 (1) Publish notice of the hearing, which shall include the information contained in the
55 resolution cited in subsection 7 of this section, on two separate occasions in at least one
56 newspaper of general circulation in the county where the proposed district is located, with the
57 first publication to occur not more than thirty days before the hearing, and the second publication
58 to occur not more than fifteen days or less than ten days before the hearing;

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

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

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

65 9. Following the hearing, the governing body of any city, town, or village within which
66 the proposed district will be located may order an election on the questions of the district
67 creation and sales tax funding for voter approval and certify the questions to the municipal clerk.
68 The election order shall include the date on which the ballots will be mailed to qualified electors,
69 which shall be not sooner than the eighth Tuesday from the issuance of the order. The election

70 regarding the incorporation of the district and the imposing of the sales tax shall follow the
71 procedure set forth in section 67.2520, and shall be held pursuant to the order and certification
72 by the governing body. Only those subdistricts approving the question of creating the district
73 and imposing the sales tax shall become part of the district.

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

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

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

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

83 (4) The name of the district;

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

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

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

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

90 11. Any subdistrict that does not approve the creation of the district and imposing the
91 sales tax shall not be a part of the district and the sales tax shall not be imposed until after the
92 district board of directors has submitted another proposal for the inclusion of the area into the
93 district and such proposal and the sales tax proposal are approved by a majority of the qualified
94 voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in
95 accordance with section 67.2520; provided, however, that the district board of directors may
96 place the question of the inclusion of a subdistrict within a district and the question of imposing
97 a sales tax before the voters of a proposed subdistrict, and the municipal clerk, or circuit clerk
98 if the district is formed by the circuit court, shall conduct the election. In subsequent elections,
99 the election judges shall certify the election results to the district board of directors.

2 [67.2505. 1. A district may be created to fund, promote, and provide
3 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
4 related or similar entertainment events or activities, and to fund, promote, plan,
5 design, construct, improve, maintain, and operate public improvements,
6 transportation projects, and related facilities in the district.

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

7 3. The name of a district shall consist of a name chosen by the original
8 petitioners, preceding the words "theater, cultural arts, and entertainment
9 district".

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

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

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

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

24 (2) The name of the proposed district;

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

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

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

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

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

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

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

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

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

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

47 (1) A description of the boundaries of the proposed district and each
48 subdistrict;

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

(3) The time frame and manner for the filing of protests;

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

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

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

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

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

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

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

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

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

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

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

- 91 (2) A statement that a theater, cultural arts, and entertainment district has
92 been established;
- 93 (3) A declaration that the district is a political subdivision of the state;
- 94 (4) The name of the district;
- 95 (5) The date on which the sales tax election in the subdistricts was held,
96 and the result of the election;
- 97 (6) The uses for any revenue generated by a sales tax imposed pursuant
98 to this section;
- 99 (7) A certification to the newly created district of the election results,
100 including the election concerning the sales tax; and
- 101 (8) Such other matters as the governing body deems appropriate.
- 102 11. Any subdistrict that does not approve the creation of the district and
103 imposing the sales tax shall not be a part of the district and the sales tax shall not
104 be imposed until after the district board of directors has submitted another
105 proposal for the inclusion of the area into the district and such proposal and the
106 sales tax proposal are approved by a majority of the qualified voters in the
107 subdistrict voting thereon. Such subsequent elections shall be conducted in
108 accordance with section 67.2520; provided, however, that the district board of
109 directors may place the question of the inclusion of a subdistrict within a district
110 and the question of imposing a sales tax before the voters of a proposed
111 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the
112 circuit court, shall conduct the election. In subsequent elections, the election
113 judges shall certify the election results to the district board of directors.]
114

67.2510. As a complete alternative to the procedure establishing a district set forth in
2 section 67.2505, **a theater, cultural arts, and entertainment district may be established in**
3 **the manner provided in section 67.2515 by** a circuit court with jurisdiction over any county,
4 **city, town, or village that has adopted transect-based zoning under chapter 89, RSMo, any**
5 **county described in this section, or any** city, town, or village that is within [a first class county
6 with a charter form of government with a population over two hundred fifty thousand that
7 adjoins a first class county with a charter form of government with a population over nine
8 hundred thousand, or that is within] **such counties:**

9 (1) Any county with a charter form of government and with more than two hundred fifty
10 thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural
11 arts, and entertainment district in the manner provided in section 67.2515] ;

12 (2) **Any county of the first classification with more than ninety-three thousand eight**
13 **hundred but fewer than ninety-three thousand nine hundred inhabitants;**

14 (3) **Any county of the first classification with more than one hundred eighty-four**
15 **thousand but fewer than one hundred eighty-eight thousand inhabitants;**

16 **(4) Any county with a charter form of government and with more than six hundred**
17 **thousand but fewer than seven hundred thousand inhabitants;**

18 **(5) Any county of the first classification with more than one hundred thirty-five**
19 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
20 **inhabitants;**

21 **(6) Any county of the first classification with more than one hundred four thousand**
22 **six hundred but fewer than one hundred four thousand seven hundred inhabitants.**

67.2555. Any expenditure of more than [five] **twenty-five** thousand dollars made by the
2 county executive of a county with a charter form of government and with more than six hundred
3 thousand but fewer than seven hundred thousand inhabitants must be competitively bid.

70.220. 1. Any municipality or political subdivision of this state, as herein defined, may
2 contract and cooperate with any other municipality or political subdivision, or with an elective
3 or appointive official thereof, or with a duly authorized agency of the United States, or of this
4 state, or with other states or their municipalities or political subdivisions, or with any private
5 person, firm, association or corporation, for the planning, development, construction, acquisition
6 or operation of any public improvement or facility, or for a common service; provided, that the
7 subject and purposes of any such contract or cooperative action made and entered into by such
8 municipality or political subdivision shall be within the scope of the powers of such municipality
9 or political subdivision.

10 **2. Any municipality or political subdivision of this state may contract with one or**
11 **more adjacent municipalities or political subdivisions to share the tax revenues of such**
12 **cooperating entities that are generated from real property and the improvements**
13 **constructed thereon, if such real property is located within the boundaries of either or both**
14 **municipalities or subdivisions and within three thousand feet of a common border of the**
15 **contracting municipalities or political subdivisions. The purpose of such contract shall be**
16 **within the scope of powers of each municipality or political subdivision. Municipalities or**
17 **political subdivisions separated only by a public street, easement, or right-of-way shall be**
18 **considered to share a common border for purposes of this subsection.**

19 **3. If [such] any contract or cooperative action [shall be] entered into under this section**
20 **is between a municipality or political subdivision and an elective or appointive official of another**
21 **municipality or political subdivision, [said] such contract or cooperative action [must] shall be**
22 **approved by the governing body of the unit of government in which such elective or appointive**
23 **official resides.**

24 **[2.] 4. In the event an agreement for the distribution of tax revenues is entered into**
25 **between a county of the first classification without a charter form of government and a**
26 **constitutional charter city with a population of more than one hundred forty thousand that is**

27 located in said county prior to a vote to authorize the imposition of such tax, then all revenue
28 received from such tax shall be distributed in accordance with said agreement for so long as the
29 tax remains in effect or until the agreement is modified by mutual agreement of the parties.

**70.226. 1. Notwithstanding the provisions of sections 70.600 to 70.755 to the
2 contrary, a local public health agency created by a joint municipal agreement under the
3 provisions of sections 70.210 to 70.320 existing within any county of the third classification
4 may be considered a political subdivision for the purposes of sections 70.600 to 70.755, and
5 employees of the local public health agency shall be eligible for membership in the Missouri
6 local government employees' retirement system upon the local public health agency
7 becoming an employer, as defined in subdivision (11) of section 70.600.**

**8 2. A local public health agency granted membership under subsection 1 of this
9 section shall be permitted to dissolve or otherwise terminate its existence only upon a
10 finding by the local public health agency's board of directors that all of the local public
11 health agency's outstanding indebtedness has been paid, including moneys owed to the
12 Missouri local government employees' retirement system for the unfunded accrued liability
13 of its past and current employees.**

**14 3. Any political subdivision withdrawing from membership in a local public health
15 agency that participates in the Missouri local government employees' retirement system
16 shall be required to pay to the local public health agency its pro rata share of contributions
17 for any unfunded liabilities for the local public health agency's past and current employees
18 as of the effective date of the political subdivision's withdrawal from membership in the
19 local public health agency. Any political subdivision becoming a new member of a local
20 public health agency shall be subject to the same terms and conditions then existing,
21 including the liabilities in proportion to all participating political subdivisions as set forth
22 in the compact or other such agreement.**

**70.515. Subject to the applicable provisions of section 70.545, the Regional
2 Investment District Compact is hereby enacted into law and entered into by the state of Missouri
3 with the state of Kansas legally joining therein, in the form substantially as follows:**

4 [KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

5 I. AGREEMENT AND PLEDGE

**6 The [states of Kansas and Missouri] participants in this Compact agree to and pledge,
7 each to the other, faithful cooperation in the support of regional programs and initiatives to
8 benefit and serve the Kansas City metropolitan area, holding in high trust for the benefit of the
9 people and of the nation, the special blessings and natural advantages thereof.**

10 II. POLICY AND PURPOSE

11 The [states of Kansas and Missouri desire, by common action,] **purpose of this Compact**
12 **is** to provide support for regional programs and initiatives that will produce significant benefit
13 to the Kansas City metropolitan area, with the goal of making more efficient use of resources
14 through inter-jurisdictional cooperation on strategic regional programs and initiatives involving
15 public transit.

16 III. DEFINITIONS

17 A. "Commission" means the governing body of the [Kansas and Missouri] Regional
18 Investment District.

19 B. "District" means the [Kansas and Missouri] Regional Investment District.

20 C. "[Kansas and Missouri] Regional Investment District" or "District" means a political
21 subdivision of the states [of Kansas and Missouri, which] **that have adopted this Compact**, is
22 created by this Compact and which is composed of **Buchanan County and of** those Kansas and
23 Missouri counties, cities and other political subdivisions that are now or hereafter shall become
24 parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which
25 geographic area covered by those political subdivisions is therein designated as the Mid-America
26 Regional Planning Area.

27 D. "Mid-America Regional Council or MARC" means the body corporate and politic
28 created by the Articles of Agreement, originally executed on January 1, 1972, and as thereafter
29 amended, which therein assumed all the rights, duties and obligations of the Mid-America
30 Council of Governments and the Metropolitan Planning Commission - Kansas City Region.

31 E. "Oversight Committee or Committee" means a body or bodies appointed by the
32 Commission for a Regional Program that shall be constituted as set forth in Article IX of this
33 Compact and that shall have the powers set forth in Article X of this Compact.

34 F. "Program Plan" means a plan developed for a proposed ballot question by the
35 Commission, as required by Article VI, Section C of this Compact, that describes a Regional
36 Program and provides for the appropriation and use of moneys derived from the sales tax
37 authorized by this Compact in support of that Regional Program.

38 G. "Public Transit System" or "Transit System" means, without limitation, a regional
39 system of public transit, consisting of property, structures, improvements, vehicles, potentially
40 including, but not limited to, vans, buses, bus rapid transit, commuter rail, and other fixed
41 guideways, equipment, software, telecommunications networks, plants, parking or other
42 facilities, transit centers, stops, park-n-ride lots, transit related surface transportation
43 improvements and rights-of-way used or useful for the purposes of public transit, which provides
44 significant regional benefit, and the acquisition, construction, reconstruction, repair,
45 maintenance, administration and operations thereof and similar activities related thereto, whether
46 operated by one or multiple entities.

47 H. "Regional Program" means a program involving a Public Transit System.

48 IV. DISTRICT

49 A. Upon this Compact being entered into law by the [Legislatures] **Legislature** of the
50 [respective states] **State of Missouri**, the Regional Investment District is created and shall
51 include Buchanan County, Missouri, and all the geographic area within the jurisdictional limits
52 of those [Kansas and] Missouri counties that are parties to the Articles of Agreement executed
53 on January 1, 1972, and thereafter amended, which area is designated as the Mid-America
54 Regional Planning Area, and currently includes the following counties:

55 Clay County, Missouri	[Wyandotte County, Kansas]
56 Platte County, Missouri	[Johnson County, Kansas]
57 Jackson County, Missouri	[Leavenworth County, Kansas]
58 Cass County, Missouri	
59 Ray County, Missouri	

60 B. **In the event that the Legislature of the State of Kansas enacts legislation**
61 **adopting this Compact, the Regional Investment District shall also include all the**
62 **geographic area within the jurisdictional limits of those Kansas counties that are parties**
63 **to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which**
64 **area is designated as the Mid-America Regional Planning Area, and currently includes the**
65 **following counties:**

66 **Wyandotte County, Kansas**
67 **Johnson County, Kansas**
68 **Leavenworth County, Kansas**

69 C. The District automatically shall be expanded to include Kansas and Missouri cities,
70 counties and other political subdivisions that hereafter shall become parties to the Articles of
71 Agreement executed on January 1, 1972, and thereafter amended, upon the execution of the
72 Articles of Agreement by the governing body of such political subdivisions.

73 V. THE COMMISSION

74 A. The District shall be governed by the Commission, which shall be a body corporate
75 and politic and shall be composed of voting members of MARC, as that Council is constituted
76 from time to time and which is also known as the Board of Directors and may include an elected
77 chief official from Buchanan County appointed by its chief official. All of the members of the
78 Commission shall be elected officials from the jurisdiction that appointed them as voting
79 members of MARC's Board of Directors; **provided that all members of the Commission shall**
80 **be from a jurisdiction in a state that has adopted the Compact.**

81 B. The terms of the members of the Commission shall expire concurrently with the
82 member's tenure as an elected official of a jurisdiction that is a party to MARC's Articles of

83 Agreement. If a jurisdiction that is a party to MARC's Articles of Agreement appoints a different
84 member of its governing body to MARC, that newly appointed individual shall assume the
85 position of the member replaced. Each member shall serve until that member's replacement has
86 been sworn in as an elected official.

87 C. The Commission shall begin functioning immediately upon creation of the District,
88 as provided for in Article IV, Section A hereof.

89 D. The Commission shall select annually, from its membership, a chairperson, a vice
90 chairperson, and a treasurer. The treasurer shall be bonded in the amounts the Commission may
91 require.

92 E. The Commission may appoint the officers, agents, and employees, as it may require
93 for the performance of the Commission's duties, and shall determine the qualifications and duties
94 and fix the compensation of those officers, agents and employees.

95 F. The Commission shall fix the time and place at which its meetings shall be held.
96 Meetings shall be held within the District and shall be open to the public. Public notice shall be
97 given of all meetings of the Commission.

98 G. A majority of the Commissioners from each state **that has enacted the Compact**
99 shall constitute, in the aggregate, a quorum for the transaction of business. No action of the
100 Commission shall be binding unless taken at a meeting at which at least a quorum is present, and
101 unless a majority of the Commissioners from each state, present at the meeting, shall vote in
102 favor thereof. No action of the Commission taken at a meeting thereof shall be binding unless
103 the subject of the action is included in a written agenda for the meeting, the agenda and notice
104 of meeting having been provided to each Commissioner at least seven calendar days prior to the
105 meeting.

106 H. The Commissioners from each state shall each be subject to the provisions of the laws
107 of either the State of Kansas or the State of Missouri (depending upon the Commissioner's state
108 of residence) relating to conflicts of interest of public officers and employees. If any
109 Commissioner has a direct or indirect financial interest in any facility, service provider,
110 organization or activity supported by the District or Commission or in any other business
111 transaction of the District or Commission, the Commissioner shall disclose that interest in
112 writing to the other Commissioners and shall abstain from voting on any matter in relation to that
113 facility, organization or activity or to that business transaction.

114 I. If any action at law or equity, or other legal proceeding, shall be brought against any
115 Commissioner for any act or omission arising out of the performance of their duties as a
116 Commissioner, the Commissioner shall be indemnified in whole and held harmless by the
117 Commission for any judgment or decree entered against the Commissioner and, further, shall be
118 defended at the cost and expense of the Commission in any resulting proceeding.

J. Each member of the Commission shall serve as a member of the Commission without compensation for that service, except for payment of their actual and reasonably necessary expenses, as provided by Article VIII, Section A, 1.

VI. POWERS AND DUTIES OF THE COMMISSION

A. The Commission, formally the governing body of the District, shall primarily function as the planning and administrative arm for the District. The Commission shall: undertake community planning to identify regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area; fully develop the specifics regarding existing regional programs and initiatives and those newly identified regional programs and initiatives; prepare a Program Plan for regional programs and initiatives in consultation with local officials and the public; prepare ballot questions for programs and initiatives that the Commission determines could appropriately be supported by the sales tax authorized by this Compact; and assist an appointed Oversight Committee when requested by the Oversight Committee in the implementation of any Regional Program approved by District qualified electors in accordance with the terms of this Compact.

B. The Commission shall adopt a seal and suitable bylaws governing its management, procedure and effective operation.

C. The Commission shall develop a Program Plan for a Regional Program that it determines could appropriately be supported by the sales tax authorized by the Compact, which Program Plan shall generally describe the Regional Program and provide for the appropriation and use of moneys in support of that Regional Program only for the Eligible Uses set forth in Article VIII of this Compact. A Program Plan shall also designate:

1. the counties or county in which a majority of the qualified electors voting on the ballot question must cast an affirmative vote before the sales tax may be imposed by any individual county for uses in accordance with the Program Plan;

2. the duration of the sales tax imposed in support of the Regional Program, which may be described in terms of the number of years the tax shall be imposed, a maximum number of dollars that may be raised by the sales tax imposed or any other reasonable means of establishing the duration of the sales tax; provided that the sales tax shall not extend beyond the fifteen (15) years following the date of the first receipt by the county treasurer of revenue from the sales tax imposed to support the Regional Program unless renewed by the qualified electors of that county prior to its expiration; and

3. the composition of the Oversight Committee to be appointed by the Commission for that Regional Program, which composition shall be consistent with Article IX, Section A of this Compact.

154 D. The Commission, subject to the requirements of Article VII, Section C, shall set the
155 date or dates by which the election shall be held pursuant to this Compact and shall recommend
156 those counties or county which shall hold a vote on the ballot question prepared by the
157 Commission for that Regional Program.

158 E. For each election to be held pursuant to this Compact, the Commission shall prepare
159 and submit a ballot question to the governing body of each county within the District. Each such
160 question shall be in the form set forth in Article VII, Section D of this Compact.

161 F. The Commission may prepare additional ballot language generally describing a
162 Regional Program and the use and allocation of the sales tax proposed to be imposed for the
163 support of a Regional Program, and shall submit that additional language to each county within
164 the District. If additional ballot language is so submitted by the Commission, and a county
165 governing body decides to place the ballot question before the qualified electors of that county,
166 the additional ballot language shall be placed on the subject ballot by that governing body.

167 G. When a majority of the qualified electors in the county or counties designated in the
168 Program Plan for that Regional Program as one of those counties that must cast an affirmative
169 vote on the ballot question before the sales tax may be imposed, have cast an affirmative vote,
170 the Commission shall, in accordance with Article IX, Section A of this Compact, appoint an
171 Oversight Committee for that Program Plan.

172 H. The Commission shall have the power to contract and to be contracted with and to
173 sue and to be sued.

174 I. The Commission, when it deems it necessary and when requested to do so by an
175 Oversight Committee, shall interpret and/or provide guidance and further details on a Program
176 Plan to assist in the oversight of the appropriation and use of moneys by the Oversight
177 Committee for that Program Plan.

178 J. In accordance with written guidelines adopted by the Commission, which guidelines
179 shall be consistent with the Program Plans required by Article VI, Section C, the Commission
180 may receive or provide donations, contributions, and grants or other support, financial or
181 otherwise, from public or private entities, for Program Plans and the Eligible Uses set forth in
182 Article VIII of this Compact.

183 K. The Commission shall execute those contracts and agreements as an Oversight
184 Committee shall direct to implement the Program Plan developed for an approved Regional
185 Program, provided that, the Commission determines each contract is consistent with the Program
186 Plan.

187 L. The Commission may appoint advisory committees to provide input, consultation,
188 guidance and assistance to the Commission on matters and issues related to any purposes for
189 which the District and the Commission are hereby created.

190 M. The Commission may form whatever partnerships, associations, joint ventures or
191 other affiliations, formal or otherwise, as it deems appropriate and that are in furtherance of the
192 purposes for which the District and the Commission are created.

193 N. The Commission may utilize assistance from any governmental or non-governmental
194 entity, as it shall determine appropriate, in the form of personnel, technical expertise or other
195 resources, to further the policies, purposes and goals of the District, as stated in Article II of this
196 Compact.

197 O. The Commission shall cause to be prepared annually a report on the operations and
198 transactions conducted by the Commission during the preceding year. The report shall be an
199 open record submitted to the legislatures and governors of the compacting states and to the
200 governing bodies of the jurisdictions that are then a party to MARC's Articles of Agreement and
201 of Buchanan County, Missouri, on or before March 15th of each calendar year, commencing on
202 March 15th of the year following the year in which the certification described in Article IV,
203 Section B hereof occurs. The Commission shall take those actions as are reasonably required
204 to make this report readily available to the public.

205 P. The Commission shall have the power to apply to the Congress of the United States
206 for its consent and approval of this Compact, if it is determined by the Commission that this
207 consent is appropriate. In the absence of the consent of the Congress and until consent is
208 secured, if that consent is determined appropriate, this Compact is binding upon [the states of
209 Missouri and Kansas] **any state that has enacted it** in all respects permitted by **that state's** law
210 [of the two states].

211 Q. The Commission shall have the power to perform all other necessary and incidental
212 functions and duties and to exercise all other necessary and appropriate powers, not inconsistent
213 with other provisions of this Compact or the constitution or laws of the United States or of
214 [either of] the **state or** states [of Kansas or Missouri] **in which its members are located**, that
215 it deems appropriate to effectuate the purposes for which this District and the Commission are
216 created.

217 VII. BALLOT QUESTIONS

218 A. The Commission, as required by Article VI, Section C, shall develop Program Plans
219 for Regional Programs to be submitted to the qualified electors within the District. A Program
220 Plan developed by the Commission shall be available to the public for review and comment in
221 advance of dates set by the Commission for submission of a ballot question to the electors in the
222 District.

223 B. The governing body of each county in the District shall determine whether the
224 provision of financial support for a Regional Program is in the best interests of the citizens of
225 the county and whether the levy of a sales tax to provide, on a cooperative basis with another

226 county or other counties, for financial support of the Regional Program would be economically
227 practicable and cost beneficial to the citizens of the county and the District. Each governing
228 body that makes an affirmative determination with respect hereto shall adopt a resolution
229 evidencing that determination and authorizing a vote of its citizens on the ballot question for the
230 Regional Program, by a two-thirds (2/3) majority vote of the members elect of the governing
231 body.

232 C. Upon adoption of a resolution pursuant to Section B of this Article, the governing
233 body of that county, promptly after adoption of the resolution, shall request the county election
234 commissioner to submit the ballot question for that Regional Program to the qualified electors
235 of that county. Each such ballot question shall be printed on the ballot and in the notice of
236 election. Each ballot question shall be submitted to the qualified electors of that county at the
237 primary or general election next following the date the request was filed with the county election
238 officer.

239 D. The ballot for the proposition in each county shall be in substantially the following
240 form:

241 Shall a sales tax (insert amount, not to exceed one-half cent) be levied and
242 collected in County for the support of a Regional Program that will
243 produce significant benefit within the [Kansas and Missouri] Regional Investment District, with
244 such tax to extend no longer than (insert years not to exceed fifteen) years following
245 the first receipt by the county treasurer of revenue from such tax?

246 ☐ YES ☐ NO

247 E. The governing body of each of the counties that requested their county election
248 commissioner submit the ballot question to its qualified electors also shall provide their
249 respective county election officers with copies of any additional language prepared by the
250 Commission, pursuant to Article VI, Section F, which additional language shall be included by
251 each such county on the ballot.

252 F. The question of whether a sales tax for the support of a Regional Program involving
253 a Public Transit System shall be imposed shall be submitted to qualified electors at the first
254 election to be held on Regional Programs, pursuant to this Compact.

255 G. The governing body of any county in the District that does not pass the resolution
256 contemplated by Section B of this Article in time to cause the placement of the ballot question
257 before the qualified electors of that county at the first election or any subsequent election to be
258 held on Regional Programs, pursuant to this Compact, may adopt that resolution at any time
259 thereafter, and that ballot question shall be provided to the election commissioner of that county
260 and submitted to the qualified electors of the county at the next primary or general election, in
261 accordance with Section C of this Article.

H. In each county where a majority of the qualified electors voting in an election shall have cast an affirmative vote on a ballot question, that ballot question shall be approved.

I. If a ballot question is submitted to the qualified electors of a county in the District, and the ballot question is not approved in that county, following defeat of the ballot question, the governing body of that county or counties may renew procedures to levy the sales tax in support of that Regional Program. A defeat of a ballot question in any county shall not affect the approval of that ballot question in any other county, which approval shall continue to have effect.

J. No county in the District shall levy a sales tax specified herein until the qualified electors in all the counties designated by the Commission in the Program Plan for the subject Regional Program, as those that must approve the sales tax, have approved the levy of the sales tax to support the Program Plan for that Regional Program.

K. [With respect to the first election to be held on Regional Programs pursuant to this Compact, no sales tax shall be levied by any county which has adopted the resolution contemplated by Section B and has submitted the ballot question to the qualified voters of that county pursuant to Section C of this Article, unless and until a majority of the qualified electors of at least Johnson and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved the levy of a sales tax for the Regional Program involving a Public Transit System.

L.] When, but only when, the electors in all of the counties designated by the Commission in the Program Plan for the Regional Program, as those that must approve the sales tax, have approved that ballot question, the governing body of each county that has approved that ballot question, at the first available opportunity, shall take all required actions to begin levying this tax.

[M.] L. Any of the counties that have elected by a vote of its electors to levy a sales tax authorized by this Compact may cease to levy this sales tax upon the majority vote of the qualified electors of the county on a ballot question submitted to qualified electors asking if that county should cease to levy this sales tax. This vote shall take place in the same manner provided in this section for levying this sales tax; provided that, no vote to cease to levy this sales tax shall take place in any county on a date earlier than a date that is five years from the date that county approved this sales tax. Provided further, in no event shall any county cease to levy this sales tax until that county has entered into a written agreement with the Commission, which agreement shall provide for the terms of cessation, and shall specifically provide: (1) a means to ensure that the county pays a fair share of the outstanding obligations incurred by the District in furtherance of its established purposes; and (2) for the ongoing operations and maintenance or the termination of any facilities or services established in the county with support provided by the Commission. The governing body of a county that has decided by this vote to cease to levy this sales tax shall send formal written notice thereof to each of the other counties

298 comprising the District. In no event, shall the county cease to levy the sales tax earlier than
299 ninety days after this notice has been sent. If any county in the District decides to cease levying
300 the sales tax, the status of the District as a political subdivision of the states of Kansas and
301 Missouri shall be unaltered and that county shall continue to have the representation on the
302 Commission, as set forth in Article V of this Compact.

303 VIII. ELIGIBLE USES OF FUNDS

304 A. The Commission shall only budget and authorize the appropriation of monies for the
305 following eligible purposes:

306 1. the actual and reasonably necessary expenses of the Commission and Oversight
307 Committee, including, but not limited to, staff personnel, auditors, budget and financial
308 consultation, legal assistance, administrative, operational, planning and engineering consultation
309 and marketing, as well as for the actual and reasonably necessary expenses of individual
310 Commission and Committee members that are incurred in the performance of their official
311 duties; provided that, the Commission, in each fiscal year, shall not appropriate, for this purpose,
312 any monies in excess of an amount that is equal to one percent of the funds appropriated to the
313 Commission in that fiscal year by all of the counties imposing this sales tax; and

314 2. the support of voter approved Regional Programs within the District;

315 3. only pursuant to a contract with bodies corporate and politic, political subdivisions
316 of the states of Missouri or Kansas and/or local units of government in the states of Missouri or
317 Kansas, provided, however, the Commission may, in its discretion, require that entities
318 contracted with shall procure a set percentage of Public Transit System services from third party
319 contractors on a competitive basis; and

320 4. only in support of a Regional Program in counties that have voted affirmatively to
321 impose a sales tax in support of that Regional Program.

322 B. The aggregate amount of sales taxes imposed by any county within the District,
323 pursuant to the authority granted in this Compact, shall not exceed one-half cent.

324 IX. THE OVERSIGHT COMMITTEE

325 A. An Oversight Committee shall be appointed by the Commission for a Regional
326 Program, as provided for in Article VI, Section G hereof. An Oversight Committee shall be
327 composed of elected officials of jurisdictions that are within a county where a majority of the
328 qualified electors voting on the ballot question have cast an affirmative vote on the imposition
329 of a sales tax to support the subject Regional Program. An Oversight Committee shall be
330 composed of the elected officials designated in the Program Plan for the Regional Program. An
331 Oversight Committee shall include a minimum of one elected representative from each county
332 that approves that ballot question and elected representatives from both cities and counties and
333 each representative shall be approved by the chief elected official of the county or city from

334 which they are elected. If the Program Plan describes a Regional Program that serves both
335 Missouri and Kansas, the Oversight Committee shall be composed of an equal number of elected
336 representatives from each state. In such instances, no action of the Commission shall be binding
337 unless taken at a meeting at which at least a quorum is present, and unless a majority of the
338 Commissioners from each state, present at the meeting, shall vote in favor thereof. The number
339 of individuals comprising the Oversight Committee shall be in the sole discretion of the
340 Commission.

341 B. An Oversight Committee shall be appointed within forty-five days of certification that
342 the ballot question has been approved by the last of the counties designated by the Commission
343 in the Program Plan for the Regional Plan, pursuant to Article VI, Section C, 1 hereof, to so
344 certify and shall begin functioning immediately upon its appointment by the Commission. If,
345 pursuant to Article VII, Section K, additional counties within the District shall approve the ballot
346 question, the Commission shall appoint a minimum of one additional representative from each
347 such county to the Oversight Committee.

348 C. An appointed Oversight Committee shall fix the time and place at which its meetings
349 shall be held. Meetings shall be held at a location in a county that has approved the imposition
350 of the sales tax to support the Program Plan for the subject Regional Program and shall be open
351 to the public. Public notice shall be given of all meetings of the Committee.

352 D. The Committee members shall each be subject to the provisions of the laws of either
353 the State of Kansas or the State of Missouri (depending upon the Committee member's state of
354 residence) that relate to conflicts of interest of public officers and employees. If any Committee
355 member has a direct or indirect financial interest in any facility, service provider, organization
356 or activity supported by the District or Commission or in any other business transaction of the
357 District or Commission, the Committee member shall disclose that interest in writing to the
358 members of the Commission and to the other members of the Committee and shall abstain from
359 voting on any matter in relation to that facility, organization or activity or to that business
360 transaction with respect to which that Committee member has the interest.

361 E. If any action at law or equity, or other legal proceeding, shall be brought against any
362 Committee member for any act or omission arising out of the performance of duties as a
363 Committee member, the Committee member shall be indemnified in whole and held harmless
364 by the Commission for any judgment or decree entered against the Committee member and,
365 further, shall be defended at the cost and expense of the Commission in any resulting proceeding.

366 F. The Oversight Committee for a Regional Program shall terminate on the date when
367 all of the moneys derived from the sales tax imposed by any or all counties in the District to
368 support the Program Plan for that Regional Program and which have been credited to the
369 Regional Investment Fund have been expended.

370 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

371 A. The Oversight Committee for an approved Regional Program is charged with the
372 oversight of the appropriation and use of moneys generated from the sales taxes and credited to
373 the Regional Investment Fund. These moneys shall be appropriated only for the Eligible Uses
374 set forth in Article VIII of this Compact.

375 B. An Oversight Committee shall only provide support for and allocate and appropriate
376 monies for programs, services and facilities that are consistent with the voter approved Program
377 Plan developed by the Commission and only for programs, services and facilities in counties that
378 have approved the imposition of a sales tax in support of the Regional Program. If the
379 Committee is uncertain or has any question about whether a specific appropriation of moneys
380 or support activity is consistent with the Program Plan developed by the Commission, it shall
381 seek a determination on that question from the Commission.

382 C. An Oversight Committee, as appropriate, shall direct that the Commission execute
383 those contracts and agreements necessary or desirable to implement the Program Plan developed
384 by the Commission.

385 D. An Oversight Committee shall adopt suitable bylaws governing its management,
386 procedure and its effective operations.

387 E. An Oversight Committee shall provide the information that the Commission shall
388 require to allow the Commission to prepare annually a report on the operations and transactions
389 conducted by the Commission during the preceding year relating to the approved Regional
390 Programs. This information shall include an annual financial statement prepared in accordance
391 with General Accepted Accounting Principles (GAAP). The Oversight Committee for a Public
392 Transit Service Regional Program shall also provide a report on operational statistics, including
393 statistics on the ridership of the Public Transit System funded with sales tax revenues resulting
394 from the authority granted by this Compact, comparing ridership in the then current fiscal year
395 to ridership in the three fiscal years next preceding.

396 XI. FINANCE

397 A. The moneys necessary to finance the operation of the District, implement the voter
398 approved Program Plans and execute the powers, duties and responsibilities of the Commission
399 shall be appropriated to the Commission by the counties comprising the District, which, in
400 accordance with Article VII, Section J of the Compact, have approved the ballot question for the
401 subject Regional Program. The moneys to be appropriated to the Commission, in addition to the
402 sales tax authorized by this Compact, may be raised by the governing bodies of the respective
403 counties by the levy of taxes, fees, charges or any other revenue, as authorized by those counties
404 or cities in those counties or by the legislatures of the respective party states, provided nothing
405 herein shall require either state to make appropriations for any purpose.

406 B. Neither the Commission nor any Oversight Committee shall incur any indebtedness
407 of any kind; nor shall they pledge the credit of MARC or any jurisdiction that is party to MARC's
408 Articles of Agreement or either of the states party to this Compact, except as specifically
409 authorized by this Compact. The budget of the District shall be prepared, adopted and published,
410 as provided by law, for other political subdivisions of the party states.

411 C. The Commission and an Oversight Committee shall keep accurate accounts of all
412 receipts and disbursements. The receipts and disbursements of the Commission shall be audited
413 yearly by a certified or licensed public accountant and the report of the audit shall be included
414 in and become a part of the annual report of the Commission.

415 D. The accounts of the Commission shall be open at any reasonable time for inspection
416 by duly authorized representatives of [the compacting states] **a state that has enacted this**
417 **Compact**, the counties comprising the District, and other persons authorized by the Commission.

418 XII. ENTRY INTO FORCE

419 A. This Compact shall enter into force and become effective and binding upon the states
420 of Kansas and Missouri when it has been entered into law by the legislatures of the respective
421 states.

422 B. Amendments to the Compact shall become effective upon enactment by the
423 legislatures of the respective states.

424 XIII. TERMINATION

425 A. The Compact shall continue in force and remain binding upon a party state until its
426 legislature shall have enacted a statute repealing the same and providing for the sending of
427 formal written notice of enactment of that statute to the legislature of the other party state. Upon
428 enactment of that statute by the legislature of either party state, the sending of notice thereof to
429 the other party and payment of any obligations that the Commission may have incurred prior to
430 the effective date of that statute, the agreement of the party states embodied in the Compact shall
431 be deemed fully executed, the Compact shall be null and void and of no further force or effect,
432 the District shall be dissolved, and the Commission shall be abolished. If any monies remain in
433 the Regional Investment Fund upon dissolution of this Compact, the Commission may distribute
434 these monies to an entity or organization selected by the Commission to be used to support
435 purposes for which the District is hereby created, as stated in Article II of this Compact.

436 XIV. CONSTRUCTION AND SEVERABILITY

437 A. The provisions of this Compact shall be liberally construed and shall be severable.
438 If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the
439 constitutions of either [of the party states] **a state that has enacted this Compact** or of the
440 United States or **if** the applicability thereof to any government, agency, person or circumstance
441 is held invalid, the validity of the remainder of this Compact and the applicability thereof to any

442 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
443 be held contrary to the constitution of either party state hereto, the Compact shall thereby be
444 nullified and voided and of no further force or effect.

70.545. If the state of Kansas has not [authorized the compact as outlined in section
2 70.515] **enacted the Compact by [July 1] August 28, 2007, then the district described in**
3 **section 70.515 shall nonetheless be created, and the district,** any Missouri county in the
4 district [and] , the [district,] Commission, and an oversight committee shall have all the powers
5 and duties and may operate as set forth in sections 70.515 to 70.545, **provided that:**

6 **1. The Regional Investment District created in section 70.515 shall be known as the**
7 **"Missouri Regional Investment District", shall be a political subdivision solely of the state**
8 **of Missouri, and shall consist only of those Missouri counties that are within the Mid-**
9 **America Regional Planning Area and Buchanan County. All references to a "Regional**
10 **Investment District" or "District" in section 70.515 shall be deemed to refer exclusively to**
11 **the "Missouri Regional Investment District".**

12 **2. Article XII of the Compact shall be inapplicable.**

71.011. 1. Except as provided in subsection 2 of this section, property of a municipality
2 which abuts another municipality may be concurrently detached from one municipality and
3 annexed by the other municipality by the enactment by the governing bodies of each municipality
4 of an ordinance describing by metes and bounds the property, declaring the property so described
5 to be concurrently detached and annexed, and stating the reasons for and the purposes to be
6 accomplished by the detachment and annexation. One certified copy of each ordinance shall be
7 filed with the county clerk, **with the county assessor**, with the county recorder of deeds, and
8 with the clerk of the circuit court of the county in which the property is located, whereupon the
9 concurrent detachment and annexation shall be complete and final. Thereafter all courts of this
10 state shall take notice of the limits of both municipalities as changed by the ordinances. No
11 declaratory judgment or election shall be required for any concurrent detachment and annexation
12 permitted by this section if there are no residents living in the area or if there are residents in the
13 area and they be notified of the annexation and do not object within sixty days.

14 2. In a county of the first classification with a charter form of government containing all
15 or a portion of a city with a population of at least three hundred thousand inhabitants,
16 unimproved property of a municipality which overlaps another municipality may be concurrently
17 detached from one municipality and annexed by the other municipality by the enactment by the
18 governing body of the receiving municipality of an ordinance describing by metes and bounds
19 the property, declaring the property so described to be detached and annexed, and stating the
20 reasons for and the purposes to be accomplished by the detachment and annexation. A copy of
21 said ordinance shall be mailed to the city clerk of the contributing municipality, which shall have

22 thirty days from receipt of said notice to pass an ordinance disapproving the change of boundary.
23 If such ordinance is not passed within thirty days, the change shall be effective and one certified
24 copy of the ordinance shall be filed with the county clerk, **with the county assessor**, with the
25 county recorder of deeds, and with the clerk of the circuit court of the county in which the
26 property is located, whereupon the concurrent detachment and annexation shall be complete and
27 final. Thereafter all courts of this state shall take notice of the limits of both municipalities as
28 changed by the ordinances. No declaratory judgment or election shall be required for any
29 concurrent detachment and annexation permitted by this section if the landowners in the area are
30 notified and do not object within sixty days.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations
11 pursuant to this section merely because such voluntary annexation would create an island of
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated
13 island were also given the opportunity to voluntarily annex into the city, town or village.
14 Notwithstanding the provisions of this section, the governing body of any city, town or village
15 in any county of the third classification which borders a county of the fourth classification, a
16 county of the second classification and Mississippi River may annex areas along a road or
17 highway up to two miles from existing boundaries of the city, town or village or the governing
18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a verified petition, requesting annexation and signed by the owners of all
25 fee interests of record in all tracts of real property located within the area proposed to be
26 annexed, or a request for annexation signed under the authority of the governing body of any
27 common interest community and approved by a majority vote of unit owners located within the

28 area proposed to be annexed is presented to the governing body of the city, town or village, the
29 governing body shall hold a public hearing concerning the matter not less than fourteen nor more
30 than sixty days after the petition is received, and the hearing shall be held not less than seven
31 days after notice of the hearing is published in a newspaper of general circulation qualified to
32 publish legal matters and located within the boundary of the petitioned city, town or village. If
33 no such newspaper exists within the boundary of such city, town or village, then the notice shall
34 be published in the qualified newspaper nearest the petitioned city, town or village. For the
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or
37 a planned community.

38 (a) A "common-interest community" shall be defined as real property with respect to
39 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
40 taxes, insurance premiums, maintenance or improvement of other real property described in a
41 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
42 in a unit, including renewal options;

43 (b) A "cooperative" shall be defined as a common-interest community in which the real
44 property is owned by an association, each of whose members is entitled by virtue of such
45 member's ownership interest in the association to exclusive possession of a unit;

46 (c) A "planned community" a common-interest community that is not a condominium
47 or a cooperative. A condominium or cooperative may be part of a planned community.

48 (2) At the public hearing any interested person, corporation or political subdivision may
49 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
50 body of the city, town or village determines that the annexation is reasonable and necessary to
51 the proper development of the city, town or village, and the city, town or village has the ability
52 to furnish normal municipal services to the area to be annexed within a reasonable time, it may,
53 subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance
54 without further action.

55 (3) If a written objection to the proposed annexation is filed with the governing body of
56 the city, town or village not later than fourteen days after the public hearing by at least five
57 percent of the qualified voters of the city, town or village, or two qualified voters of the area
58 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
59 and 71.860 to 71.920, shall be followed.

60 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
61 to include such territory, specifying with accuracy the new boundary lines to which the city's,
62 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
63 town or village shall cause three certified copies of the same to be filed with the **county assessor**

64 **and the** clerk of the county wherein the city, town or village is located, and one certified copy
65 to be filed with the election authority, if different from the clerk of the county which has
66 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final
67 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or
68 village as so extended.

72.080. 1. **Notwithstanding any provision of law to the contrary, and as an**
2 **alternative to, and not in lieu of, the procedure established in section 80.020, RSMo,** any
3 unincorporated city, town, **village**, or other area of the state may, except as otherwise provided
4 in sections 72.400 to 72.420, become a city, **town, or village** of the class to which its population
5 would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the
6 government of cities, **towns, or villages** of that class, in the following manner:

7 (1) Whenever a number of voters equal to fifteen percent of the [votes cast in the last
8 gubernatorial election] **registered voters** in the area proposed to be incorporated shall present
9 a petition to the governing body of the county in which such city [or] , town, **village**, or area is
10 situated, such petition shall describe, by metes and bounds, the area to be incorporated and be
11 accompanied by a plat thereof, shall state the approximate population and the assessed valuation
12 of all real and personal property in the area and shall state facts showing that the proposed city,
13 **town, or village, if such village has at least one hundred inhabitants residing in it**, shall have
14 the ability to furnish normal municipal services within a reasonable time after its incorporation
15 is to become effective and praying that the question be submitted to determine if it may be
16 incorporated[. If the governing body shall be satisfied that a number of voters equal to fifteen
17 percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated
18 have signed such petition, the governing body shall submit the question to the voters] ;

19 (2) **The governing body shall submit the question to the voters if it is satisfied the**
20 **number of voters signing such petition is equal to fifteen percent of the registered voters**
21 **in the area proposed to be incorporated.**

22
23 As used in this section, "village" means any small group or assemblage of houses in an
24 unincorporated area, being generally less than in a town or city, or any small group or
25 assemblages of houses or buildings built for dwelling or for business, or both, in an
26 unincorporated area, regardless of whether they are situated upon regularly laid out
27 streets or alleys dedicated to public use, having no minimum number of registered voters
28 in the area, and without regard to the existence of churches, parks, schools, or commercial
29 establishments in that area or whether the proposed village is devoted to community
30 purposes.

31 2. The [county] **governing body** may make changes in the petition to correct technical
32 errors or to redefine the metes and bounds of the area to be incorporated to reflect other boundary
33 changes occurring within six months prior to the time of filing the petition. Petitions submitted
34 by proposing agents may be submitted with exclusions for the signatures collected in areas
35 originally included in the proposal but subsequently annexed or incorporated separately as a city,
36 town or village, although the governing body shall be satisfied as to the sufficiency of the
37 signatures for the final proposed area. If a majority of the voters voting on the question vote for
38 incorporation, the governing body shall declare such city, town, **village**, or other area
39 incorporated, designating in such order the metes and bounds thereof, and thenceforth the
40 inhabitants within such bounds shall be a body politic and incorporate, by the name and style of
41 "the city of", [or] "the town of", [and] "**the village of**". The first officers
42 of such city [or] , town, **or village** shall be designated by the order of the governing body, who
43 shall hold their offices until the next municipal election and until their successors shall be duly
44 elected and qualified. **The city, town, or village shall have perpetual succession, unless**
45 **disincorporated; may sue and be sued; may plead and be impleaded; may defend and be**
46 **defended in all courts and in all actions, pleas, and matters whatsoever; may grant,**
47 **purchase, hold, and receive property, real and personal, within such place and no other,**
48 **burial grounds and cemeteries excepted; and may lease, sell, and dispose of such property**
49 **for the benefit of the city, town, or village, and may have a common seal, and alter such**
50 **seal at pleasure.** The county shall pay the costs of the election.

51 3. In any county with a charter form of government where fifty or more cities, towns and
52 villages have been incorporated, an unincorporated city, town or other area of the state shall not
53 be incorporated except as provided in sections 72.400 to 72.420.

54 4. Any unincorporated area with a private eighteen hole golf course community and with
55 at least a one hundred acre lake located within any county of the first classification with more
56 than eighty-two thousand but less than eighty-two thousand one hundred inhabitants may
57 incorporate as a city of the class to which its population would entitle it pursuant to this chapter
58 notwithstanding any proposed annexation of the unincorporated area by any city of the third or
59 fourth classification or any home rule city with more than four hundred thousand inhabitants and
60 located in more than one county. If any city of the third or fourth classification or any home rule
61 city with more than four hundred thousand inhabitants and located in more than one county
62 proposes annexation by ordinance or resolution of any unincorporated area as defined in this
63 subsection, no such annexation shall become effective until and only after a majority of the
64 qualified voters in the unincorporated area proposed to be incorporated fail to approve or oppose
65 the proposed incorporation by a majority vote in the election described in subsection 2 of this
66 section.

67 5. Prior to the election described in subsection 2 of this section, if the owner or owners
68 of either the majority of the commercial or the majority of the agricultural classification of real
69 property in the proposed area to be incorporated object to such incorporation, such owner or
70 owners may file an action in the circuit court of the county in which such unincorporated area
71 is situated, pursuant to chapter 527, RSMo, praying for a declaratory judgment requesting that
72 such incorporation be declared unreasonable by the court. As used in this subsection, a "majority
73 of the commercial or agricultural classification" means a majority as determined by the assessed
74 valuation of the tracts of real property in either classification to be determined by the assessments
75 made according to chapter 137, RSMo. The petition in such action shall state facts showing that
76 such incorporation including the real property owned by the petitioners is not reasonable based
77 on the same criteria as specified in subsection 3 of section 72.403 and is not necessary to the
78 proper development of the city or town. If the circuit court finds that such inclusion is not
79 reasonable and necessary, it may enjoin the incorporation or require the petition requesting the
80 incorporation to be resubmitted excluding all or part of the property of the petitioners from the
81 proposed incorporation.

 77.020. The mayor and council of such city, with the consent of a majority of the legal
2 voters of such city voting at an election thereof, shall have power to extend the limits of the city
3 over territory adjacent thereto, and to diminish the limits of the city by excluding territory
4 therefrom, and shall, in every case, have power, with the consent of the legal voters as aforesaid,
5 to extend or diminish the city limits in such manner as in their judgment and discretion may
6 redound to the benefit of the city; **provided, however, that no election or voter consent shall**
7 **be required for voluntary annexations or transfers of jurisdiction under chapter 71, RSMo.**

 78.610. The city manager [must be a resident of the city at the time of his appointment
2 and] shall devote his **or her** entire time to the duties of his **or her** office. He shall be the
3 administrative head of the government subject to the direction and supervision of the council and
4 shall hold his office at the pleasure of the council, or may be employed for a term not to exceed
5 one year. He shall receive an adequate salary to be fixed by the council which shall not be
6 diminished during the service of any incumbent without his consent. **The council shall have**
7 **the discretion to require the city manager to reside in the city as a condition of**
8 **employment.** Before entering upon the duties of his **or her** office the city manager shall take
9 the official oath required by law and shall execute a bond in favor of the city for the faithful
10 performance of his **or her** duties and such sum shall be determined by the city council. It shall
11 be his **or her** duty:

- 12 (1) To make all appointments to offices and positions provided for in section 78.600;
13 (2) To see that the laws and ordinances are enforced;

14 (3) To exercise control of all departments and divisions that may hereafter be created by
15 the council;

16 (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in
17 any public utility franchises are faithfully kept and performed, and upon information of any
18 violation thereof to take such steps as will be necessary to stop or prevent the further violation
19 of the same;

20 (5) To attend all meetings of the council with the privilege of taking part in the
21 discussions but having no vote;

22 (6) To recommend to the council for adoption such measures as he **or she** may deem
23 necessary or expedient;

24 (7) To prepare and submit the annual budget and to keep the city council fully advised
25 as to the financial conditions and needs of the city and to perform such other duties as may be
26 prescribed by these sections or be required of him **or her** by any ordinance or resolution of the
27 council.

79.050. 1. The following officers shall be elected by the qualified voters of the city, and
2 shall hold office for the term of two years, except as otherwise provided in this section, and until
3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of
4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an
5 election at which the issue is submitted, for the appointment of a collector and for the
6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and
7 any other police officers found by the board of aldermen to be necessary for the good government
8 of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board
9 of aldermen does not provide for the appointment of a chief of police and collector as provided
10 by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall
11 be elected, and the board of aldermen may provide by ordinance that the same person may be
12 elected marshal and collector, at the same election, and hold both offices and the board of
13 aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and
14 street commissioner, who shall hold their respective offices for a term of two years and until their
15 successors shall be elected or appointed and qualified, except that the term of the city marshal
16 shall be four years.

17 2. The board of aldermen may provide by ordinance, **after the approval of a majority**
18 **of the voters voting thereon at the next municipal election at which the issue is submitted,**
19 that the term of [mayor and of] the collector shall be four years **and the term of the mayor shall**
20 **be two or four years.** Any person elected as [mayor or] collector after the passage of such an
21 ordinance shall serve for a term of four years and until his successor is elected and qualified.

22 **Any person elected as mayor after the passage of such ordinance shall serve for a term of**
23 **two or four years, as provided, and until his successor is elected and qualified.**

24 3. The board of aldermen may provide by ordinance that the term of the board of
25 aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the
26 city and shall take effect only upon the approval of a majority of the voters voting at an election
27 at which the issue is submitted. Any person elected to the board of aldermen after the passage
28 of such an ordinance shall serve for a term of four years and until his successor is elected and
29 qualified.

84.330. 1. The members of the police force [of] **for** the cities covered by sections 84.010
2 to 84.340, organized and appointed by the police commissioners [of said] **for such** cities, are
3 hereby declared to be officers of the [said cities, under the charter and ordinances thereof, and
4 also to be officers of the] state of Missouri, and shall be so deemed and [taken in all courts
5 having] **shall have** jurisdiction [of offenses against] **to enforce** the laws of this state [or] **and** the
6 ordinances of [said] **such** cities.

7 **2. No provision of this chapter shall be construed to make such officers agents of**
8 **the cities covered under this chapter. Such officers are and shall remain employees**
9 **exclusively of their respective boards of police commissioners. No cause of action shall lie**
10 **against such cities for any tort or alleged breach of the law committed by any such officers.**

87.006. 1. Notwithstanding the provisions of any law to the contrary, and only for the
2 purpose of computing retirement benefits provided by an established retirement plan, after five
3 years' service, any condition of impairment of health caused by any disease of the lungs or
4 respiratory tract, hypotension, hypertension, or disease of the heart resulting in total or partial
5 disability or death to a uniformed member of a paid fire department, who successfully passed a
6 physical examination within five years prior to the time a claim is made for such disability or
7 death, which examination failed to reveal any evidence of such condition, shall be presumed to
8 have been suffered in line of duty, unless the contrary be shown by competent evidence.

9 **2. Any condition of cancer affecting the skin or the central nervous, lymphatic,**
10 **digestive, hematological, urinary, skeletal, oral, breast, testicular, genitourinary, liver or**
11 **prostate systems, as well as any condition of cancer which may result from exposure to heat**
12 **or radiation or to a known or suspected carcinogen as determined by the International**
13 **Agency for Research on Cancer, which results in the total or partial disability or death to**
14 **a uniformed member of a paid fire department who successfully passed a physical**
15 **examination within five years prior to the time a claim is made for disability or death,**
16 **which examination failed to reveal any evidence of such condition, shall be presumed to**
17 **have been suffered in the line of duty unless the contrary be shown by competent evidence**

18 **and it can be proven to a reasonable degree of medical certainty that the condition did not**
19 **result nor was contributed to by the voluntary use of tobacco.**

20 **3.** This section shall apply to paid members of all fire departments of all counties, cities,
21 towns, fire districts, and other governmental units.

88.832. **1.** The governing body of any municipality shall have power to cause a general
2 sewer system to be established, which shall be composed of four classes of sewers, to wit:
3 public, district, joint district, and private sewers. Public sewers shall be established, along the
4 principal courses of drainage, at such time, to such extent, of such dimensions, and under such
5 regulations as may be provided by ordinance. These may be extensions or branches of sewers
6 already constructed or entirely new throughout, as may be deemed expedient. The municipality
7 may levy a tax on all property made taxable for state purposes over the whole municipality to pay
8 for the constructing, reconstructing and repairing of the work, which tax shall be called "special
9 public sewer tax" and shall be of the amount as may be required for the sewer provided by
10 ordinance to be built; and the fund arising from the tax shall be appropriated solely to the
11 constructing, reconstructing and repairing of the sewer.

12 **2. No city of the third classification that imposes a storm water usage fee based on**
13 **the runoff rate of storm water on impervious surfaces shall impose such user fee on**
14 **property owned by any church, public school, nonprofit organization, or political**
15 **subdivision.**

89.010. **1.** The provisions of sections 89.010 to 89.140 shall apply to all cities, towns
2 and villages in this state.

3 **2. (1) As used in this subsection, "transect-based zoning" means a zoning**
4 **classification system that prescriptively arranges uses, elements, and environments**
5 **according to a geographic cross-section that range across a continuum from rural to urban,**
6 **with the range of environments providing the basis for organizing the components of the**
7 **constructed world, including buildings, lots, land use, street, and all other physical**
8 **elements of the human habitat, with the objective of creating sustainable communities and**
9 **emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density**
10 **and mixed use development in urban areas.**

11 **(2) In the event that any city, town, or village adopts a zoning or subdivision**
12 **ordinance based on transect-based zoning, and such transect-based zoning provisions**
13 **conflict with the zoning provisions adopted by code or ordinance of another political**
14 **subdivision with jurisdiction in such city, town, or village, the transect-based zoning**
15 **provisions governing street configuration requirements, including number and locations**
16 **of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and**
17 **improvements within the right-of-way, shall prevail over any other conflicting or more**

18 **restrictive zoning provisions adopted by code or ordinance of the other political**
19 **subdivision.**

89.400. 1. When the planning commission of any municipality adopts a city plan which
2 includes at least a major street plan or progresses in its city planning to the making and adoption
3 of a major street plan, and files a certified copy of the major street plan in the office of the county
4 recorder of the county in which the municipality is located, no plat of a subdivision of land lying
5 within the municipality shall be filed or recorded until it has been submitted to and a report and
6 recommendation thereon made by the commission to the city council and the council has
7 approved the plat as provided by law.

8 2. (1) As used in this subsection, "transect-based zoning" means a zoning
9 classification system that prescriptively arranges uses, elements, and environments
10 according to a geographic cross-section that range across a continuum from rural to urban,
11 with the range of environments providing the basis for organizing the components of the
12 constructed world, including buildings, lots, land use, street, and all other physical
13 elements of the human habitat, with the objective of creating sustainable communities and
14 emphasizing bicycle lanes, street connectivity, and sidewalks, and permitting high-density
15 and mixed use development in urban areas.

16 (2) In the event that any city, town, or village adopts a zoning or subdivision
17 ordinance based on transect-based zoning, and such transect-based zoning provisions
18 conflict with the zoning provisions adopted by code or ordinance of another political
19 subdivision with jurisdiction in such city, town, or village, the transect-based zoning
20 provisions governing street configuration requirements, including number and locations
21 of parking spaces, street, drive lane, and cul-de-sac lengths and widths, turning radii, and
22 improvements within the right-of-way, shall prevail over any other conflicting or more
23 restrictive zoning provisions adopted by code or ordinance of the other political
24 subdivision.

92.500. 1. The governing body of any city not within a county may impose, by
2 order or ordinance, a sales tax on all retail sales made within the city which are subject to
3 sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-
4 half of one percent, and shall be imposed solely for the purpose of providing revenues for
5 the operation of public safety departments, including police and fire departments, and for
6 compensation, pension programs, and health care for employees and pensioners of the
7 public safety departments. The tax authorized in this section shall be in addition to all
8 other sales taxes imposed by law, and shall be stated separately from all other charges and
9 taxes. The order or ordinance shall not become effective unless the governing body of the
10 city submits to the voters residing within the city at a state general, primary, or special

11 election a proposal to authorize the governing body of the city to impose a tax under this
12 section.

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

15 Shall (insert the name of the city) impose a sales tax at a rate of (insert rate
16 of percent) percent, solely for the purpose of providing revenues for the operation of public
17 safety departments of the city?

18 ☐ YES

☐ NO

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

22
23 If a majority of the votes cast on the question by the qualified voters voting thereon are in
24 favor of the question, then the tax shall become effective on the first day of the second
25 calendar quarter immediately following notification to the department of revenue. If a
26 majority of the votes cast on the question by the qualified voters voting thereon are
27 opposed to the question, then the tax shall not become effective unless and until the
28 question is resubmitted under this section to the qualified voters and such question is
29 approved by a majority of the qualified voters voting on the question.

30 3. All revenue collected under this section by the director of the department of
31 revenue on behalf of any city, except for one percent for the cost of collection which shall
32 be deposited in the state's general revenue fund, shall be deposited in a special trust fund,
33 which is hereby created and shall be known as the "Public Safety Protection Sales Tax
34 Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not
35 be deemed to be state funds, and shall not be commingled with any funds of the state. The
36 director may make refunds from the amounts in the trust fund and credited to the city for
37 erroneous payments and overpayments made, and may redeem dishonored checks and
38 drafts deposited to the credit of such city. Any funds in the special trust fund which are
39 not needed for current expenditures shall be invested in the same manner as other funds
40 are invested. Any interest and moneys earned on such investments shall be credited to the
41 fund. The director shall keep accurate records of the amounts in the fund, and such
42 records shall be open to the inspection of the officers of such city and to the public. Not
43 later than the tenth day of each month, the director shall distribute all moneys deposited
44 in the fund during the preceding month to the city. Such funds shall be deposited with the
45 treasurer of the city, and all expenditures of moneys from the fund shall be by an
46 appropriation ordinance enacted by the governing body of the city.

47 **4. On or after the effective date of the tax, the director of revenue shall be**
48 **responsible for the administration, collection, enforcement, and operation of the tax, and**
49 **sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to**
50 **collect and report the sales tax to collect the amount required to be reported and remitted,**
51 **but not to change the requirements of reporting or remitting the tax, or to serve as a levy**
52 **of the tax, and in order to avoid fractions of pennies, the governing body of the city may**
53 **authorize the use of a bracket system similar to that authorized in section 144.285, RSMo,**
54 **and notwithstanding the provisions of that section, this new bracket system shall be used**
55 **where this tax is imposed and shall apply to all taxable transactions. Beginning with the**
56 **effective date of the tax, every retailer in the city shall add the sales tax to the sale price,**
57 **and this tax shall be a debt of the purchaser to the retailer until paid, and shall be**
58 **recoverable at law in the same manner as the purchase price. For purposes of this section,**
59 **all retail sales shall be deemed to be consummated at the place of business of the retailer.**

60 **5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the**
61 **state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply**
62 **to the collection of the tax, and all exemptions granted to agencies of government,**
63 **organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made**
64 **applicable to the imposition and collection of the tax. The same sales tax permit, exemption**
65 **certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the**
66 **administration and collection of the state sales tax shall satisfy the requirements of this**
67 **section, and no additional permit or exemption certificate or retail certificate shall be**
68 **required; except that, the director of revenue may prescribe a form of exemption certificate**
69 **for an exemption from the tax. All discounts allowed the retailer under the state sales tax**
70 **for the collection of and for payment of taxes are hereby allowed and made applicable to**
71 **the tax. The penalties for violations provided in section 32.057, RSMo, and sections**
72 **144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any**
73 **person is delinquent in the payment of the amount required to be paid under this section,**
74 **or in the event a determination has been made against the person for the tax and penalties**
75 **under this section, the limitation for bringing suit for the collection of the delinquent tax**
76 **and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.**

77 **6. The governing body of any city that has adopted the sales tax authorized in this**
78 **section may submit the question of repeal of the tax to the voters on any date available for**
79 **elections for the city. The ballot of submission shall be in substantially the following form:**

80 **Shall (insert the name of the city) repeal the sales tax imposed at a rate of**
81 **(insert rate of percent) percent for the purpose of providing revenues for the operation of**
82 **public safety departments of the city?**

83

☐ YES☐ NO

84

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

87

88 If a majority of the votes cast on the question by the qualified voters voting thereon are in
89 favor of repeal, that repeal shall become effective on December thirty-first of the calendar
90 year in which such repeal was approved. If a majority of the votes cast on the question by
91 the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized
92 in this section shall remain effective until the question is resubmitted under this section to
93 the qualified voters and the repeal is approved by a majority of the qualified voters voting
94 on the question.

95 7. Whenever the governing body of any city that has adopted the sales tax
96 authorized in this section receives a petition, signed by a number of registered voters of the
97 city equal to at least two percent of the number of registered voters of the city voting in the
98 last gubernatorial election, calling for an election to repeal the sales tax imposed under this
99 section, the governing body shall submit to the voters of the city a proposal to repeal the
100 tax. If a majority of the votes cast on the question by the qualified voters voting thereon
101 are in favor of the repeal, the repeal shall become effective on December thirty-first of the
102 calendar year in which such repeal was approved. If a majority of the votes cast on the
103 question by the qualified voters voting thereon are opposed to the repeal, then the sales tax
104 authorized in this section shall remain effective until the question is resubmitted under this
105 section to the qualified voters and the repeal is approved by a majority of the qualified
106 voters voting on the question.

107 8. If the tax is repealed or terminated by any means, all funds remaining in the
108 special trust fund shall continue to be used solely for the designated purposes, and the city
109 shall notify the director of the department of revenue of the action at least ninety days
110 before the effective date of the repeal and the director may order retention in the trust
111 fund, for a period of one year, of two percent of the amount collected after receipt of such
112 notice to cover possible refunds or overpayment of the tax and to redeem dishonored
113 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
114 the effective date of abolition of the tax in such city, the director shall remit the balance in
115 the account to the city and close the account of that city. The director shall notify each city
116 of each instance of any amount refunded or any check redeemed from receipts due the city.

94.660. 1. The governing body of any city not within a county and any county of the first
2 classification having a charter form of government with a population of over nine hundred

3 thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one
4 percent for submission to the voters of that city or county at an authorized election date selected
5 by the governing body.

6 2. Any sales tax approved under this section shall be imposed on the receipts from the
7 sale at retail of all tangible personal property or taxable services within the city or county
8 adopting the tax, if such property and services are subject to taxation by the state of Missouri
9 under sections 144.010 to 144.525, RSMo.

10 3. The ballot of submission shall contain, but need not be limited to, the following
11 language:

12 Shall the county/city of (county's or city's name) impose a county/city-wide sales
13 tax of percent for the purpose of providing a source of funds for public transportation
14 purposes?

15 ☐ YES

☐ NO

16

17 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county
18 or city not within a county on the proposal by the qualified voters voting thereon are in favor of
19 the proposal, then the tax shall go into effect on the first day of the next calendar quarter
20 beginning after its adoption and notice to the director of revenue, but no sooner than thirty days
21 after such adoption and notice. If a majority of the votes cast in that county or city not within
22 a county by the qualified voters voting are opposed to the proposal, then the additional sales tax
23 shall not be imposed in that county or city not within a county unless and until the governing
24 body of that county or city not within a county shall have submitted another proposal to authorize
25 the local option transportation sales tax authorized in this section, and such proposal is approved
26 by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this
27 section be submitted to the voters sooner than twelve months from the date of the last proposal.

28 4. No tax shall go into effect under this section in any city not within a county or any
29 county of the first classification having a charter form of government with a population over nine
30 hundred thousand inhabitants unless and until both such city and such county approve the tax.

31 **5. The provisions of subsection 4 of this section requiring both the city and county**
32 **to approve a transportation sales tax before a transportation sales tax may go into effect**
33 **in either jurisdiction shall not apply to any transportation sales tax submitted to and**
34 **approved by the voters in such city or such county on or after August 28, 2007.**

35 [5.] 6. All sales taxes collected by the director of revenue under this section on behalf
36 of any city or county, less one percent for cost of collection which shall be deposited in the state's
37 general revenue fund after payment of premiums for surety bonds, shall be deposited with the
38 state treasurer in a special trust fund, which is hereby created, to be known as the "County Public

39 Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087,
40 RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be
41 commingled with any funds of the state. The director of revenue shall keep accurate records of
42 the amount of money in the trust fund which was collected in each city or county approving a
43 sales tax under this section, and the records shall be open to inspection by officers of the city or
44 county and the public. Not later than the tenth day of each month the director of revenue shall
45 distribute all moneys deposited in the trust fund during the preceding month to the city or county
46 which levied the tax, and such funds shall be deposited with the treasurer of each such city or
47 county and all expenditures of funds arising from the county public transit sales tax trust fund
48 shall be by an appropriation act to be enacted by the governing body of each such county or city
49 not within a county.

50 [6.] 7. The revenues derived from any transportation sales tax under this section shall
51 be used only for the planning, development, acquisition, construction, maintenance and operation
52 of public transit facilities and systems other than highways.

53 [7.] 8. The director of revenue may authorize the state treasurer to make refunds from
54 the amount in the trust fund and credited to any city or county for erroneous payments and
55 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
56 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
57 director of revenue of the action at least ninety days prior to the effective date of the repeal and
58 the director of revenue may order retention in the trust fund, for a period of one year, of two
59 percent of the amount collected after receipt of such notice to cover possible refunds or
60 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
61 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
62 city or county, the director of revenue shall authorize the state treasurer to remit the balance in
63 the account to the city or county and close the account of that city or county. The director of
64 revenue shall notify each city or county of each instance of any amount refunded or any check
65 redeemed from receipts due the city or county.

94.870. In addition to all other taxes prescribed by law, the governing body of any
2 municipality of the third classification with a population of at least fifteen thousand but not more
3 than eighteen thousand inhabitants located within a county with a population of at least
4 thirty-five thousand but not more than forty-five thousand inhabitants which has a total assessed
5 valuation of at least two hundred seventy-five million dollars but not more than three hundred
6 twenty-five million dollars, the governing body of any county with a population of at least twenty
7 thousand but not more than twenty-five thousand which has a total assessed valuation of at least
8 one hundred twenty million dollars but not more than one hundred forty million dollars, **or any**
9 **municipality located in such county**, and the governing body of any county with a population

10 of at least twenty-eight thousand but not more than thirty-one thousand which has a total
11 assessed valuation of at least two hundred fifty-five million dollars or any municipality located
12 in such county and the governing body of any county with a population of at least twenty-five
13 thousand but not more than thirty thousand which has a total assessed valuation of at least two
14 hundred million dollars but not more than two hundred five million dollars or any municipality
15 located in such county, or any city located partially but not wholly within a county of the third
16 classification with a population of at least thirty-nine thousand inhabitants may impose, by
17 ordinance or order, a tax on the price paid or charged to any person for rooms or
18 accommodations paid by transient guests of hotels, motels, condominium units, campgrounds,
19 and tourist courts situated within the political subdivision, at a rate not to exceed four percent
20 of such price paid or charged. As used in this section, the term "hotel", "motel", or "tourist
21 court" means any structure or building, under one management, which contains rooms furnished
22 for the accommodation or lodging of guests, with or without meals being provided, including bed
23 and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a
24 place where sleeping accommodations are sought for pay or compensation to transient guests,
25 and the term "campground" means real property, other than state-owned property, which contains
26 parcels for rent to transient guests for pay or compensation, which may include temporary utility
27 hook-ups for use by the transient guests, and where such transient guests generally use tents,
28 recreational vehicles or some other form of temporary shelter while on the rented premises.
29 Shelters for the homeless operated by not-for-profit organizations are not a hotel, motel, or
30 tourist court for the purposes of this section. As used in this section, the term "transient guest"
31 means a person who occupies a room or rooms in a hotel, motel, campground, or tourist court
32 for thirty consecutive days or less.

94.875. All taxes authorized and collected under sections 94.870 to 94.881 shall be
2 deposited by the political subdivision in a special trust fund to be known as the "Tourism Tax
3 Trust Fund". The moneys in such tourism tax trust fund shall not be commingled with any other
4 funds of the political subdivision except as specifically provided in this section. The taxes
5 collected [shall] **may** be used, upon appropriation by the political subdivision, [solely] for the
6 purpose of constructing, maintaining, or operating convention and tourism facilities[, and at least
7 twenty-five percent of such taxes collected shall be used for tourism marketing and promotional
8 purposes]; except that in any city with a population of less than [one] **seven** thousand five
9 hundred inhabitants, forty percent of such taxes collected may be transferred to such city's
10 general revenue fund and the remaining thirty-five percent may be used for city capital
11 improvements, pursuant to voter approval. The moneys in the tourism tax trust fund of any city
12 with a population of at least fifteen thousand located partially but not wholly within a county of
13 the third classification with a population of at least thirty-nine thousand inhabitants shall be used

14 solely for tourism marketing and promotional purposes. The tax authorized by section 94.870
15 shall be in addition to any and all other sales taxes allowed by law, but no ordinance or order
16 imposing a tax under section 94.870 shall be effective unless the governing body of the political
17 subdivision submits to the voters of the political subdivision at a municipal or state general,
18 primary, or special election a proposal to authorize the governing body of the political
19 subdivision to impose such tax.

**94.950. 1. As used in this section, "museum" means museums operating or to be
2 built in the city and that are registered with the United States Internal Revenue Service as
3 a 501(c)(3) corporation, or an organization that is registered with the United States
4 Internal Revenue Service as a 501(c)(3) corporation and that develops, promotes, or
5 operates historical locations or preservation sites.**

**6 2. The governing body of any home rule city with more than forty-five thousand
7 five hundred but fewer than forty-five thousand nine hundred inhabitants and partially
8 located in any county of the first classification with more than one hundred four thousand
9 six hundred but fewer than one hundred four thousand seven hundred inhabitants may
10 impose, by order or ordinance, a sales tax on all retail sales made within the city which are
11 subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not
12 exceed one-half of one percent, and shall be imposed solely for the purpose of funding the
13 operation, construction, or renovation of historical locations and museums to promote
14 tourism. The tax authorized in this section shall be in addition to all other sales taxes
15 imposed by law, and shall be stated separately from all other charges and taxes. The order
16 or ordinance shall not become effective unless the governing body of the city submits to the
17 voters residing within the city at a state general, primary, or special election a proposal to
18 authorize the governing body of the city to impose a tax under this section.**

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

**21 Shall (insert the name of the city) impose a sales tax at a rate of (insert rate
22 of percent) percent, solely for the purpose of funding the operation, construction, or
23 renovation of historical locations and museums to promote tourism?**

24 ☐ YES ☐ NO

25

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

28

**29 If a majority of the votes cast on the question by the qualified voters voting thereon are in
30 favor of the question, then the tax shall become effective on the first day of the second**

31 calendar quarter immediately following notification to the department of revenue. If a
32 majority of the votes cast on the question by the qualified voters voting thereon are
33 opposed to the question, then the tax shall not become effective unless and until the
34 question is resubmitted under this section to the qualified voters and such question is
35 approved by a majority of the qualified voters voting on the question.

36 4. All revenue collected under this section by the director of the department of
37 revenue on behalf of any city, except for one percent for the cost of collection which shall
38 be deposited in the state's general revenue fund, shall be deposited in a special trust fund,
39 which is hereby created and shall be known as the "Local Option Museum Sales Tax Trust
40 Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not
41 be deemed to be state funds, and shall not be commingled with any funds of the state. The
42 director may make refunds from the amounts in the trust fund and credited to the city for
43 erroneous payments and overpayments made, and may redeem dishonored checks and
44 drafts deposited to the credit of such city. Any funds in the trust fund which are not
45 needed for current expenditures shall be invested in the same manner as other funds are
46 invested. Any interest and moneys earned on such investments shall be credited to the
47 fund. Not later than the tenth day of each month, the director shall distribute all moneys
48 deposited in the trust fund during the preceding month to the city that levied the sales tax.

49 5. On or after the effective date of the tax, the director of revenue shall be
50 responsible for the administration, collection, enforcement, and operation of the tax, and
51 sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to
52 collect and report the sales tax to collect the amount required to be reported and remitted,
53 but not to change the requirements of reporting or remitting the tax, or to serve as a levy
54 of the tax, and in order to avoid fractions of pennies, the governing body of the city may
55 authorize the use of a bracket system similar to that authorized in section 144.285, RSMo,
56 and notwithstanding the provisions of that section, this new bracket system shall be used
57 where this tax is imposed and shall apply to all taxable transactions. Beginning with the
58 effective date of the tax, every retailer in the city shall add the sales tax to the sale price,
59 and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
60 recoverable at law in the same manner as the purchase price. For purposes of this section,
61 all retail sales shall be deemed to be consummated at the place of business of the retailer.

62 6. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the
63 state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply
64 to the collection of the tax, and all exemptions granted to agencies of government,
65 organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made
66 applicable to the imposition and collection of the tax. The same sales tax permit, exemption

certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

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

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

☐ YES

☐ NO

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

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

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon

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

9. If the tax is repealed or terminated by any means, all funds remaining in the trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director 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 city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

99.847. 1. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants, **unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications.**

2. This subsection shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects including redevelopment project costs by not more than forty percent of such project original projected cost including redevelopment project costs as such projects including redevelopment project costs as such projects redevelopment projects including redevelopment project costs existed as of June 30, 2003, and shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003.

99.1200. 1. This section shall be known and may be cited as the "Distressed Areas Land Assemblage Tax Credit Act".

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

(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, demolition costs of vacant structures, and maintenance costs incurred to maintain an acquired eligible parcel for a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney's fees, or relocation costs;

(2) "Applicant", any person, firm, partnership, trust, limited liability company, or corporation which has:

(a) Incurred, within an eligible project area, acquisition costs for the acquisition of land sufficient to satisfy the requirements under subdivision (8) of subsection 2 of this section; and

(b) Been appointed or selected, under a redevelopment agreement by a municipal authority, as a redeveloper or similar designation, under an economic incentive act, to redevelop an urban renewal area or a redevelopment area that includes all of an eligible project area or whose redevelopment plan or redevelopment area, which encompasses all of an eligible project area, has been approved or adopted under an economic incentive act. The redevelopment agreement shall provide that the funds generated through the use or sale of the tax credits issued under this section be used to redevelop the eligible project area and, in addition to being designated the redeveloper, the applicant shall have been designated to receive economic incentives after the municipal authority has considered the amount of the tax credits in adopting such economic incentives as provided in subsection 8 of this section;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area. Condemnation proceedings shall include any and all actions taken after the submission of a notice of intended acquisition to an owner of a parcel within the eligible project area by a municipal authority or any other person or entity under section 523.250, RSMo;

(5) "Department", the Missouri department of economic development;

(6) "Economic incentive acts", any provision of Missouri law under which economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment projects approved or adopted which include the use of economic incentives to redevelop the land. Economic incentive acts include, but are not limited to, the land clearance for redevelopment authority law, the real property tax increment allocation

39 redevelopment act, the Missouri downtown and rural economic stimulus act, and the
40 downtown revitalization preservation program;

41 (7) "Eligible parcel", a parcel:

42 (a) Which is located within an eligible project area;

43 (b) Which is to be redeveloped;

44 (c) On which the applicant has not commenced construction before August 28,
45 2007; and

46 (d) Which has been acquired without the commencement of any condemnation
47 proceedings with respect to such parcel brought by or on behalf of the applicant. Any
48 parcel acquired by the applicant from a municipal authority shall not constitute an eligible
49 parcel;

50 (8) "Eligible project area", an area which shall have satisfied the following
51 requirements:

52 (a) The eligible project area shall consist of at least one hundred acres and may
53 include parcels within its boundaries that do not constitute an eligible parcel;

54 (b) At least eighty percent of the eligible project area shall be located within a
55 Missouri qualified census tract area as designated by the United States Department of
56 Housing and Urban Development under Section 42 of the Internal Revenue Code of 1986,
57 as amended;

58 (c) The eligible parcels acquired by the applicant within the eligible project area
59 shall total at least seventy-five acres, which may consist of contiguous and noncontiguous
60 parcels;

61 (d) The average number of parcels per acre in an eligible project area shall be four;

62 (e) Less than five percent of the acreage within the boundaries of the eligible
63 project area shall consist of owner-occupied residences which the applicant has identified
64 for acquisition under the urban renewal plan or the redevelopment plan under which the
65 applicant was appointed or selected as the redeveloper or by which the person or entity
66 was qualified as an applicant under this section on the date of the approval or adoption of
67 such plan;

68 (9) "Interest costs", interest, loan fees, and closing costs. Interest costs shall not
69 include attorney's fees;

70 (10) "Municipal authority", any city, town, village, county, public body corporate
71 and politic, political subdivision, or land trust of this state established and authorized to
72 own land within the state;

73 (11) "Parcel", a single lot or tract of land, and the improvements thereon, owned
74 by, or recorded as the property of, one or more persons or entities;

(12) "Redeveloped", the process of undertaking and carrying out a redevelopment plan or urban renewal plan under which the conditions which provided the basis for an eligible project area to be included in a redevelopment plan or urban renewal plan are to be reduced or eliminated by redevelopment or rehabilitation; and

(13) "Redevelopment agreement", the redevelopment agreement or similar agreement into which the applicant entered with a municipal authority and which is the agreement for the implementation of the urban renewal plan or redevelopment plan under which the applicant was appointed or selected as the redeveloper or by which the person or entity was qualified as an applicant under this section.

3. Any applicant shall be entitled to a tax credit against the taxes imposed under chapters 143, 147, and 148, RSMo, except for sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of the acquisition costs, and one hundred percent of the interest costs incurred for a period of five years after the acquisition of an eligible parcel. No tax credits shall be issued under this section until after January 1, 2008.

4. If the amount of such tax credit exceeds the total tax liability for the year in which the applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be carried forward for credit against the taxes imposed under chapters 143, 147, and 148, RSMo, for the succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265, RSMo. Applicants entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or under an executed agreement among the partners, members, or owners documenting an alternate distribution method.

5. A purchaser, transferee, or assignee of the tax credits may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise imposed under chapters 143, 147, and 148, RSMo, except for sections 143.191 to 143.265, RSMo. A seller, transferor, or assignor shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department to administer and to carry out the provisions of this section.

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the

department. On an annual basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount.

7. The total aggregate amount of tax credits authorized under this section shall not exceed one hundred million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twelve million dollars. If the tax credits that are to be issued under this section exceed, in any year, the twelve million dollar limitation, the department shall either:

(1) Issue tax credits to the applicant in the amount of twelve million dollars, if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twelve million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after August 28, 2013. Any tax credits which have been authorized on or before August 28, 2013, but not issued, may be issued, subject to limitations provided under this subsection, until all such authorized tax credits have been issued.

8. Upon issuance of any tax credits under this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include the tax credits in any sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area.

9. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if

147 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
148 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
149 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
150 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
151 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
152 **adopted after August 28, 2007, shall be invalid and void.**

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

- 4 (1) A description of the project;
- 5 (2) An estimate of the cost of the project;
- 6 (3) A statement of the source of funds to be expended for the project;
- 7 (4) A statement of the terms upon which the facilities to be provided by the project are
8 to be leased or otherwise disposed of by the municipality; and
- 9 (5) Such other information necessary to meet the requirements of sections 100.010 to
10 100.200.

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

- 14 (1) A statement identifying each school district, junior college district, county, or city
15 affected by such project except property assessed by the state tax commission pursuant to
16 chapters 151 and 153, RSMo;
- 17 (2) The most recent equalized assessed valuation of the real property and personal
18 property included in the project, and an estimate as to the equalized assessed valuation of real
19 property and personal property included in the project after development;
- 20 (3) An analysis of the costs and benefits of the project on each school district, junior
21 college district, county, or city; and
- 22 (4) Identification of any payments in lieu of taxes expected to be made by any lessee of
23 the project, and the disposition of any such payments by the municipality.

24 3. If the plan for the project is approved after August 28, 2003, any payments in lieu of
25 taxes expected to be made by any lessee of the project shall be applied in accordance with this
26 section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and
27 administering the plan. All amounts paid in excess of such actual costs shall, immediately upon
28 receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each
29 school district, junior college district, county, or city in proportion to the current ad valorem tax
30 levy of each school district, junior college district, county, or city; however, in any county of the

31 first classification with more than ninety-three thousand eight hundred but fewer than
32 ninety-three thousand nine hundred inhabitants, **or any county of the first classification with**
33 **more than one hundred thirty-five thousand four hundred but fewer than one hundred**
34 **thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May
35 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial
36 officer to each affected taxing entity in proportion to the current ad valorem tax levy of each
37 affected taxing entity.

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

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

22 3. The county assessor shall include the current assessed value of all property within the
23 school district, junior college district, county, or city in the aggregate valuation of assessed
24 property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and
25 such value shall be utilized for the purpose of the debt limitation on local government pursuant
26 to section 26(b), article VI, Constitution of Missouri.

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

105.452. 1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting and shall not be relieved by reason of the provisions of section 105.460, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

2. No person shall offer any financial inducement in exchange for appointment to any municipal office.

110.130. 1. Subject to the provisions of section 110.030 the county commission of each county in this state[, at the April term, in April 1997] **on or before the first Monday for July for the year in which a bid is requested** and every fourth year thereafter, with an option to rebid in each odd-numbered year, shall receive proposals from banking corporations or associations at the county seat of the county which desire to be selected as the depositaries of the funds of the county. [For the purpose of letting the funds the county commission shall, by order

7 of record, divide the funds into not less than two nor more than twelve equal parts, except that
8 in counties of the first classification not having a charter form of government, funds shall be
9 divided in not less than two nor more than twenty equal parts, and the bids provided for in
10 sections 110.140 and 110.150 may be for one or more of the parts.]

11 2. Notice that such bids will be received shall be published by the clerk of the
12 commission twenty days before the commencement of the term in some newspaper published
13 in the county, and if no newspaper is published therein, then the notice shall be published at the
14 door of the courthouse of the county. In counties operating under the township organization law
15 of this state, township boards shall exercise the same powers and privileges with reference to
16 township funds as are conferred in sections 110.130 to 110.260 upon county commissions with
17 reference to county funds at the same time and manner, except that township funds shall not be
18 divided but let as an entirety; and except, also, that in all cases of the letting of township funds,
19 three notices, posted in three public places by the township clerk, will be a sufficient notice of
20 such letting.

110.140. 1. Any banking corporation or association in the county desiring to bid shall
2 deliver to the clerk of the commission, on or before the first [day of the term] **Monday of July**
3 at which the selection of depositaries is to be made, a sealed proposal, stating the rate of interest
4 that the banking corporation, or association offers to pay on the funds of the county for the term
5 of two or four years next ensuing the date of the bid, or, if the selection is made for a less term
6 than two or four years, as provided in sections 110.180 and 110.190, then for the time between
7 the date of the bid and the next regular time for the selection of depositaries as fixed by section
8 110.130[, and stating also the number of parts of the funds for which the banking corporation or
9 association desires to bid].

10 2. Each bid shall be accompanied by a certified check for not less than the proportion
11 of one and one-half percent of the county revenue of the preceding year as the sum of the part
12 or parts of funds bid for bears to the whole number of the parts, as a guaranty of good faith on
13 the part of the bidder, that if his **or her** bid should be the highest he **or she** will provide the
14 security required by section 110.010. Upon his **or her** failure to give the security required by
15 law, the amount of the certified check shall go to the county as liquidated damages, and the
16 commission may order the county clerk to readvertise for bids.

17 3. It shall be a misdemeanor, and punishable as such, for the clerk of the commission,
18 or any deputy of the clerk, to directly or indirectly disclose the amount of any bid before the
19 selection of depositaries.

110.150. 1. The county commission, at noon on **or before** the first [day of the April
2 term in 1997] **Monday of July for the year in which a bid is requested** and every second or
3 fourth year thereafter, shall publicly open the bids, and cause each bid to be entered upon the

4 records of the commission, and shall select as the depositaries of all the public funds of every
5 kind and description going into the hands of the county treasurer, and also all the public funds
6 of every kind and description going into the hands of the ex officio collector in counties under
7 township organization, the deposit of which is not otherwise provided for by law, the banking
8 corporations or associations whose bids respectively made for one or more of the parts of the
9 funds shall in the aggregate constitute the largest offer for the payment of interest per annum for
10 the funds; but the commission may reject any and all bids.

11 2. The interest upon each fund shall be computed upon the daily balances with the
12 depositary, and shall be payable to the county treasurer monthly, who shall place the interest [on
13 the school funds to the credit of those funds respectively, the interest on all county hospital funds
14 and hospital district funds to the credit of those funds, the interest on county health center funds
15 to the credit of those funds, the interest on county library funds to the credit of those funds and
16 the interest on all other funds to the credit of the county general fund] to the credit of each
17 individual fund held by the county treasurer; provided, that the interest on any funds collected
18 by the collector of any county of the first classification not having a charter form of government
19 on behalf of any political subdivision or special district shall be credited to such political
20 subdivision or special district.

21 3. The county clerk shall, in opening the bids, return the certified checks deposited with
22 him to the banks whose bids are rejected, and on approval of the security of the successful
23 bidders return the certified checks to the banks whose bids are accepted.

137.055. 1. After the assessor's book of each county, except in the city of St. Louis, shall
2 be corrected and adjusted according to law, but not later than September twentieth, of each year,
3 the county governing body shall ascertain the sum necessary to be raised for county purposes,
4 and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and
5 the same to be entered in the proper columns in the tax book.

6 2. Prior to fixing the rate of taxes, as provided in this section, the county governing body
7 shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for
8 the hearing shall be published in at least one newspaper qualified under the laws of Missouri of
9 general circulation in the county at least seven days prior to the date of the hearing. The notice
10 shall include the aggregate assessed valuation by category of real, total personal and other
11 tangible property in the county as entered in the tax book for the fiscal year for which the tax is
12 to be levied, the aggregate assessed valuation by category of real, total personal and other
13 tangible property in the county for the preceding taxable year, the required sums to be raised
14 from the property tax for each purpose for which the county levies taxes as approved in the
15 budget adopted under chapter 50, RSMo, [and] the proposed rate of taxes which will produce
16 substantially the same revenues as required by the budget, **and the increase in tax revenue**

17 realized due to an increase in assessed value as a result of new construction and
 18 improvement, and the increase, both in dollar value and percentage, in tax revenue as a
 19 result of reassessment if the proposed tax rate is adopted. Failure of any taxpayer to appear
 20 at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise
 21 available to the taxpayer. Nothing in this subsection absolves county governing bodies of
 22 responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed
 23 valuation occur that would alter the tax rate calculations.

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

2 (1) "Personal property", any house trailer, manufactured home, boat, vessel,
 3 floating home, floating structure, airplane, or aircraft;

4 (2) "Rental or leasing facility", any manufactured home park, manufactured home
 5 storage facility, marina or comparable facility providing dockage or storage space, or any
 6 hangar or similar aircraft storage facility.

7 2. For all calendar years beginning on or after January 1, 2008, every owner of a
 8 rental or leasing facility shall, by January thirtieth of each year, furnish the assessor of the
 9 county in which the rental or leasing facility is located a list of the personal property
 10 located at the rental or leasing facility on January first of each year. The list shall include:

11 (1) The name of the owner of the personal property;

12 (2) The owner's address and county of residency, if known;

13 (3) A description of the personal property located at the facility.

14 3. If the owner of a rental or leasing facility fails to submit the list by January
 15 thirtieth of each year, or fails to include all the information required by this section on the
 16 list, the valuation of the personal property that is not listed as required by this section and
 17 that is located at the rental or leasing facility shall be assessed to the owner of the rental
 18 or leasing facility.

19 4. The assessor of the county in which the rental or leasing facility is located shall
 20 also collect a penalty as additional tax on the assessed valuation of such personal property
 21 that is not listed as required by this section. The penalty shall be collected as follows:

22 Assessed valuation	Penalty
23 \$0 to \$1,000	\$10.00
24 \$1,001 to \$2,000	\$20.00
25 \$2,001 to \$3,000	\$30.00
26 \$3,001 to \$4,000	\$40.00
27 \$4,001 to \$5,000	\$50.00
28 \$5,001 to \$6,000	\$60.00
29 \$6,001 to \$7,000	\$70.00

30	\$7,001 to \$8,000	\$80.00
31	\$8,001 to \$9,000	\$90.00
32	\$9,001 and above	\$100.00

33 **5. The funds derived from the penalty collected under this section shall be**
 34 **disbursed proportionately to any taxing entity authorized to levy a tax on such personal**
 35 **property. No rental or leasing facility owner penalized under this section shall be subject**
 36 **to any penalty authorized in section 137.280 or 137.345 for the same personal property in**
 37 **the same tax year.**

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

- 3 (1) Lands and other property belonging to this state;
- 4 (2) Lands and other property belonging to any city, county or other political subdivision
 5 in this state, including market houses, town halls and other public structures, with their furniture
 6 and equipments, and on public squares and lots kept open for health, use or ornament. **As used**
 7 **in this subdivision, "belonging" means holding a fee interest in only the land itself without**
 8 **regard to the presence of any inferior possessory interest in cases where lands are used so**
 9 **as to facilitate air transportation at nonprimary commercial service airports and reliever**
 10 **airports, as defined by the Federal Aviation Administration;**
- 11 (3) Nonprofit cemeteries;
- 12 (4) The real estate and tangible personal property which is used exclusively for
 13 agricultural or horticultural societies organized in this state, including not-for-profit agribusiness
 14 associations;
- 15 (5) All property, real and personal, actually and regularly used exclusively for religious
 16 worship, for schools and colleges, or for purposes purely charitable and not held for private or
 17 corporate profit, except that the exemption herein granted does not include real property not
 18 actually used or occupied for the purpose of the organization but held or used as investment even
 19 though the income or rentals received therefrom is used wholly for religious, educational or
 20 charitable purposes;
- 21 (6) Household goods, furniture, wearing apparel and articles of personal use and
 22 adornment, as defined by the state tax commission, owned and used by a person in his home or
 23 dwelling place;
- 24 (7) Motor vehicles leased for a period of at least one year to this state or to any city,
 25 county, or political subdivision or to any religious, educational, or charitable organization which
 26 has obtained an exemption from the payment of federal income taxes, provided the motor
 27 vehicles are used exclusively for religious, educational, or charitable purposes; and

28 (8) Real or personal property leased or otherwise transferred by an interstate compact
29 agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100,
30 RSMo, to another for which or whom such property is not exempt when immediately after the
31 lease or transfer, the interstate compact agency enters into a leaseback or other agreement that
32 directly or indirectly gives such interstate compact agency a right to use, control, and possess the
33 property; provided, however, that in the event of a conveyance of such property, the interstate
34 compact agency must retain an option to purchase the property at a future date or, within the
35 limitations period for reverters, the property must revert back to the interstate compact agency.
36 Property will no longer be exempt under this subdivision in the event of a conveyance as of the
37 date, if any, when:

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

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

42 (c) There are no provisions for reverter of the property within the limitation period for
43 reverters.

44 **2. (1) As used in this subsection, "lower income households" means households**
45 **whose income is at or under sixty percent of median income for the area in which such real**
46 **property is located.**

47 **(2) All real and personal property, or any portion thereof, actually and regularly**
48 **used for low income rental housing and related uses, shall be deemed to be used for**
49 **purposes purely charitable and not held for private or corporate profit under subdivision**
50 **(5) of subsection 1 of this section if the following criteria are met:**

51 **(a) Such property is held by a limited partnership in which the managing general**
52 **partner is a Missouri nonprofit corporation or a wholly owned subsidiary of such**
53 **corporation;**

54 **(b) Such limited partnership receives low income housing tax credits under Section**
55 **42(h)(5) of the Internal Revenue Code of 1986, as amended;**

56 **(c) Such real property owned by such limited partnership is subject to a recorded**
57 **deed restriction or other agreement with the Missouri Housing Development Commission**
58 **or such commission's successor, under which one hundred percent of the residential units**
59 **for such real property shall be used by lower income households; and**

60 **(d) Such limited partnership certifies that the funds that would have otherwise been**
61 **used to pay ad valorem taxes are used to maintain the affordability of the units reserved**
62 **for usage by lower income households.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the percent of its true value in money set in subsection 5 of this
9 section. The assessor shall annually assess all real property in the following manner: new
10 assessed values shall be determined as of January first of each odd-numbered year and shall be
11 entered in the assessor's books; those same assessed values shall apply in the following
12 even-numbered year, except for new construction and property improvements which shall be
13 valued as though they had been completed as of January first of the preceding odd-numbered
14 year. The assessor may call at the office, place of doing business, or residence of each person
15 required by this chapter to list property, and require the person to make a correct statement of all
16 taxable tangible personal property owned by the person or under his or her care, charge or
17 management, taxable in the county. On or before January first of each even-numbered year, the
18 assessor shall prepare and submit a two-year assessment maintenance plan to the county
19 governing body and the state tax commission for their respective approval or modification. The
20 county governing body shall approve and forward such plan or its alternative to the plan to the
21 state tax commission by February first. If the county governing body fails to forward the plan
22 or its alternative to the plan to the state tax commission by February first, the assessor's plan shall
23 be considered approved by the county governing body. If the state tax commission fails to
24 approve a plan and if the state tax commission and the assessor and the governing body of the
25 county involved are unable to resolve the differences, in order to receive state cost-share funds
26 outlined in section 137.750, the county or the assessor shall petition the administrative hearing
27 commission, by May first, to decide all matters in dispute regarding the assessment maintenance
28 plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with
29 mediation or arbitration upon terms agreed to by the parties. The final decision of the
30 administrative hearing commission shall be subject to judicial review in the circuit court of the
31 county involved. In the event a valuation of subclass (1) real property within any county with
32 a charter form of government, or within a city not within a county, is made by a computer,
33 computer-assisted method or a computer program, the burden of proof, supported by clear,
34 convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing
35 or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption

36 that the assessment was made by a computer, computer-assisted method or a computer program.
37 Such evidence shall include, but shall not be limited to, the following:

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

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

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

43 (b) Such properties are not more than one mile from the site of the disputed property,
44 except where no similar properties exist within one mile of the disputed property, the nearest
45 comparable property shall be used. Such property shall be within five hundred square feet in size
46 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
47 and other relevant characteristics.

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

50 3. The following items of personal property shall each constitute separate subclasses of
51 tangible personal property and shall be assessed and valued for the purposes of taxation at the
52 following [percents] **percentages** of their true value in money:

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

55 (2) Livestock, twelve percent;

56 (3) Farm machinery, twelve percent;

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

61 (5) Poultry, twelve percent; and

62 (6) Tools and equipment used for pollution control and tools and equipment used in
63 retooling for the purpose of introducing new product lines or used for making improvements to
64 existing products by any company which is located in a state enterprise zone and which is
65 identified by any standard industrial classification number cited in subdivision (6) of section
66 135.200, RSMo, twenty-five percent.

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

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

- 74 (1) For real property in subclass (1), nineteen percent;
75 (2) For real property in subclass (2), twelve percent; and
76 (3) For real property in subclass (3), thirty-two percent.

77 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used
78 as dwelling units shall be assessed at the same percentage of true value as residential real
79 property for the purpose of taxation. The percentage of assessment of true value for such
80 manufactured homes shall be the same as for residential real property. If the county collector
81 cannot identify or find the manufactured home when attempting to attach the manufactured home
82 for payment of taxes owed by the manufactured home owner, the county collector may request
83 the county commission to have the manufactured home removed from the tax books, and such
84 request shall be granted within thirty days after the request is made; however, the removal from
85 the tax books does not remove the tax lien on the manufactured home if it is later identified or
86 found. A manufactured home located in a manufactured home rental park, rental community or
87 on real estate not owned by the manufactured home owner shall be considered personal property.
88 A manufactured home located on real estate owned by the manufactured home owner may be
89 considered real property.

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

94 8. Any amount of tax due and owing based on the assessment of a manufactured home
95 shall be included on the personal property tax statement of the manufactured home owner unless
96 the manufactured home has been converted to real property in compliance with section 700.111,
97 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured
98 home as a realty improvement to the existing real estate parcel shall be included on the real
99 property tax statement of the real estate owner.

100 9. The assessor of each county and each city not within a county shall use the trade-in
101 value published in the October issue of the National Automobile Dealers' Association Official
102 Used Car Guide, or its successor publication, as the recommended guide of information for
103 determining the true value of motor vehicles described in such publication. In the absence of a
104 listing for a particular motor vehicle in such publication, the assessor shall use such information
105 or publications which in the assessor's judgment will fairly estimate the true value in money of
106 the motor vehicle.

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

111 11. If a physical inspection is required, pursuant to subsection 10 of this section, the
112 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
113 written notice of the owner's rights relating to the physical inspection. If a physical inspection
114 is required, the property owner may request that an interior inspection be performed during the
115 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
116 request for an interior physical inspection.

117 12. A physical inspection, as required by subsection 10 of this section, shall include, but
118 not be limited to, an on-site personal observation and review of all exterior portions of the land
119 and any buildings and improvements to which the inspector has or may reasonably and lawfully
120 gain external access, and shall include an observation and review of the interior of any buildings
121 or improvements on the property upon the timely request of the owner pursuant to subsection 11
122 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not
123 be considered sufficient to constitute a physical inspection as required by this section.

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

126 14. A county or city collector may accept credit cards as proper form of payment of
127 outstanding property tax or license due. No county or city collector may charge surcharge for
128 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
129 processor, or issuer for its service. A county or city collector may accept payment by electronic
130 transfers of funds in payment of any tax or license and charge the person making such payment
131 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
132 payment.

133 15. [The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo,
134 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session,
135 shall become effective January 1, 2003, for any taxing jurisdiction within a county with a charter
136 form of government with greater than one million inhabitants, and the provisions of this section
137 and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the
138 ninety-first general assembly, second regular session, shall become effective October 1, 2004,
139 for all taxing jurisdictions in this state.] Any county or city not within a county in this state may,
140 by an affirmative vote of the governing body of such county, opt out of the provisions of this
141 section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150
142 of the ninety-first general assembly, second regular session and section 137.073 as modified by

this act, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

141.150. Fees shall be allowed for services rendered under the provisions of sections 141.010 to 141.160 as follows:

(1) To the collector [two percent on all sums collected; such percent] **the fee authorized by section 52.290, RSMo**, to be taxed as costs and collected from the party redeeming, or from the proceeds of sale, as herein provided;

(2) To the collector for making the back tax book, twenty-five cents per tract, to be taxed as costs and collected from the party redeeming such tract;

(3) To the collector, attorney's fees in the sum of five percent of the amount of taxes actually collected and paid into the treasury after judgment is obtained or if such taxes are paid before judgment, but after suit is instituted, two percent on all sums collected and paid into the treasury; and an additional sum in the amount of two dollars for each suit instituted pursuant to the provisions of sections 141.010 to 141.160, where publication is not necessary, and in the amount of five dollars for each suit where publication is necessary, which sums shall be taxed and collected as other costs;

15 (4) To the circuit clerk, associate circuit judge, sheriff and printer, such fees as are
16 allowed by law for like services in civil cases, which shall be taxed as costs in the case; provided,
17 that in no case shall the state or county be liable for any such costs, nor shall the county
18 commission or state auditor or commissioner of administration allow any claim for any costs
19 incurred by the provisions of this law; provided further, that all fees collected shall be accounted
20 for and all fees collected, except those allowed the printer, shall be paid to the county treasurer
21 at such times and in the manner as otherwise provided by law.

141.640. Upon the filing of any delinquent tax bill or bills or any list thereof with the
2 collector, as provided in sections 141.210 to 141.810, there shall be imposed and charged on
3 each such tax bill [a collector's commission of two percent of the principal amount of such
4 delinquent tax bill] **the fee authorized under section 52.290, RSMo**, as an additional penalty
5 and part of the lien thereof to be paid to the collector on all such tax bills collected by him, which
6 [two percent penalty] **fee** shall be collected from the party redeeming the parcel of real estate
7 upon which the tax bill is a lien, and shall be accounted for by the collector as other similar
8 penalties are collected by him on delinquent land taxes upon which suit has not been filed, or,
9 if filed, was not filed under the provisions of sections 141.210 to 141.810.

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at

21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation, slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

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

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall
50 have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse
51 of materials within a manufacturing process or the use of a product previously recovered. The
52 material recovery processing plant shall qualify under the provisions of this section regardless
53 of ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if

57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

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

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

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

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

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

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the
73 transportation of persons or property in interstate commerce;

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.
81 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts
82 performed upon materials to transform and reduce them to a different state or thing, including
83 treatment necessary to maintain or preserve such processing by the producer at the production
84 facility;

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

87 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
88 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
89 solely required for the installation, construction or reconstruction of such machinery, equipment,
90 appliances and devices, and so certified as such by the director of the department of natural
91 resources, except that any action by the director pursuant to this subdivision may be appealed to
92 the air conservation commission which may uphold or reverse such action;

93 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
94 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
95 solely required for the installation, construction or reconstruction of such machinery, equipment,
96 appliances and devices, and so certified as such by the director of the department of natural
97 resources, except that any action by the director pursuant to this subdivision may be appealed to
98 the Missouri clean water commission which may uphold or reverse such action;

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

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

106 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
107 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
108 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
109 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
110 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
111 administer those items, including samples and materials used to manufacture samples which may
112 be dispensed by a practitioner authorized to dispense such samples and all sales of medical
113 oxygen, home respiratory equipment and accessories, hospital beds and accessories and
114 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,
115 electronic Braille equipment and, if purchased by or on behalf of a person with one or more
116 physical or mental disabilities to enable them to function more independently, all sales of
117 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and
118 augmentative communication devices, and items used solely to modify motor vehicles to permit
119 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or
120 nonprescription drugs to individuals with disabilities;

121 (19) All sales made by or to religious and charitable organizations and institutions in
122 their religious, charitable or educational functions and activities and all sales made by or to all
123 elementary and secondary schools operated at public expense in their educational functions and
124 activities;

125 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
126 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
127 including fraternal organizations which have been declared tax-exempt organizations pursuant
128 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or

129 charitable functions and activities and all sales made to eleemosynary and penal institutions and
130 industries of the state, and all sales made to any private not-for-profit institution of higher
131 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
132 institution of higher education supported by public funds, and all sales made to a state relief
133 agency in the exercise of relief functions and activities;

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

141 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
142 of feed additives, medications or vaccines administered to livestock or poultry in the production
143 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
144 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
145 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
146 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
147 defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new
148 generation cooperative or an eligible new generation processing entity as defined in section
149 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor
150 vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible
151 personal property which, when mixed with feed for livestock or poultry, is to be used in the
152 feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes
153 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
154 to improve or enhance the effect of a pesticide and the foam used to mark the application of
155 pesticides and herbicides for the production of crops, livestock or poultry. As used in this
156 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such
157 other new or used farm machinery and equipment and repair or replacement parts thereon, and
158 supplies and lubricants used exclusively, solely, and directly for producing crops, raising and
159 feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale
160 at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel
161 therefor which is:

162 (a) Used exclusively for agricultural purposes;

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

164 (c) Used directly in producing farm products to be sold ultimately in processed form or
165 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
166 ultimately in processed form at retail;

167 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
168 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
169 for domestic use and in any city not within a county, all sales of metered or unmetered water
170 service for domestic use;

171 (a) "Domestic use" means that portion of metered water service, electricity, electrical
172 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
173 within a county, metered or unmetered water service, which an individual occupant of a
174 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
175 service through a single or master meter for residential apartments or condominiums, including
176 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
177 Each seller shall establish and maintain a system whereby individual purchases are determined
178 as exempt or nonexempt;

179 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
180 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
181 with and approved by the Missouri public service commission. Sales and purchases made
182 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
183 of the occupants of residential apartments or condominiums through a single or master meter,
184 including service for common areas and facilities and vacant units, shall be considered as sales
185 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
186 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
187 service rate classification and the provision of service thereunder shall be conclusive as to
188 whether or not the utility must charge sales tax;

189 (c) Each person making domestic use purchases of services or property and who uses any
190 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
191 of the fourth month following the year of purchase, and without assessment, notice or demand,
192 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
193 nondomestic purchases of services or property and who uses any portion of the services or
194 property so purchased for domestic use, and each person making domestic purchases on behalf
195 of occupants of residential apartments or condominiums through a single or master meter,
196 including service for common areas and facilities and vacant units, under a nonresidential utility
197 service rate classification may, between the first day of the first month and the fifteenth day of
198 the fourth month following the year of purchase, apply for credit or refund to the director of
199 revenue and the director shall give credit or make refund for taxes paid on the domestic use

200 portion of the purchase. The person making such purchases on behalf of occupants of residential
201 apartments or condominiums shall have standing to apply to the director of revenue for such
202 credit or refund;

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

206 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
207 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
208 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
209 sales taxes on such excise taxes;

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

215 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
216 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
217 activities of such agency as provided pursuant to the compact;

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

222 (29) All livestock sales when either the seller is engaged in the growing, producing or
223 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
224 or leasing of such livestock;

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

227 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
228 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
229 products or in any material recovery processing plant as defined in subdivision (4) of subsection
230 2 of this section;

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

233 (33) Tangible personal property purchased for use or consumption directly or exclusively
234 in the research and development of prescription pharmaceuticals consumed by humans or
235 animals;

- 236 (34) All sales of grain bins for storage of grain for resale;
- 237 (35) All sales of feed which are developed for and used in the feeding of pets owned by
- 238 a commercial breeder when such sales are made to a commercial breeder, as defined in section
- 239 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;
- 240 (36) All purchases by a contractor on behalf of an entity located in another state,
- 241 provided that the entity is authorized to issue a certificate of exemption for purchases to a
- 242 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
- 243 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
- 244 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
- 245 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
- 246 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
- 247 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
- 248 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
- 249 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
- 250 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
- 251 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
- 252 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
- 253 or remodeling facilities for the following:
- 254 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
- 255 project exemption certificates in accordance with the provisions of section 144.062; or
- 256 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
- 257 an exemption certificate to contractors in accordance with the provisions of that state's law and
- 258 the applicable provisions of this section;
- 259 (37) Tangible personal property purchased for use or consumption directly or exclusively
- 260 in research or experimentation activities performed by life science companies and so certified
- 261 as such by the director of the department of economic development or the director's designees;
- 262 except that, the total amount of exemptions certified pursuant to this section shall not exceed one
- 263 million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of
- 264 this subdivision, the term "life science companies" means companies whose primary research
- 265 activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North
- 266 American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech
- 267 research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary
- 268 services). The exemption provided by this subdivision shall expire on June 30, 2003;
- 269 (38) All sales or other transfers of tangible personal property to a lessor who leases the
- 270 property under a lease of one year or longer executed or in effect at the time of the sale or other

271 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo,
272 or sections 238.010 to 238.100, RSMo; [and]

273 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
274 owned or operated by a governmental authority or commission, a quasi-governmental agency,
275 a state university or college or by the state or any political subdivision thereof, including a
276 municipality, and that is played on a neutral site and may reasonably be played at a site located
277 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
278 is not located on the campus of a conference member institution participating in the event;

279 **(40) All purchases by a sports complex authority created under section 64.920,**
280 **RSMo.**

144.062. 1. With respect to exempt sales at retail of tangible personal property and
2 materials for the purpose of constructing, repairing or remodeling facilities for:

3 (1) A county, other political subdivision or instrumentality thereof exempt from taxation
4 under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

5 (2) An organization sales to which are exempt from taxation under the provisions of
6 subdivision (19) of subsection 2 of section 144.030; or

7 (3) Any institution of higher education supported by public funds or any private
8 not-for-profit institution of higher education, exempt from taxation under subdivision (20) of
9 subsection 2 of section 144.030; or

10 (4) Any private not-for-profit elementary or secondary school exempt from taxation
11 under subdivision (22) of subsection 2 of section 144.030[,] ; or

12 **(5) Any authority exempt from taxation under subdivision (40) of subsection 2 of**
13 **section 144.030,**

14

15 hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such
16 purchases if the purchases are related to the entities' exempt functions and activities. In addition,
17 the sales shall not be rendered nonexempt nor shall any material supplier or contractor be
18 obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf
19 of an exempt entity due to such purchases being billed to or paid for by a contractor or the
20 exempt entity contracting with any entity to render any services in relation to such purchases,
21 including but not limited to selection of materials, ordering, pickup, delivery, approval on
22 delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or
23 providing warranties on materials as specified by contract, use of materials or other purchases
24 for construction of the building or other facility, providing labor, management services,
25 administrative services, design or technical services or advice to the exempt entity, whether or

26 not the contractor or other entity exercises dominion or control in any other manner over the
27 materials in conjunction with services or labor provided to the exempt entity.

28 2. When any exempt entity contracts for the purpose of constructing, repairing or
29 remodeling facilities, and purchases of tangible personal property and materials to be
30 incorporated into or consumed in the construction of the project are to be made on a tax-exempt
31 basis, such entity shall furnish to the contractor an exemption certificate authorizing such
32 purchases for the construction, repair or remodeling project. The form and content of such
33 project exemption certificate shall be approved by the director of revenue. The project
34 exemption certificate shall include but not be limited to:

35 (1) The exempt entity's name, address, Missouri tax identification number and signature
36 of authorized representative;

37 (2) The project location, description, and unique identification number;

38 (3) The date the contract is entered into, which is the earliest date materials may be
39 purchased for the project on a tax-exempt basis;

40 (4) The estimated project completion date; and

41 (5) The certificate expiration date.

42 Such certificate is renewable for a given project at the option of the exempt entity, only for the
43 purpose of revising the certificate expiration date as necessary to complete the project.

44 3. The contractor shall furnish the certificate prescribed in subsection 2 of this section
45 to all subcontractors, and any contractor purchasing materials shall present such certificate to all
46 material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible
47 personal property and materials to be incorporated into or consumed in the construction of that
48 project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing
49 contractor invoices bearing the name of the exempt entity and the project identification number.
50 Nothing in this section shall be deemed to exempt the purchase of any construction machinery,
51 equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity.
52 All invoices for all personal property and materials purchased under a project exemption
53 certificate shall be retained by the purchasing contractor for a period of five years and shall be
54 subject to audit by the director of revenue.

55 4. Any excess resalable tangible personal property or materials which were purchased
56 for the project by a contractor under a project exemption certificate but which were not
57 incorporated into or consumed in the construction of the project shall either be returned to the
58 supplier for credit or the appropriate sales or use tax on such excess property or materials shall
59 be reported on a return and paid by such contractor not later than the due date of the contractor's
60 Missouri sales or use tax return following the month in which it was determined that the
61 materials were not to be used in the project.

62 5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible
63 personal property and materials incorporated into or consumed in the construction of the project,
64 due to the failure of the exempt entity to revise the certificate expiration date as necessary to
65 complete any work required by the contract. If it is determined that tax is owed on such property
66 and materials due to the failure of the exempt entity to revise such certificate expiration date, the
67 exempt entity shall be liable for the tax owed.

68 6. If an entity issues exemption certificates for the purchase of tangible personal property
69 and materials which are incorporated into or consumed in the construction of its project and such
70 entity is found not to have had the authority granted by this section to issue such exemption
71 certificates, then such entity shall be liable for the tax owed on such personal property and
72 materials. In addition, if an entity which does have the authority granted by this section to issue
73 exemption certificates issues such certificates for the purchase of tangible personal property and
74 materials which are incorporated into or consumed in the construction of a project, or part of a
75 project, which is found not to be related to such entity's exempt functions and activities, then
76 such entity shall be liable for the tax owed on such personal property and materials.

 162.431. 1. When it is necessary to change the boundary lines between seven-director
2 school districts, in each district affected, ten percent of the voters by number of those voting for
3 school board members in the last annual school election in each district may petition the district
4 boards of education in the districts affected, regardless of county lines, for a change in
5 boundaries. The question shall be submitted at the next [general municipal] election, **as**
6 **referenced in section 115.123, RSMo.**

7 2. The voters shall decide the question by a majority vote of those who vote upon the
8 question. If assent to the change is given by each of the various districts voting, each voting
9 separately, the boundaries are changed from that date.

10 3. If one of the districts votes against the change and the other votes for the change, the
11 matter may be appealed to the state board of education, in writing, within fifteen days of the
12 submission of the question by either one of the districts affected, or in the above event by a
13 majority of the signers of the petition requesting a vote on the proposal. At the first meeting of
14 the state board following the appeal, a board of arbitration composed of three members, none of
15 whom shall be a resident of any district affected, shall be appointed. In determining whether it
16 is necessary to change the boundary line between seven-director districts, the board of arbitration
17 shall base its decision upon the following:

18 (1) The presence of school-aged children in the affected area;

19 (2) The presence of actual educational harm to school-aged children, either due to a
20 significant difference in the time involved in transporting students or educational deficiencies
21 in the district which would have its boundary adversely affected; and

22 (3) The presence of an educational necessity, not of a commercial benefit to landowners
23 or to the district benefitting for the proposed boundary adjustment.

24 4. Within twenty days after notification of appointment, the board of arbitration shall
25 meet and consider the necessity for the proposed changes and shall decide whether the
26 boundaries shall be changed as requested in the petition or be left unchanged, which decision
27 shall be final. The decision by the board of arbitration shall be rendered not more than thirty
28 days after the matter is referred to the board. The chairman of the board of arbitration shall
29 transmit the decision to the secretary of each district affected who shall enter the same upon the
30 records of his district and the boundaries shall thereafter be in accordance with the decision of
31 the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty
32 dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the
33 petitioners should they institute the appeal.

34 5. If the board of arbitration decides that the boundaries shall be left unchanged, no new
35 petition for the same, or substantially the same, boundary change between the same districts shall
36 be filed until after the expiration of two years from the date of the municipal election at which
37 the question was submitted to the voters of the districts.

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and
3 incidental funds for a school district as reported to the proper officer of each county pursuant to
4 section 164.011, RSMo;

5 (2) "Average daily attendance", the quotient or the sum of the quotients obtained by
6 dividing the total number of hours attended in a term by resident pupils between the ages of five
7 and twenty-one by the actual number of hours school was in session in that term. To the average
8 daily attendance of the following school term shall be added the full-time equivalent average
9 daily attendance of summer school students. "Full-time equivalent average daily attendance of
10 summer school students" shall be computed by dividing the total number of hours, except for
11 physical education hours that do not count as credit toward graduation for students in grades
12 nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours
13 required in section 160.011, RSMo, in the school term. For purposes of determining average
14 daily attendance under this subdivision, the term "resident pupil" shall include all children
15 between the ages of five and twenty-one who are residents of the school district and who are
16 attending kindergarten through grade twelve in such district. If a child is attending school in a
17 district other than the district of residence and the child's parent is teaching in the school district
18 or is a regular employee of the school district which the child is attending, then such child shall
19 be considered a resident pupil of the school district which the child is attending for such period
20 of time when the district of residence is not otherwise liable for tuition. Average daily

21 attendance for students below the age of five years for which a school district may receive state
22 aid based on such attendance shall be computed as regular school term attendance unless
23 otherwise provided by law;

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for
27 instruction and support services except capital outlay and debt service expenditures minus the
28 revenue from federal categorical sources; food service; student activities; categorical payments
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood
30 special education; the career ladder entitlement for the district, as provided for in sections
31 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for
32 in section 167.332, RSMo; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections
35 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per
36 recalculation, of the state revenue received by a district in the 2004-05 school year from the
37 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free
38 textbook payments for any district from the first preceding calculation of the state adequacy
39 target;

40 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the
41 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for
42 debt service;

43 (5) "Dollar value modifier", an index of the relative purchasing power of a dollar,
44 calculated as one plus fifteen percent of the difference of the regional wage ratio minus one,
45 provided that the dollar value modifier shall not be applied at a rate less than 1.0:

46 (a) "County wage per job", the total county wage and salary disbursements divided by
47 the total county wage and salary employment for each county and the city of St. Louis as reported
48 by the Bureau of Economic Analysis of the United States Department of Commerce for the
49 fourth year preceding the payment year;

50 (b) "Regional wage per job":

51 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
52 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
53 salary employment for the metropolitan area for the county signified in the school district number
54 or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States
55 Department of Commerce for the fourth year preceding the payment year and recalculated upon

56 every decennial census to incorporate counties that are newly added to the description of
57 metropolitan areas; or if no such metropolitan area is established, then:

58 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
59 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
60 salary employment for the micropolitan area for the county signified in the school district
61 number, as reported by the Bureau of Economic Analysis of the United States Department of
62 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county
63 has been established and recalculated upon every decennial census to incorporate counties that
64 are newly added to the description of micropolitan areas; or

65 c. If a county is not part of a metropolitan or micropolitan area as established by the
66 Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of
67 this subdivision, shall be used for the school district, as signified by the school district number;

68 (c) "Regional wage ratio", the ratio of the regional wage per job divided by the state
69 median wage per job;

70 (d) "State median wage per job", the fifty-eighth highest county wage per job;

71 (6) "Free and reduced lunch pupil count", the number of pupils eligible for free and
72 reduced lunch on the last Wednesday in January for the preceding school year who were enrolled
73 as students of the district, as approved by the department in accordance with applicable federal
74 regulations;

75 (7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and
76 reduced lunch pupil count of every performance district that falls entirely above the bottom five
77 percent and entirely below the top five percent of average daily attendance, when such districts
78 are rank-ordered based on their current operating expenditures per average daily attendance, by
79 the total average daily attendance of all included performance districts;

80 (8) "Limited English proficiency pupil count", the number in the preceding school year
81 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
82 or secondary school who were not born in the United States or whose native language is a
83 language other than English or are Native American or Alaskan native, or a native resident of
84 the outlying areas, and come from an environment where a language other than English has had
85 a significant impact on such individuals' level of English language proficiency, or are migratory,
86 whose native language is a language other than English, and who come from an environment
87 where a language other than English is dominant; and have difficulties in speaking, reading,
88 writing, or understanding the English language sufficient to deny such individuals the ability to
89 meet the state's proficient level of achievement on state assessments described in Public Law
90 107-10, the ability to achieve successfully in classrooms where the language of instruction is
91 English, or the opportunity to participate fully in society;

92 (9) "Limited English proficiency threshold" shall be calculated by dividing the total
93 limited English proficiency pupil count of every performance district that falls entirely above the
94 bottom five percent and entirely below the top five percent of average daily attendance, when
95 such districts are rank-ordered based on their current operating expenditures per average daily
96 attendance, by the total average daily attendance of all included performance districts;

97 (10) "Local effort":

98 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
99 assessed valuation of the property of a school district in calendar year 2004 divided by one
100 hundred and multiplied by the performance levy less the percentage retained by the county
101 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for
102 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts
103 from state-assessed railroad and utility tax, one hundred percent of the amount received for
104 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to
105 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal
106 properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the
107 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
108 received for school purposes from the school district trust fund under section 163.087, and one
109 hundred percent of any local earnings or income taxes received by the district for school
110 purposes. Under this paragraph, for a special district established under sections 162.815 to
111 162.940, RSMo, in a county with a charter form of government and with more than one million
112 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special
113 school district;

114 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
115 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
116 school purposes from fines [or less any decrease in the amount received for school purposes from
117 fines in any school district located entirely within any county with a charter form of government
118 and with more than two hundred fifty thousand but fewer than three hundred fifty thousand
119 inhabitants that creates a county municipal court after January 1, 2006]. If a district's assessed
120 valuation has decreased subsequent to the calculation outlined in paragraph (a) of this
121 subdivision, the district's local effort shall be calculated using the district's current assessed
122 valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this
123 subdivision;

124 (11) "Membership" shall be the average of:

125 (a) The number of resident full-time students and the full-time equivalent number of
126 part-time students who were enrolled in the public schools of the district on the last Wednesday

127 in September of the previous year and who were in attendance one day or more during the
128 preceding ten school days; and

129 (b) The number of resident full-time students and the full-time equivalent number of
130 part-time students who were enrolled in the public schools of the district on the last Wednesday
131 in January of the previous year and who were in attendance one day or more during the preceding
132 ten school days, plus the full-time equivalent number of summer school pupils.

133 "Full-time equivalent number of part-time students" is determined by dividing the total number
134 of hours for which all part-time students are enrolled by the number of hours in the school term.

135 "Full-time equivalent number of summer school pupils" is determined by dividing the total
136 number of hours for which all summer school pupils were enrolled by the number of hours
137 required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be
138 counted for average daily attendance shall be counted for membership;

139 (12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and
140 incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100,
141 RSMo, of any transitional school district containing the school district, in the payment year, not
142 including any equalized operating levy for school purposes levied by a special school district in
143 which the district is located;

144 (13) "Performance district", any district that has met all performance standards and
145 indicators as established by the department of elementary and secondary education for purposes
146 of accreditation under section 161.092, RSMo, and as reported on the final annual performance
147 report for that district each year;

148 (14) "Performance levy", three dollars and forty-three cents;

149 (15) "School purposes" pertains to teachers' and incidental funds;

150 (16) "Special education pupil count", the number of public school students with a current
151 individualized education program and receiving services from the resident district as of
152 December first of the preceding school year, except for special education services provided
153 through a school district established under sections 162.815 to 162.940, RSMo, in a county with
154 a charter form of government and with more than one million inhabitants, in which case the sum
155 of the students in each district within the county exceeding the special education threshold of
156 each respective district within the county shall be counted within the special district and not in
157 the district of residence for purposes of distributing the state aid derived from the special
158 education pupil count;

159 (17) "Special education threshold" shall be calculated by dividing the total special
160 education pupil count of every performance district that falls entirely above the bottom five
161 percent and entirely below the top five percent of average daily attendance, when such districts

are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

2 **163.016. Notwithstanding the provisions of section 163.011, for any school district**
3 **located in more than one county and whose headquarters are located within a city of the**
4 **fourth classification with more than two thousand five hundred but fewer than two**
5 **thousand six hundred inhabitants and located in more than one county, the county**
6 **signified in the school district number shall be the county in the district with the highest**
7 **dollar value modifier.**

2 **163.038. Notwithstanding any provision of law to the contrary, any school district**
3 **that is located at least partially in any county that creates a county municipal court or is**
4 **otherwise eligible to prosecute county ordinance violations under section 66.010, RSMo,**
5 **et seq., after January 1, 2006, shall be entitled to a payment amount from the department**
6 **of elementary and secondary education in addition to all other payments required under**
7 **this chapter equal to the decrease, if any, in the amount of revenue a district receives from**
8 **finances in the current year from the revenue the district received from fines in fiscal year**
9 **2005.**

2 182.015. 1. In addition to the provisions of section 182.010, the county commission of
3 any county of the state may establish by its order a county library district without a petition or
4 submission to the voters as provided in section 182.010, provided such district conforms
5 otherwise to the provisions of that section and does not include any part of a regional library
6 system established pursuant to other provisions of this chapter. In the event a district is so
7 established, the county commission shall propose an annual rate of taxation within the limitations
8 prescribed by section 182.010, which proposal shall be submitted to a vote of the people in the
9 same manner as though the district were formed under the provisions of that section.

10 2. Where the county library district of any county is not operating a library within such
11 county, the county commission may divide the county library district into subdistricts. In the
12 event the subdistricts are established, the county commission shall propose an annual rate of
13 taxation, which proposal shall be submitted to a vote of the people residing in the subdistrict in
14 the same manner as provided for in section 182.010. If a majority of the votes cast on the
15 question are for the tax as submitted, the tax shall be levied and collected on property within the
16 subdistrict in the same manner as other county library taxes are levied and collected pursuant to
17 section 182.020. Such funds shall be used to [operate a branch library] **provide library services**
18 in the subdistrict of the county library district.

19 3. Where a tax has not been approved by the voters within a five-year period from the
20 establishment of a library district, such library district shall be dissolved.

21 **4. (1) The boundaries of any subdistrict established under this section in any**
22 **county may be expanded as provided in this subsection. Whenever not less than ten**
23 **percent of registered voters residing in an area in such county adjacent to an existing**

23 subdistrict desire to be annexed into the subdistrict, such registered voters shall file a
24 petition with the governing body of the county requesting, subject to the official approval
25 of the existing county library board, the expansion of the subdistrict. The petition shall
26 contain the following information:

27 (a) The name and residence of each petitioner; and

28 (b) A specific description of the proposed subdistrict boundaries, including a map
29 illustrating the boundaries.

30 (2) Upon the filing of a petition under this subsection, subject to the official
31 approval of the existing county library board, the governing body of the county may, by
32 resolution, approve the expansion of the subdistrict. Any resolution to expand such
33 subdistrict adopted by the governing body of the county shall contain the following
34 information:

35 (a) A description of the proposed boundaries of the subdistrict;

36 (b) The time and place of a hearing to be held to consider expansion of the
37 subdistrict; and

38 (c) The rate of tax to be imposed in the area of expansion and voted on within the
39 proposed subdistrict, if any.

40

41 Following the hearing required in this subsection, if the existing library board approves
42 the expansion, and if the governing body of the county determines that expansion is in the
43 best interest of the current subdistrict, then the governing body may, by order or
44 ordinance, provide for the expansion of the subdistrict and for any imposition of the
45 existing subdistrict tax rate within the area of expansion. The order or ordinance shall not
46 become effective unless the governing body of the county submits to the voters residing
47 within the proposed subdistrict, at a state general, primary, or special election, a proposal
48 to authorize the governing body of the county to expand the boundaries of the subdistrict
49 and, if necessary, to impose the existing subdistrict tax rate within the area of expansion.

50

51 If a majority of the votes cast on the question by the qualified voters voting thereon and
52 residing in the existing subdistrict and a majority of the votes cast on the question by the
53 qualified voters voting thereon and residing in the area proposed to be annexed into the
54 subdistrict are in favor of the question, then the expansion of the subdistrict and the
55 imposition of the tax within the area of expansion shall become effective on the first day
56 of the second calendar quarter immediately following the vote. If a majority of the votes
57 cast on the question by the qualified voters voting thereon in either the existing subdistrict
58 or in the area proposed to be annexed into the subdistrict are opposed to the question, then

59 the expansion of the subdistrict and the imposition of the tax shall not become effective
60 unless and until the question is resubmitted under this subsection to the qualified voters
61 and such question is approved by the required majorities of the qualified voters voting on
62 the question under this subsection.

63 (3) The governing body of any county that has expanded subdistrict boundaries or
64 imposed a tax increase authorized in this subsection may submit the question of repeal of
65 the expansion of boundaries and the accompanying imposition of the tax in the area of
66 expansion to the voters of the subdistrict on any date available for elections for the county.

67

68 If a majority of the votes cast on the question by the qualified voters voting thereon are in
69 favor of repeal, that repeal shall become effective on December thirty-first of the calendar
70 year in which such repeal was approved. If a majority of the votes cast on the question by
71 the qualified voters voting thereon are opposed to the repeal, then the expansion of
72 boundaries and the imposition of the tax as authorized in this subsection shall remain
73 effective until the question is resubmitted under this subsection to the qualified voters and
74 the repeal is approved by a majority of the qualified voters voting on the question.

75 (4) Whenever the governing body of any county that has expanded subdistrict
76 boundaries or imposed a tax as authorized in this subsection receives a petition, signed by
77 ten percent of the registered voters of the library subdistrict, calling for an election to
78 repeal the expansion of boundaries and the accompanying imposition of the tax in the area
79 of expansion under this subsection, the governing body shall submit to the voters of the
80 subdistrict a proposal to repeal the expansion and the accompanying imposition of the tax.
81 The ballot of submission shall be in substantially the same form as provided in subdivision
82 (4) of this subsection. If a majority of the votes cast on the question by the qualified voters
83 voting thereon are in favor of the repeal, the repeal shall become effective on December
84 thirty-first of the calendar year in which such repeal was approved. If a majority of the
85 votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
86 then the expansion of boundaries and the imposition of the tax as authorized in this
87 subsection shall remain effective until the question is resubmitted under this subsection to
88 the qualified voters and the repeal is approved by a majority of the qualified voters voting
89 on the question.

190.052. Any member of the board of directors who moves [his residence] **residency**
2 from the district from which [he] **the member** was elected, shall be disqualified as a member of
3 the board. If one or two vacancies occur in the membership of the board as a result of death,
4 resignation, or disqualification, the remaining members shall appoint one or two qualified
5 persons, as provided in section 190.050, to fill the vacancies until the [next annual election of

6 the members of the board] **end of the unexpired term.** Such appointment shall be made with
7 the consent of a majority of the remaining members of the board. If the board is unable to agree
8 in filling a vacancy within sixty days or if there are more than two vacancies at any one time, the
9 county commission, upon notice from the board of failure to agree in filling the vacancies, shall
10 within ten days fill them by appointment of qualified persons, as provided in section 190.050,
11 and shall notify the persons in writing of their appointment. The persons appointed shall serve
12 for the unexpired term.

**190.053. 1. All members of the board of directors of an ambulance district first
2 elected on or after January 1, 2008, shall attend and complete an educational seminar or
3 conference or other suitable training on the role and duties of a board member of an
4 ambulance district. The training required under this section shall be offered by a
5 statewide association organized for the benefit of ambulance districts or be approved by
6 the state advisory council on emergency medical services. Such training shall include, at
7 a minimum:**

- 8 **(1) Information relating to the roles and duties of an ambulance district director;**
- 9 **(2) A review of all state statutes and regulations relevant to ambulance districts;**
- 10 **(3) State ethics laws;**
- 11 **(4) State sunshine laws, chapter 610, RSMo;**
- 12 **(5) Financial and fiduciary responsibility;**
- 13 **(6) State laws relating to the setting of tax rates; and**
- 14 **(7) State laws relating to revenue limitations.**

15 **2. If any ambulance district board member fails to attend a training session within
16 twelve months after taking office, the board member shall not be compensated for
17 attendance at meetings thereafter until the board member has completed such training
18 session.**

190.305. 1. In addition to its other powers for the protection of the public health, a
2 governing body may provide for the operation of an emergency telephone service and may pay
3 for it by levying an emergency telephone tax for such service in those portions of the governing
4 body's jurisdiction for which emergency telephone service has been contracted. The governing
5 body may do such other acts as are expedient for the protection and preservation of the public
6 health and are necessary for the operation of the emergency telephone system. The governing
7 body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff
8 local service rate, as defined in section 190.300, or seventy-five cents per access line per month,
9 whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the
10 governing body's jurisdiction for which emergency telephone service has been contracted. In any
11 county of the third classification with a population of at least thirty-two thousand but not greater

12 than forty thousand that borders a county of the first classification, a governing body of a third
13 or fourth class city may, with the consent of the county commission, contract for service with a
14 public agency to provide services within the public agency's jurisdiction when such city is
15 located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by
16 the county commission authorizing an election within the public agency's jurisdiction pursuant
17 to section 190.320. Any contract between governing bodies and public agencies in existence on
18 August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the
19 county commission authorized the election for emergency telephone service and a vote was held
20 as provided in section 190.320. The governing body shall provide for a board pursuant to
21 sections 190.327 and 190.328. **Any home rule city with more than forty-five thousand five**
22 **hundred but fewer than forty-five thousand nine hundred inhabitants and partially located**
23 **in any county of the first classification with more than one hundred four thousand six**
24 **hundred but fewer than one hundred four thousand seven hundred inhabitants and that**
25 **operates an emergency telephone service as provided by this section may, by order or**
26 **ordinance, provide that such city shall not be subject to the authority of any county board**
27 **created under sections 190.300 to 190.340. Any such city not collecting any tax under this**
28 **section and opting out of such board's authority under this subsection shall receive eighty**
29 **percent of the tax levied or imposed and collected within the city's corporate limits under**
30 **section 190.337. Any such city operating an emergency telephone service and not collecting**
31 **the tax under this subsection shall not be required to provide for the board under section**
32 **190.327 or 190.328, and may require all dispatching of emergency services operating within**
33 **such city be provided by such city.**

34 2. The tax shall be utilized to pay for the operation of emergency telephone service and
35 the operational costs associated with the answering and dispatching of emergency calls as
36 deemed appropriate by the governing body, and may be levied at any time subsequent to
37 execution of a contract with the provider of such service at the discretion of the governing body,
38 but collection of such tax shall not begin prior to twenty-seven months before operation of the
39 emergency telephone service and dispatch center.

40 3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more
41 than one hundred exchange access facilities or their equivalent per person per location.

42 4. Every billed service user is liable for the tax until it has been paid to the service
43 supplier.

44 5. The duty to collect the tax from a service user shall commence at such time as
45 specified by the governing body in accordance with the provisions of sections 190.300 to
46 190.320. The tax required to be collected by the service supplier shall be added to and may be
47 stated separately in the billings to the service user.

48 6. Nothing in this section imposes any obligation upon a service supplier to take any
49 legal action to enforce the collection of the tax imposed by this section. The service supplier
50 shall provide the governing body with a list of amounts uncollected along with the names and
51 addresses of the service users refusing to pay the tax imposed by this section, if any.

52 7. The tax imposed by this section shall be collected insofar as practicable at the same
53 time as, and along with, the charges for the tariff rate in accordance with the regular billing
54 practice of the service supplier. The tariff rates determined by or stated on the billing of the
55 service supplier are presumed to be correct if such charges were made in accordance with the
56 service supplier's business practices. The presumption may be rebutted by evidence which
57 establishes that an incorrect tariff rate was charged.

**204.600. Any common sewer district organized and existing under sections 204.250
2 to 204.270, and any sewer district organized and existing under chapter 249, RSMo, may
3 be converted to a reorganized common sewer district under the provisions of sections
4 204.600 to 204.640. In addition, a reorganized common sewer district may be established
5 as provided in sections 204.600 to 204.640. Once established, a reorganized common sewer
6 district shall have all powers and authority of and applicable to a common sewer district
7 organized and existing under sections 204.250 to 204.270 and applicable to a sewer district
8 established under chapter 249, RSMo, which are not inconsistent or in conflict with
9 sections 204.600 to 204.640, provided that no domestic water services shall be provided
10 within the boundaries of an existing public water supply district or within the certificated
11 area of a water corporation as defined in section 386.020, RSMo.**

**204.602. 1. Proceedings for the new formation of a reorganized common sewer
2 district under sections 204.600 to 204.640 shall be substantially as follows: a petition in
3 duplicate describing the proposed boundaries of the reorganized district sought to be
4 formed, accompanied by a plat of the proposed district, shall first be filed with each county
5 commission having jurisdiction in the geographic area the proposed district is situated.
6 Such petition shall be ruled on by each county commission having jurisdiction within thirty
7 days from the date of hearing the petition. If the petition for the reorganized district is
8 rejected by any county commission having jurisdiction, no further action on the proposed
9 district shall take place before the county commission which rejected the petition or the
10 circuit court of that county in the county which rejected the petition. If approved by each
11 county commission having jurisdiction, a petition in duplicate describing the proposed
12 boundaries of the reorganized district sought to be formed, accompanied by a plat of the
13 proposed district, shall be filed with the clerk of the circuit court of the county wherein the
14 proposed district is situated or with the clerk of the circuit court of the county having the
15 largest acreage proposed to be included in the proposed district, in the event that the**

16 proposed district embraces lands in more than one county. Such petition, in addition to
17 such boundary description, shall set forth an estimate of the number of customers of the
18 proposed district, the necessity for the formation of the district, the probable cost of
19 acquiring or constructing sanitary sewer improvements with the district, if appropriate,
20 an approximation of the assessed valuation of taxable property within the district, whether
21 the board of trustees shall be elected or appointed by the county commission, and such
22 other information as may be useful to the court in determining whether or not the petition
23 should be granted and a decree of incorporation entered. Such petition shall be
24 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the
25 proceeding. The petition shall be signed by not less than fifty voters or property owners
26 within the proposed district and shall request the incorporation of the territory therein
27 described into a reorganized common sewer district. The petition shall be verified by at
28 least one of the signers.

29 2. Upon filing, the petition shall be presented to the circuit court, and such court
30 shall fix a date for a hearing on such petition, as provided in this section. The clerk of the
31 court shall give notice of the petition filing in some newspaper of general circulation in the
32 county in which the proceedings are pending. If the district extends into any other county,
33 such notice also shall be published in some newspaper of general circulation in such other
34 county. The notice shall contain a description of the proposed boundary lines of the
35 district and the general purposes of the petition. The notice shall set forth the date fixed
36 for the hearing on the petition, which shall not be less than fifteen nor more than twenty-
37 one days after the date of the last publication of the notice, and shall be on some regular
38 judicial day of the court that the petition is pending. Such notice shall be signed by the
39 clerk of the circuit court and shall be published in three successive issues of a weekly
40 newspaper or in a daily paper once a week for three consecutive weeks.

41 3. The court, for good cause shown, may continue the case or the hearing from time
42 to time until final disposition.

43 4. Exceptions to the formation of a district, or to the boundaries outlined in the
44 petition for incorporation, may be made by any voter or property owner within the
45 proposed districts, provided that such exceptions are filed not less than five days prior to
46 the date set for the hearing on the petition. Such exceptions shall specify the grounds upon
47 which the exceptions are being made. If any such exceptions are filed, the court shall take
48 them into consideration in passing upon the petition and also shall consider the evidence
49 in support of the petition and in support of the exceptions made. Should the court find that
50 the petition should be granted but that changes should be made in the boundary lines, it
51 shall make such changes in the boundary lines as set forth in the petition as the court may

52 deem proper and enter its decree of incorporation, with such boundaries as changed. No
53 public sewer district shall be formed under this chapter, chapter 249, RSMo, section
54 247.035, RSMo, or any sewer district created and organized under constitutional authority,
55 the boundaries of which shall encroach upon the corporate boundaries of any sewer
56 district then existing or upon the certificated boundaries then existing of any sewer
57 corporation providing service under a certificate of convenience and necessity granted by
58 the public service commission. Nor shall any public sewer district extend wastewater
59 collection and treatment services within the boundaries of another district without a
60 written cooperative agreement between such districts or within the certificated boundaries
61 then existing of any sewer corporation providing service under a certificate of convenience
62 and necessity granted by the public service commission without a written cooperative
63 agreement between the public sewer district and the certificated sewer corporation.

64 5. Should the court find that it would not be in the public interest to form such a
65 district, the petition shall be dismissed at the cost of the petitioners. If the court should
66 find in favor of the formation of such district, the court shall enter its decree of
67 incorporation, setting forth the boundaries of the proposed district as determined by the
68 court under the hearing. The decree shall further contain an appointment of five voters
69 from the district to constitute the first board of trustees of the district. The court shall
70 designate such trustees to staggered terms from one to five years such that one director is
71 appointed or elected each year. The trustees appointed by the court shall serve for the
72 terms designated and until their successors have been appointed or elected as provided in
73 section 204.610. The decree shall further designate the name of the district by which it
74 shall officially be known.

75 6. The decree of incorporation shall not become final and conclusive until it is
76 submitted to the voters residing within the boundaries described in such decree and until
77 it is assented to by a majority of the voters as provided in subsection 9 of this section or by
78 two-thirds of the voters of the district voting on the proposition. The decree shall provide
79 for the submission of the question and shall fix the date of submission. The returns shall
80 be certified by the election authority to the circuit court having jurisdiction in the case, and
81 the court shall enter its order canvassing the returns and declaring the result of such
82 election.

83 7. If a majority of the voters of the district voting on such proposition approve of
84 the proposition, then the court shall, in such order declaring the result of the election, enter
85 a further order declaring the decree of incorporation to be final and conclusive. In the
86 event, however, that the court should find that the question had not been assented to by the
87 majority required in this section, the court shall enter a further order declaring such

88 decree of incorporation to be void. No appeal shall be permitted from any such decree of
89 incorporation nor from any of the aforesaid orders. In the event that the court declares
90 the decree of incorporation to be final, the clerk of the circuit court shall file certified
91 copies of such decree of incorporation and of such final order with the secretary of state
92 of the state of Missouri, with the recorder of deeds of the county or counties in which the
93 district is situated, and with the clerk of the county commission of the county or counties
94 in which the district is situated.

95 8. The costs incurred in the formation of the district shall be taxed to the district,
96 if the district is incorporated; otherwise the costs shall be paid by the petitioners.

97 9. If petitioners seeking formation of a reorganized common sewer district specify
98 in their petition that the district to be organized shall be organized without authority to
99 issue general obligation bonds, then the decree relating to the formation of the district shall
100 recite that the district shall not have authority to issue general obligation bonds. The vote
101 required for such a decree of incorporation to become final and conclusive shall be a
102 simple majority of the voters of the district.

103 10. Once a reorganized sewer district is established, the boundaries of the
104 reorganized sewer district may be extended or enlarged from time to time upon the filing,
105 with the clerk of the circuit court having jurisdiction, of a petition by either:

106 (1) The board of trustees of the reorganized sewer district and five or more voters
107 or landowners within the territory proposed to be added to the district; or

108 (2) The board of trustees and a majority of the landowners within the territory that
109 is proposed to be added to the reorganized sewer district.

110 If the petition is filed by a majority of the voters or landowners within the territory
111 proposed to be added to the reorganized sewer district, the publication of notice shall not
112 be required, provided notice is posted in three public places within such territory at least
113 seven days before the date of the hearing, and provided that there is sworn testimony by
114 at least five landowners in such territory, or a majority of the landowners if the total
115 landowners in the area are fewer than ten. Otherwise the procedures for notice
116 substantially shall follow the procedures in subsection 2 of this section for formation.
117 Territory proposed to be added to the reorganized sewer district may be either contiguous
118 or reasonably close to the boundaries of the existing district, provided that it shall not
119 include any territory within the corporate boundaries of any sewer district then existing
120 or within the certificated boundaries then existing of any sewer corporation providing
121 service under a certificate of convenience and necessity granted by the public service
122 commission. Upon the entry of a final judgment declaring the court's decree of territory
123 proposed to be added to the reorganized sewer district to be final and conclusive, the court

shall modify or rearrange the boundary lines of the reorganized sewer district as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district is enlarged or extended. Otherwise, such costs shall be paid by the petitioners. However, no costs shall be taxed to the trustees of the district.

11. Should any landowner who owns real estate that is not within the certificated boundaries of any sewer corporation providing service under a certificate of convenience and necessity granted by the public service commission or within another sewer district organized under this chapter or chapters 249 or 247, RSMo, or under the Missouri Constitution, but that is contiguous or reasonably close to the existing boundaries of the reorganized sewer district, desire to have such real estate incorporated in the district, the landowner shall first petition the board of trustees for its approval. If such approval is granted, the secretary of the board shall endorse a certificate of the board's approval of the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the reorganized sewer district is incorporated. It then shall be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate. A certified copy of this amended decree including the real estate in the district then shall be filed in the office of the recorder, in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

12. The board of trustees of any reorganized common sewer district may petition the circuit court of the county containing the majority of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance, and operation of water supply and distribution facilities that serve ten or more separate properties located wholly within the district, are not served by another political subdivision, or are not located within the certificated area of a water corporation as defined in chapter 386, RSMo, or within a public water supply district as defined in chapter 247, RSMo, and the operation and maintenance of all such existing water supply facilities. The petition shall be filed by the board of trustees, and all proceedings shall be in substantially the same manner as in action for initial formation of a reorganized common sewer district, except that no vote of the residents of the district shall be required. All applicable provisions of this chapter shall apply to the construction, operation, and maintenance of water supply facilities in the same manner as they apply to like functions relating to sewer treatment facilities.

204.604. 1. Any existing common sewer district organized and existing under sections 204.250 to 204.270, and any sewer district organized and existing under chapter

3 **249, RSMo, may establish itself as a reorganized common sewer district under sections**
4 **204.600 to 204.640 by first filing a petition with the county commission of the county or**
5 **counties in which it was established to approve its reorganization under sections 204.600**
6 **to 204.640 if the governing body of the district has by resolution determined that it is in the**
7 **best interest of the district to reorganize under sections 204.600 to 204.640. The petition**
8 **shall be ruled on by that county commission, or each county commission if the district**
9 **exists in more than one county, within thirty days from the date of hearing the petition.**
10 **If the petition for the reorganized district is rejected by the county commission or any**
11 **county commissions in districts existing in more than one county, no further action on the**
12 **reorganized district shall take place before the county commission or commissions**
13 **comprising the district or the circuit having jurisdiction over the district court. If**
14 **approved by the county commission, or each county commission if the district exists in**
15 **more than one county, such petition shall specify whether the board of trustees shall be**
16 **appointed by the governing body of the county or elected by the voters of the district. Such**
17 **petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the**
18 **costs of the proceeding, and the petition shall be signed by the trustees of the district and**
19 **shall request the conversion of the district into a reorganized common sewer district.**

20 **2. Upon filing, the petition shall be presented to the circuit court, and such court**
21 **shall fix a date for a hearing on the petition. The clerk of the court shall give notice of the**
22 **filing of the petition in some newspaper of general circulation within the existing district**
23 **or closest to the existing district if there is no newspaper of general circulation within the**
24 **existing district. If the existing district extends into any other county, such notice also shall**
25 **be published in some newspaper of general circulation in such other county. The notice**
26 **shall contain a description of the boundary lines of the existing district and the general**
27 **purposes of the petition. The notice shall set forth the date fixed for the hearing on the**
28 **petition, which shall not be less than fifteen nor more than twenty-one days after the date**
29 **of the last publication of the notice and shall be on some regular judicial day of the court**
30 **where the petition is pending. Such notice shall be signed by the clerk of the circuit court**
31 **and shall be published in a newspaper of general circulation.**

32 **3. The court, for good cause shown, may continue the case or the hearing from time**
33 **to time until final disposition.**

34 **4. Exceptions to the conversion of an existing district to a reorganized common**
35 **sewer district may be made by any voter or property owner within the proposed district,**
36 **provided that such exceptions are filed not less than five days prior to the date set for the**
37 **hearing on the petition. Such exceptions shall specify the grounds upon which the**
38 **exceptions are being made. If any such exceptions are filed, the court shall take them into**

39 consideration and shall consider the evidence in support of the petition and in support of
40 the exceptions made. Should the court find that it would not be in the public interest to
41 form such a district, the petition shall be dismissed at the cost of the petitioners. If the
42 court finds that the conversion of the district to a reorganized common sewer district under
43 sections 204.600 to 204.640 is in the best interests of the persons served by the existing
44 district, then the court shall order the district's decree of incorporation amended to permit
45 reorganization under sections 204.600 to 204.640. The existing board of trustees for such
46 district shall continue to serve the reorganized common sewer district until such time as
47 new trustees shall be appointed or elected as provided for in the court's decree. If their
48 original terms of office are not so designated, the court shall designate such trustees to
49 staggered terms from one to five years, so that one trustee is appointed or elected each
50 year. The trustees appointed by the court shall serve for the terms designated and until
51 their successors are appointed or elected as provided in section 204.610. The decree shall
52 further designate the name of the district by which it officially shall be known.

204.606. The bonded indebtedness or security interest of any creditor of any
2 common sewer district originally organized and existing under sections 204.250 to 204.270
3 and any sewer district originally organized and existing under chapter 249, RSMo, that
4 convert to a reorganized common sewer district shall not be impaired or affected by such
5 conversion, and all covenants and obligations of such indebtedness shall remain in full
6 force and effect, payable under the terms and conditions that existed without conversion.

204.608. 1. When a decree or amended decree of incorporation is issued as
2 provided for in sections 204.600 to 204.640, a reorganized common sewer district shall be
3 considered in law and equity a body corporate and politic and political subdivision of this
4 state, known by the name specified in the court's decree, and by that name and style may
5 sue and be sued, contract and be contracted with, acquire and hold real estate and personal
6 property necessary for corporate purposes, and adopt a common seal. A reorganized
7 common sewer district also shall have exclusive jurisdiction and authority to provide
8 wastewater collection and treatment services within the boundaries of the district with
9 respect to any wastewater service provider authorized to provide sewer services under the
10 laws of this state, except for sewer corporations providing service under a certificate of
11 convenience and necessity granted by the public service commission.

12 2. All courts in this state shall take judicial notice of the existence of any district
13 organized under sections 204.600 to 204.640.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the
2 circuit court decree or amended decree of incorporation for a reorganized common sewer
3 district, who shall reside within the boundaries of the district. Each trustee shall be a voter

4 of the district and shall have resided in said district for twelve months immediately prior
5 to the trustee's election or appointment. A trustee shall be at least twenty-five years of age
6 and shall not be delinquent in the payment of taxes at the time of the trustee's election or
7 appointment. Regardless of whether or not the trustees are elected or appointed, in the
8 event the district extends into any county bordering the county in which the greater
9 portion of the district lies, the presiding commissioner or other chief executive officer of
10 the adjoining county shall be an additional member of the board of trustees, or the
11 governing body of such bordering county may appoint a citizen from such county to serve
12 as an additional member of the board of trustees. Said additional trustee shall meet the
13 qualifications set forth in this section for a trustee.

14 2. The trustees shall receive no compensation for their services but may be
15 compensated for reasonable expenses normally incurred in the performance of their duties.
16 The board of trustees may employ and fix the compensation of such staff as may be
17 necessary to discharge the business and purposes of the district, including clerks, attorneys,
18 administrative assistants, and any other necessary personnel. The board of trustees may
19 employ and fix the duties and compensation of an administrator for the district. The
20 administrator shall be the chief executive officer of the district subject to the supervision
21 and direction of the board of trustees. The administrator of the district may, with the
22 approval of the board of trustees, retain consulting engineers for the district under such
23 terms and conditions as may be necessary to discharge the business and purposes of the
24 district.

25 3. Except as provided in subsection 1 of this section, the term of office of a trustee
26 shall be five years. The remaining trustees shall appoint a person qualified under this
27 section to fill any vacancy on the board. The initial trustees appointed by the circuit court
28 shall serve until the first Tuesday after the first Monday in June or until the first Tuesday
29 after the first Monday in April, depending upon the resolution of the trustees. In the event
30 that the trustees are elected, said elections shall be conducted by the appropriate election
31 authority under chapter 115, RSMo. Otherwise, trustees shall be appointed by the county
32 commission in accordance with the qualifications set forth in subsection 1 of this section.

33 4. Notwithstanding any other provision of law, if there is only one candidate for the
34 post of trustee, then no election shall be held, and the candidate shall assume the
35 responsibilities of office at the same time and in the same manner as if elected. If there is
36 no candidate for the post of trustee, then no election shall be held for that post and it shall
37 be considered vacant, to be filled under the provisions of subsection 3 of this section.

204.612. The board of trustees of a reorganized common sewer district shall have
2 no power to levy or collect any taxes for the payment of any general obligation bond

3 indebtedness incurred by the reorganized common sewer district unless the voters of the
4 reorganized common sewer district authorizes the board to incur indebtedness at an
5 election. All expenses and indebtedness incurred by the reorganized common sewer
6 district may be paid from funds that may be received by the reorganized common sewer
7 district from the sale of bonds authorized by the voters of the reorganized common sewer
8 district.

204.614. 1. Such bonds shall be signed by the president of the board of trustees and
2 attested by the signature of the secretary of the board of trustees with the seal of the
3 district affixed, if the district has a seal. The interest coupons may be executed by affixing
4 the facsimile signature of the secretary of the district.

5 2. The moneys of the reorganized common sewer district shall be deposited by the
6 treasurer of the reorganized common sewer district in such bank or banks as shall be
7 designated by order of the board of trustees. The secretary of the reorganized common
8 sewer district shall charge the treasurer, and the moneys shall be drawn from the treasury
9 upon checks or warrants issued by the reorganized common sewer district for the purposes
10 for which the bonds were issued.

204.616. 1. The board of trustees of any reorganized common sewer district shall
2 have power to pass all necessary rules and regulations for the proper management and
3 conduct of the business of the board of trustees and the district, and for carrying into effect
4 the objectives for which the reorganized common sewer district is formed.

5 2. The board of trustees of a reorganized common sewer district, subject to
6 compliance with the exercise of lawful authority granted to or rules adopted by the clean
7 water commission under section 644.026, RSMo, may exercise primary authority to adopt,
8 modify, and repeal, and to administer and enforce rules and regulations with respect to:

9 (1) The establishment, construction, reconstruction, improvement, repair,
10 operation, and maintenance of its sewer systems and treatment facilities;

11 (2) Industrial users discharging into its sewer systems or treatment facilities;

12 (3) The establishment, operation, administration, and enforcement of a publicly
13 owned treatment works pretreatment program consistent with state and federal
14 pretreatment standards, including inspection, monitoring, sampling, permitting, and
15 reporting programs and activities.

16 The board of trustees may, in addition to any pretreatment standards imposed under this
17 section, require of any user of its treatment facilities such other pretreatment of industrial
18 wastes as it deems necessary to adequately treat such wastes.

19 3. The rules and regulations adopted by the board of trustees under subsection 2
20 of this section shall be applicable and enforceable by civil, administrative, or other actions

21 within any territory served by its sewer systems or treatment facilities and against any
22 municipality, subdistrict, district, or industrial user who shall directly or indirectly
23 discharge sewage or permit discharge of sewage into the district's sewer system or
24 treatment facilities.

25 4. The authority granted to the board by this section is in addition to and not in
26 derogation of any other authority granted under the constitution and laws of Missouri, any
27 federal water pollution control act, or the rules of any agency of federal or state
28 government.

29 5. The term "industrial user", as used in this section, shall mean any nondomestic
30 source of discharge or indirect discharge into the district's wastewater system that is
31 regulated under section 307(b), (c), or (d) of the Clean Water Act, or any source listed in
32 division A, B, D, E, or I of the Standard Industrial Classification Manual, or any solid
33 waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or
34 hazardous waste handling or disposal facilities, and facilities that store or treat aqueous
35 wastes as generated by facilities not located on site and that dispose of these wastes by
36 discharging them into the district's wastewater system.

204.618. 1. It shall be the duty of the board of trustees of a reorganized common
2 sewer district to make the necessary surveys and to lay out and define the general plan for
3 the construction and acquisition of land, rights-of-way, and necessary sewers and
4 treatment facilities, and of any extensions, expansions, or improvements within the district.

5 2. The board of trustees of a reorganized common sewer district may enter into
6 agreements with each municipality, subdistrict, private district, sewer corporation, or any
7 industrial user that discharges sewage into trunk sewers, streams, or the treatment
8 facilities of the reorganized common sewer district concerning the locations and the
9 manner in which sewage may be discharged into the district system or streams within the
10 district and concerning the permissible content of acid wastes, alkaline wastes, poisonous
11 wastes, oils, grit, or other wastes that might be hazardous or detrimental to the system. If
12 no agreement is obtained with regard to any such matter, the trustees shall refer the
13 dispute to the clean water commission. The determination of the commission shall be
14 binding upon the district, municipality, subdistrict, sewer corporation, or private district.
15 Each municipality, subdistrict, sewer corporation, or private district shall control the
16 discharge of wastes into its collection sewers to the extent necessary to comply with the
17 agreement or the determination of the clean water commission. The board of trustees of
18 a reorganized common sewer district or the governing body of any municipality,
19 subdistrict, private district, sewer corporation, or industrial user discharging sewage into
20 the stream or the system may petition the circuit court that decreed the incorporation of

21 the district for an order enforcing compliance with any provision of such an agreement or
22 determination. That circuit court shall have jurisdiction in all cases or questions arising
23 out of the organization or operations of the district, or from the acts of the board of
24 trustees.

25 3. The board of trustees may contract with each participating community for the
26 payment of its proportionate share of treatment costs.

27 4. The board of trustees may contract with public agencies, individuals, private
28 corporations, sewer corporation, and political subdivisions inside and outside the
29 reorganized common sewer district to permit them to connect with and use the district's
30 facilities according to such terms, conditions, and rates as the board determines are in the
31 interest of the district and regardless of whether such agencies, individuals, corporations,
32 sewer corporations, and subdivisions are in the same natural drainage area or basins as
33 the district. However, if such an area is located within the boundaries of an existing
34 common sewer district or reorganized common sewer district organized and existing under
35 this chapter, a sewer district organized and existing under chapter 249, RSMo, a public
36 water supply district organized under chapter 247, RSMo, or a sewer corporation, the
37 board of trustees must give written notice to said district or sewer corporation before such
38 a contract is entered into, and the district or sewer corporation must consent to said
39 contract.

40 5. The board of trustees may refuse to receive any wastes into the sewage system
41 that do not meet relevant state or federal water pollution, solid waste, or pretreatment
42 standards.

43 6. The board of trustees shall have all of the powers necessary and convenient to
44 provide for the operation, maintenance, administration, and regulation, including the
45 adoption of rules and regulations, of any individual home sewage or business treatment
46 systems within the jurisdiction of the common sewer district.

47 7. The board of trustees shall have all of the powers necessary and convenient to
48 provide for the operation and maintenance of its treatment facilities and the
49 administration, regulation, and enforcement of its pretreatment program, including the
50 adoption of rules and regulations to carry out its powers with respect to all municipalities,
51 subdistricts, districts, sewer corporations, and industrial users that discharge into the
52 collection system of the district's sewer system or treatment facilities. These powers
53 include, but are not limited to:

- 54 (1) The promulgation of any rule, regulation, or ordinance;
55 (2) The issuance, modification, or revocation of any order;
56 (3) The issuance, modification, or revocation of any permit;

57 (4) Commencing an action through counsel for appropriate legal or equitable relief
58 in the circuit court that decreed the district's incorporation against any industrial user in
59 violation of the district's rules, regulations, and ordinances or any permit or order issued.

60 8. The board of trustees may adopt rules and regulations creating procedural
61 remedies for all persons affected by any order or permit issued, modified, or revoked by
62 the board including but not limited to the grant of reasonable time periods for such
63 persons to respond and to show cause.

64 9. Whenever any reference is made in this section to any action that may be taken
65 by the board of trustees, such reference includes such action by its executive officer under
66 powers and duties delegated to such executive officer by the board of trustees.

204.620. 1. The board of trustees may acquire by purchase, gift, or condemnation
2 or may lease or rent any real or personal property, and when condemnation is used, shall
3 follow the procedure that is provided by chapter 523, RSMo. All the powers may be
4 exercised both within or without the district as may be necessary to exercise its powers or
5 accomplish its purposes. The board of trustees also shall have the same authority to enter
6 upon private lands to survey land or other property before exercise of the above
7 condemnation powers, as granted under section 388.210, RSMo, to railroad corporations.

8 2. The board of trustees of the reorganized common sewer district, if it is necessary
9 to cross, follow, or traverse public streets, roads, alleys, or grounds held or used as public
10 parks or places, shall have the right to do so upon the following conditions: the board of
11 trustees shall file with the county commission or mayor of the municipality having
12 immediate jurisdiction over the street, road, alley, or public park or place, a map showing
13 the location and extent of the proposed occupancy for sewerage purposes and a plan of the
14 proposed facilities, which plan shall be so made and arranged as not to interfere with the
15 ordinary and lawful use of the street, road, alley, public park, or place, except during a
16 reasonable time for the construction of the necessary works.

17 3. The entire expense of the works and restoration of the ground occupied to its
18 former condition, as near as may be, shall be borne by the reorganized common sewer
19 district.

204.622. 1. The board of trustees for the reorganized common sewer district shall
2 let contracts for the construction of sewers and sewage treatment plants that will cost more
3 than twenty-five thousand dollars, except in case of repairs or emergencies requiring
4 prompt attention. Notice of the contract bid process shall be published in a newspaper of
5 general circulation in the district. The board shall select the lowest responsible bidder in
6 no less than twenty days following such publication. The board shall have the power and
7 authority to reject any and all bids and readvertise the work.

8 **2. The board of trustees also shall have the power to enter into agreements with**
9 **persons or firms to provide professional services to the board, and the board shall adopt**
10 **policies for procuring the services of such professionals. The provisions of sections 8.285**
11 **to 8.291, RSMo, shall be applicable to the services of architects, engineers, and land**
12 **surveyors unless the board of trustees adopts a formal procedure for the procurement of**
13 **such services.**

204.624. The cost of any reorganized common sewer district to acquire, construct,
2 **improve, or extend a sewerage system may be met:**

3 **(1) Through the expenditures by the common sewer district of any funds available**
4 **for that purpose, including temporary or interim financing funds obtained through any**
5 **federal or state loan program or from a local lending institution;**

6 **(2) From any other funds that may be obtained under any law of the state or of the**
7 **United States or from any county or municipality for that purpose;**

8 **(3) From the proceeds of revenue bonds of the common sewer district, payable**
9 **solely from the revenues to be derived from the operation of such sewerage system or from**
10 **any combination of all the methods of providing funds;**

11 **(4) From the proceeds of general obligation bonds of the reorganized common**
12 **sewer district, payable solely from voter-approved property taxes as provided for by law;**

13 **(5) From the proceeds of special obligation bonds of the reorganized common sewer**
14 **district, payable solely from special fees or other revenues received by the district pledged**
15 **for the purposes of payment of such bonds; or**

16 **(6) From the proceeds of user fees, charges, or other imposition for facilities and**
17 **services provided by the district to its customers and users or the availability of services**
18 **provided to persons, users, and customers within the district or who otherwise benefit from**
19 **services provided by the district.**

204.626. 1. A reorganized common sewer district may issue revenue bonds
2 **authorized by authority of a resolution adopted by the board of trustees of the reorganized**
3 **common sewer district unless, in addition, the decree or amended decree of incorporation**
4 **shall require any such bonds to be approved by the voters of the district after an election**
5 **called for that purpose. The resolution shall recite that an estimate of the cost of the**
6 **proposed acquisition, construction, improvement, extension, or other project has been**
7 **made and shall set out the estimated cost. It shall set out the amount of the bonds proposed**
8 **to be issued, their purposes, their dates, denominations, rates of interest, times of payment,**
9 **both of principal and of interest, places of payment, and all other details in connection with**
10 **the bonds.**

11 **2. The bonds may be subject to such provision for redemption prior to maturity,**
12 **with or without premium, and at such times and upon such conditions as may be provided**
13 **by the board of trustees of the common sewer district.**

14 **3. The bonds shall bear interest at a rate in accordance with section 108.170, RSMo,**
15 **and shall mature over a period not exceeding thirty-five years from the date thereof.**

16 **4. The bonds may be payable to bearer, may be registered or coupon bonds, and**
17 **if payable to bearer may contain such registration privileges as to either principal and**
18 **interest, or principal only, as may be provided in the resolution authorizing the bonds.**

19 **5. The bonds and the coupons to be attached thereto, if any, shall be signed in such**
20 **manner and by such officers as may be directed by resolution. Bonds signed by an officer**
21 **who shall hold the office at the time the bonds are signed shall be deemed validly and**
22 **effectually signed for all purposes, regardless of whether or not any officer shall cease to**
23 **hold his office prior to the delivery of the bonds and regardless of whether or not any**
24 **officer shall have held or shall not have held such office on the date ascribed to the bonds.**

25 **6. The bonds shall be sold in such manner and upon such terms as the board of**
26 **trustees of the reorganized common sewer district shall determine, subject to the provisions**
27 **of section 108.170, RSMo. The resolution may provide that certain bonds authorized shall**
28 **be junior or subordinate in any or all respects to other revenue bonds authorized**
29 **concurrently with, prior to, or after such bonds.**

204.628. Any user fees or charges, connection fees, or other charges levied by the
2 **reorganized common sewer district to fund its general or special operations, maintenance,**
3 **or payment of bonded indebtedness or other indebtedness shall be due at such time or**
4 **times as specified by the reorganized common sewer district, and shall, if not paid by the**
5 **due date, become delinquent and shall bear interest from the date of delinquency until**
6 **paid. In addition to and consistent with any other provision of applicable law, if such fees**
7 **or charges or other amounts due become delinquent, there shall be a lien upon the land,**
8 **and a notice of delinquency shall be filed with the recorder of deeds in the county where**
9 **the land is situated. The reorganized common sewer district shall file with the recorder of**
10 **deeds a similar notice of satisfaction of debt when the delinquent amounts, plus interest**
11 **and any recording fees or attorneys' fees, have been paid in full. The lien created may be**
12 **enforced by foreclosure by power of sale vested in the reorganized common sewer district**
13 **if the reorganized common sewer district adopts written rules for the exercise of power of**
14 **sale consistent with the provisions of sections 443.290 to 443.325, RSMo, which are**
15 **recorded in the land records of the office of the recorder of deeds in each county in which**
16 **the district is located. Otherwise, such lien shall be enforced by suit in the circuit court**
17 **having jurisdiction against the property subject to the lien for judicial foreclosure and sale**

18 by special execution. Such suit may include a request for judgment against the persons
19 responsible for payment of such delinquency as well as the person or persons owning the
20 property to which services were provided, if different, including post-sale deficiency, and
21 as a part of the relief, may include award of the district's reasonable attorney's fees, court
22 costs, and other expenses reasonably incurred by the district for collection.

204.630. It shall be the mandatory duty of any reorganized common sewer district
2 issuing any general or special revenue bonds under sections 204.600 to 204.640 to:

3 (1) Fix and maintain rates and make and collect charges for the use and services
4 of the system, for the benefit of which revenue bonds were issued, sufficient to pay the cost
5 of maintenance and operation;

6 (2) Pay the principal of and the interest on all revenue bonds issued by the
7 reorganized common sewer district chargeable to the revenues of the system; and

8 (3) Provide funds ample to meet all valid and reasonable requirements of the
9 resolution by which the revenue bonds have been issued.

10 From time to time, the rates shall be revised to meet fully the requirements of sections
11 204.600 to 204.640. As long as any bond issued or the interest thereon shall remain
12 outstanding and unpaid, rates and charges sufficient to meet the requirements of this
13 section shall be maintained and collected by the reorganized common sewer district that
14 issued the bonds.

204.632. 1. Whenever any reorganized common sewer district authorizes and issues
2 revenue bonds under sections 204.600 to 204.640, an amount sufficient for the purpose of
3 the net revenues of the sewerage system for the benefit of which the bonds are issued shall,
4 by operation of sections 204.600 to 204.640, be pledged to the payment of the principal of
5 and the interest on the bonds as the same shall mature and accrue.

6 2. The term "net revenues" means all income and revenues derived from the
7 ownership and operation of the system less the actual and necessary expenses of operation
8 and maintenance of the system.

9 3. It shall be the mandatory duty of the treasurer of the reorganized common sewer
10 district to provide for the prompt payment of the principal and interest on any revenue
11 bonds as they mature and accrue.

204.634. 1. The resolution of the board of trustees of the reorganized common
2 sewer district authorizing the issuance of revenue bonds under the authority of sections
3 204.600 to 204.640 may provide that periodic allocations of the revenues to be derived from
4 the operation of the system for the benefit of which the bonds are issued shall be made into
5 such accounts, separate and apart from any other accounts of the district, as shall be
6 deemed to be advisable to assure the proper operation and maintenance of the system and

7 the prompt payment of the indebtedness chargeable to the revenues of the system. The
8 accounts may include, but shall not be limited to:

9 (1) An account to provide funds to operate and maintain the system;

10 (2) An account to provide funds to pay principal and interest on the bonds as they
11 come due;

12 (3) An account to provide an adequate reserve for depreciation, to be expended for
13 replacements of the system;

14 (4) An account for the accumulation of a reserve to assure the prompt payment of
15 the bonds and the interest whenever and to the extent that other funds are not available
16 for that purpose;

17 (5) An account to provide funds for contingent expenses in the operation of the
18 system;

19 (6) An account to provide for the accumulation of funds for the construction of
20 extensions and improvements to the system; and

21 (7) Such other accounts as may be desirable in the judgment of the board of
22 trustees.

23 2. The resolution also may establish such limitations as may be expedient upon the
24 issuance of additional bonds, payable from the revenues of the system, or upon the rights
25 of the holders of such additional bonds. Such resolution may include other agreements
26 with the holders of the bonds or covenants or restrictions necessary or desirable to
27 safeguard the interests of the bondholder and to secure the payment of the bonds and the
28 interest thereon.

204.636. For the purpose of refunding, extending, and unifying the whole or any
2 part of any valid outstanding bonded indebtedness payable from the revenues of a
3 sewerage system, any reorganized common sewer district may issue refunding bonds not
4 exceeding in amount the principal of the outstanding indebtedness to be refunded and the
5 accrued interest to the date of the refunding bonds. The board of trustees of the
6 reorganized common sewer district shall provide for the payment of interest which shall
7 not exceed the same rate and the principal of the refunding bonds in the same manner and
8 from the same source as was provided for the payment of interest on and principal of the
9 bonds to be refunded.

204.638. The board of trustees of the reorganized common sewer district may apply
2 for and accept grants or funds and material or labor from the state and federal
3 government in the construction of a sewerage system, as provided by sections 204.600 to
4 204.640, and may enter into such agreements as may be required of the state or federal

5 laws, or the rules and regulations of any federal or state department, to which the
6 application is made, and where the assistance is granted.

204.640. It shall be the duty of the mayors of cities, the circuit court, the governing
2 bodies of counties, all political subdivisions, and all assessors, sheriffs, collectors,
3 treasurers, and other officials in the state of Missouri to do and perform all the acts and
4 to render all the services necessary to carry out the purposes of sections 204.600 to 204.640.

204.650. Sections 204.650 to 204.672 shall be known and may be cited as the
2 "Sanitary Sewer Improvement Area Act", and the following words and terms, as used in
3 these sections, mean:

4 (1) "Acquire", the acquisition of property or interests in property by purchase, gift,
5 condemnation, or other lawful means and may include the acquisition of existing property
6 and improvements already owned by the district;

7 (2) "Assess or assessment", a unit of measure to allocate the cost of an improvement
8 among property or properties within a sanitary sewer improvement area based on an
9 equitable method of determining benefits to any such property resulting from an
10 improvement;

11 (3) "Consultant", engineers, architects, planners, attorneys, financial advisors,
12 accountants, investment bankers, and other persons deemed competent to advise and assist
13 the governing body of the district in planning and making improvements;

14 (4) "Cost", all costs incurred in connection with an improvement, including but not
15 limited to costs incurred for the preparation of preliminary reports, preparation of plans
16 and specifications, preparation and publication of notices of hearings, resolutions,
17 ordinances, and other proceedings, fees, and expenses of consultants, interest accrued on
18 borrowed money during the period of construction, underwriting costs, and other costs
19 incurred in connection with the issuance of bonds or notes, establishment of reasonably
20 required reserve funds for bonds or notes, the cost of land, materials, labor, and other
21 lawful expenses incurred in planning, acquiring, and doing any improvement, reasonable
22 construction contingencies, and work done or services performed by the district in the
23 administration and supervision of the improvement;

24 (5) "District or common sewer district", any public sanitary sewer district or
25 reorganized common sewer district established and existing under this chapter or chapter
26 249, RSMo, and any metropolitan sewer district organized under the constitution of this
27 state;

28 (6) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair,
29 install, equip, extend, or to otherwise perform any work that will provide a new sanitary

30 sewer facility or enhance, extend, or restore the value or utility of an existing sanitary
31 sewer facility;

32 (7) "Improvement", any one or more sanitary sewer facilities or improvements that
33 confer a benefit on property within a definable area and may include or consist of a
34 reimprovement of a prior improvement. Improvements include but are not limited to the
35 following activities:

36 (a) To acquire property or interests in property when necessary or desirable for
37 any purpose authorized by sections 204.650 to 204.672;

38 (b) To improve sanitary sewers, wastewater treatment plants, lagoons, septic tanks
39 and systems, and any and all other sanitary sewer and waste water collection and
40 treatment systems of any type, whether located on improved or unimproved public or
41 private property, the general object and nature of which will either preserve, maintain,
42 improve, or promote the general public health, safety, and welfare, or the environment,
43 regardless of technology used;

44 (8) "Sanitary sewer improvement area", an area of a district with defined limits
45 and boundaries that is created by petition under sections 204.650 to 204.672 and that is
46 benefited by an improvement and subject to assessments against the real property for the
47 cost of the improvement, provided that no such improvement area shall include any real
48 property within the certificated boundaries of any sewer corporation providing service
49 under a certificate of convenience and necessity granted by the public service commission;

50 (9) "User fee", a fee established and imposed by a district to pay an assessment, in
51 periodic installments, for improvements made in a sanitary sewer improvement area that
52 benefit the property within such area that is subject to the assessment.

204.652. As an alternative to all other methods provided by law or charter, the
2 governing body of any sewer district or reorganized sewer district organized and operated
3 under this chapter or chapter 249, RSMo, or any metropolitan sewer district organized
4 under the constitution of this state, may make, or cause to be made, improvements that
5 confer a benefit upon property within a sanitary sewer improvement area under sections
6 204.650 to 204.672. The governing body of such district may issue temporary notes and
7 revenue bonds under sections 204.650 to 204.672 to pay for all or part of the cost of such
8 improvements. An improvement may be combined with one or more other improvements
9 for the purpose of issuing a single series of revenue bonds to pay all or part of the cost of
10 the sanitary sewer improvement area's improvements, but separate funds or accounts shall
11 be established within the records of the district for each improvement project as provided
12 in sections 204.650 to 204.672. Such district shall make assessments and may impose user
13 fees on the property located within the sanitary sewer improvement area, in addition to any

14 other fees or charges imposed by the district to provide services or pay debt. The district
15 shall use the moneys collected from such assessments and user fees from a sanitary sewer
16 improvement area to reimburse the district for all amounts paid or to be paid by it as
17 principal of and interest on its temporary notes and revenue bonds issued for the
18 improvements made in the sanitary sewer improvement area.

204.654. 1. To establish a sanitary sewer improvement area, the governing body
2 of the sewer district shall comply with the following procedure: the governing body of the
3 district may create a sanitary sewer improvement area when a proper petition has been
4 signed by the owners of record of four-sevenths of the property within the proposed
5 sanitary sewer improvement area. The petition, in order to become effective, shall be filed
6 with the district. A proper petition for the creation of a sanitary sewer improvement area
7 shall set forth the project name for the proposed improvement, the general nature of the
8 proposed improvement, the estimated cost of such improvement, the boundaries of the
9 proposed sanitary sewer improvement area, the proposed method or methods of financing
10 the project, including the estimated amount of and method for imposing user fees against
11 the real property within the sanitary sewer improvement area to pay for the cost of the
12 improvements and any bonds issued, a notice that the names of the signers may not be
13 withdrawn later than seven days after the petition is filed with the district, and a notice
14 that the final cost of such improvement and the amount of revenue bonds issued shall not
15 exceed the estimated cost of such improvement, as stated in such petition, by more than
16 twenty-five percent.

17 2. Upon filing a proper petition with the district, the governing body may, by
18 resolution, determine the advisability of the improvement and may order that the area be
19 established and that preliminary plans and specifications for the improvement be made.
20 Such resolution shall state and make findings as to the project name for the proposed
21 improvement, the nature of the improvement, the estimated cost of such improvement, the
22 boundaries of the sanitary sewer improvement area, the proposed method or methods of
23 imposing assessments and, if known, proposed estimated user fees within the district. The
24 resolution also shall state that the final cost of such improvement within the sanitary sewer
25 improvement area and the amount of revenue bonds issued shall not, without a new
26 petition, exceed the estimated cost of such improvement by more than twenty-five percent.

27 3. The boundaries of the proposed area shall be described by bounds, streets, or
28 other sufficiently specific description.

204.656. The portion of the cost of any improvement to be assessed or imposed
2 against the real property in a sanitary sewer improvement area shall be apportioned
3 against such property in accordance with the benefits accruing by reason of such

4 improvement. Subject to the provisions of the farmland protection act, sections 262.800
5 to 262.810, RSMo, the cost may be assessed equally by lot or tract against property within
6 the area, or by any other reasonable assessment plan determined by the governing body
7 of the district that results in imposing substantially equal burdens or share of the cost upon
8 property similarly benefited. The governing body of the district may from time to time
9 determine and establish by resolution reasonable general classifications and formula for
10 the methods of assessing or determining the benefits.

204.658. 1. After the governing body has made the findings specified in sections
2 204.650 to 204.672 and plans and specifications for the proposed improvements have been
3 prepared, the governing body shall by resolution order assessments to be made against
4 each parcel of real property deemed to be benefited by an improvement based on the
5 revised estimated cost of the improvement or, if available, the final cost, and shall order
6 a proposed assessment roll to be prepared.

7 2. The plans and specifications for the improvement and the proposed assessment
8 roll shall be filed with the district and shall be open for public inspection. Such district
9 shall, at the direction of the governing body, publish notice that the governing body will
10 conduct a hearing to consider the proposed improvement and proposed assessments. Such
11 notice shall be published in a newspaper of general circulation at least once not more than
12 twenty days and not less than ten days before the hearing and shall state the project name
13 for the improvement, the date, time, and place of such hearing, the general nature of the
14 improvement, the revised estimated cost or, if available, the final cost of the improvement,
15 the boundaries of the sanitary sewer improvement area to be assessed, and that written or
16 oral objections will be considered at the hearing. Not less than ten days before, the district
17 shall mail to the owners of record of the real property in the sanitary sewer improvement
18 area, at their last known post office address, a notice of the hearing and a statement of the
19 cost proposed to be assessed against the real property so owned and assessed. The failure
20 of any owner to receive such notice shall not invalidate the proceedings.

204.660. 1. At the hearing to consider the proposed improvements and assessments,
2 the governing body shall hear and pass upon all objections to the proposed improvements
3 and proposed assessments, if any, and may amend the proposed improvements, and the
4 plans and specifications, or assessments as to any property, and thereupon by resolution,
5 the governing body shall order that the improvement be made and direct that financing
6 for the cost be obtained as provided in sections 204.650 to 204.672.

7 2. After the improvement has been completed in accordance with the plans and
8 specifications, the governing body shall compute the final costs of the improvement and
9 apportion the costs among the property benefited by such improvement in such equitable

10 manner as the governing body shall determine, charging each tract, lot, or parcel of
11 property with its proportionate share of the costs, and by resolution, assess the final cost
12 of the improvement, or the amount of revenue bonds issued or to be issued to pay for the
13 improvement, as special assessments against the property described in the assessment roll.

14 **3.** After the passage or adoption of the resolution assessing the special assessments,
15 the district shall mail to each property owner within the district a notice that sets forth a
16 description of each owners tract, lot, or parcel of real property to be assessed, the
17 assessment assigned to such property, and a statement that the property owner may pay
18 such assessment in full, together with interest accrued from the effective date of such
19 resolution, on or before a specified date determined by the effective date of the resolution,
20 or may pay such assessment in the form of user fees in periodic installments as provided
21 in subsection 4 of this section. Notice of each assessment and imposition of the assessment
22 lien, together with a legal description for each property assessed within the area, shall be
23 filed with the recorder of deeds upon the effective date of the resolution. However, failure
24 to record any such notice in a timely manner shall not affect the validity of the assessments
25 or liens. The district shall record written notice of release of lien whenever an assessment
26 is paid in full. The cost of recording assessment notices and release of liens shall be
27 includable in the assessment.

28 **4.** The special assessments shall be assessed upon the property within the area.
29 Those not paid in full as provided in subsection 3 of this section shall be payable in the
30 form of user fees payable in periodic and substantially equal installments, as determined
31 by the district, for a duration prescribed by the resolution establishing the special
32 assessments. All assessments shall bear interest at such rate as the governing body
33 determines, not to exceed the rate permitted for bonds by section 108.170, RSMo. Interest
34 on the assessment between the effective date of the resolution assessing the special
35 assessments and the date the first installment of a user fee is payable shall be added to the
36 first installment or prorated among all scheduled installments.

37 **5.** Assessments not paid in full shall be collected and paid over to the district in the
38 form of user fees in the same manner as other district fees and charges are collected and
39 paid, or by any other reasonable method determined by the district.

204.662. No suit to set aside the assessments made under sections 204.680 to
2 204.730, or to otherwise question the validity of the proceedings, shall be brought after the
3 expiration of ninety days from the date the notice is mailed to the last known owners of
4 record of the assessments required by subsection 3 of section 204.660.

204.664. 1. To correct omissions, errors, or mistakes in the original assessment that
2 relate to the total cost of an improvement, the governing body of the district may, without

3 a notice or hearing, make supplemental or additional assessments on property within a
4 sanitary sewer improvement area, except that such supplemental or additional assessments
5 shall not, without a new petition as provided in sections 204.650 to 204.672, exceed twenty-
6 five percent of the estimated cost of the improvement as set forth in the petition under the
7 provisions of sections 204.650 to 204.672.

8 2. When an assessment is, for any reason whatsoever, set aside by a court of
9 competent jurisdiction as to any property, or in the event the governing body finds that the
10 assessment or any part thereof is excessive or determines on advice of counsel in writing
11 that it is or may be invalid for any reason, the governing body may, upon notice and
12 hearing as provided for the original assessment, make a reassessment or a new assessment
13 as to such property.

204.666. An assessment authorized under sections 204.650 to 204.672, once
2 determined and imposed, shall constitute a lien against such property until paid in full and
3 shall not be affected by the existence or enforcement of any other liens or encumbrances,
4 nor shall enforcement of an assessment lien have any effect on the validity or enforcement
5 of any tax lien or lien established by mortgage or deed of trust. An assessment lien
6 becomes delinquent when an assessment is not paid in full as prescribed by sections
7 204.650 to 204.672, or when one or more periodic installments imposed by the district for
8 an assessment remain unpaid for a period of thirty days or more after notice of
9 delinquency in payment is mailed to the last known owners of the property subject to
10 assessment by regular United States mail and by certified mail, return receipt requested,
11 at their last known address, provided by such owners to the district and to the occupant
12 of property that is subject to assessment, if different from that of the owners. In the event
13 any such user fee remains unpaid after thirty days of the mailing of any such notice, and
14 in addition to any other remedy the district may have by statute or duly enacted regulation
15 for the collection of delinquent amounts owed to the district, the district shall be entitled
16 to petition the circuit court having jurisdiction to foreclose upon the assessment lien by
17 special execution sale of the property subject to the assessment for the unpaid assessment
18 plus reasonable attorney's fees, court costs, and other reasonable costs incurred by the
19 district in collection. In any such suit, the district shall name all parties appearing of
20 record to have or claim an interest in the property subject to the unpaid assessment and
21 shall file a notice of lis pendens in connection with said action. In addition, the district may
22 obtain a judgment against last known owners of the property for any deficiency in
23 payment of the assessment and costs and fees made a part of the court's judgment.

204.668. After an improvement has been authorized under sections 204.650 to
2 204.672, the governing body of the district may issue temporary notes of the district to pay

3 the costs of such improvement in an amount not to exceed the estimated cost of such
4 improvement. Such temporary notes may be issued in anticipation of issuance of revenue
5 bonds of the district. The district may participate in any governmentally sponsored bond
6 pooling program or other bond program. Bonds may be issued and made payable from
7 special assessments paid in the form of user fees under subsection 4 of section 204.660 and
8 other revenues of the district.

204.670. A separate fund or account shall be created by the district for each
2 improvement project, and each such fund or account shall be identified by a suitable title.
3 The proceeds from the sale of bonds and temporary notes and any other moneys
4 appropriated thereto by the governing body of the district shall be credited to such funds
5 or accounts. Such funds or accounts shall be used solely to pay the costs incurred in
6 making each respective improvement. Upon completion of an improvement, the balance
7 remaining in the fund or account established for such improvement, if any, may be held
8 as contingent funds for future improvements or may be credited against the amount of the
9 original assessment of each parcel of property, on a pro rata basis based on the amount of
10 the original assessment, and with respect to property owners that have prepaid their
11 assessments in accordance with sections 204.650 to 204.672, the amount of each such credit
12 shall be refunded to the appropriate property owner. With respect to all other property
13 owners, the amount of each such credit shall be transferred and credited to the district
14 bond and interest fund to be used solely to pay the principal of and interest on the bonds
15 or temporary notes, and the assessments shall be reduced accordingly by the amount of
16 such credit.

204.672. Any public sanitary sewer district or reorganized sewer district organized
2 and operated under this chapter or chapter 249, RSMo, and any metropolitan sewer
3 district organized under the constitution of this state, may enter into a cooperative
4 agreement with a city or county for the purpose of constructing sanitary sewer system
5 improvements under the provisions of the neighborhood improvement district act, sections
6 67.453 to 67.475, RSMo. Any such cooperative agreement, if approved by the governing
7 bodies of the district and city or county, may include provisions for joint administration
8 of projects for the issuance of temporary notes and general obligation bonds by district,
9 city, or county, separately or jointly, and for the payment of such bonds by any source of
10 funds or user fees in addition to funds from special assessments as provided for in sections
11 67.453 to 67.475, RSMo, and general ad valorem taxes, so long as all terms, conditions, and
12 covenants of any applicable bond resolution or ordinance are complied with and so long
13 as said notes and bonds are issued in compliance with general applicable law.

204.674. The provisions of sections 204.600 to 204.672 shall not apply to the provisions in section 204.472, any city not within a county and any county with a charter form of government and with more than one million inhabitants, any sewer district created and organized under constitutional authority, any sewer district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that provides wholesale sewer service.

205.563. 1. The governing body of any city of the fourth classification with more than two hundred but fewer than three hundred inhabitants and located in any county of the second classification with more than forty-eight thousand two hundred but fewer than forty-eight thousand three hundred inhabitants may impose, by order or ordinance, an annual real property tax to fund the construction, operation, and maintenance of a community health center. The tax authorized in this section shall not exceed thirty-five cents per year on each one hundred dollars of assessed valuation on all taxable real property within the city. Any such city may enter into an agreement or agreements with taxing jurisdictions located at least partially within the incorporated limits of such city to levy the tax authorized under this section upon real property located within the jurisdiction of such district, but outside the incorporated limits of such city, provided that any taxing jurisdiction desiring to levy such tax shall first receive voter approval of such measure in the manner and form contained in this section. The tax authorized in this section shall be in addition to all other property taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No order or ordinance adopted under this section shall become effective unless the governing body of the city submits to the voters residing within such city at a state general, primary, or special election a proposal to authorize the city to impose a tax under this section.

3. The question shall be submitted in substantially the following form:

"Shall the city of and district (if applicable) be authorized to impose a tax on owners of real property in an amount equal to (insert amount not to exceed thirty-five cents) per one hundred dollars assessed valuation for the purpose of constructing, operating, and maintaining a community health center?"

☐ YES

☐ NO

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

30 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
31 **favor of the question, then the tax shall become effective in the tax year immediately**
32 **following its approval. If a majority of the votes cast on the question by the qualified**
33 **voters voting thereon are opposed to the question, then the tax shall not become effective**
34 **unless and until the question is resubmitted under this section to the qualified voters and**
35 **such question is approved by a majority of the qualified voters voting on the question.**

36 **4. The tax authorized under this section shall be levied and collected in the same**
37 **manner as other real property taxes are levied and collected within the city.**

38 **5. The governing body of any city that has imposed a real property tax under this**
39 **section may submit the question of repeal of the tax to the voters on any date available for**
40 **elections for the city. If a majority of the votes cast on the question by the qualified voters**
41 **voting thereon are in favor of repeal, that repeal shall become effective on the first day of**
42 **the tax year immediately following its approval. If a majority of the votes cast on the**
43 **question by the qualified voters voting thereon are opposed to the repeal, then the tax shall**
44 **remain effective until the question is resubmitted under this section to the qualified voters**
45 **and the repeal is approved by a majority of the qualified voters voting on the question.**

46 **6. Whenever the governing body of any city that has imposed a real property tax**
47 **under this section receives a petition, signed by a number of registered voters of the city**
48 **equal to at least two percent of the number of registered voters of the city voting in the last**
49 **gubernatorial election, calling for an election to repeal the tax, the governing body shall**
50 **submit to the voters of such city a proposal to repeal the tax. If a majority of the votes cast**
51 **on the question by the qualified voters voting thereon are in favor of the repeal, the repeal**
52 **shall become effective on the first day of the tax year immediately following its approval.**
53 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
54 **opposed to the repeal, then the tax shall remain effective until the question is resubmitted**
55 **under this section to the qualified voters and the repeal is approved by a majority of the**
56 **qualified voters voting on the question.**

57 **7. If the real property tax authorized under this section is repealed or terminated**
58 **by any means, all funds collected under the tax shall continue to be used solely for the**
59 **designated purposes.**

206.090. 1. After the hospital district has been declared organized, the declaring county
2 commission shall divide the district into six election districts as equal in population as possible,
3 and shall by lot number the districts from one to six inclusive. The county commission shall
4 cause an election to be held in the hospital district within ninety days after the order establishing
5 the hospital district to elect hospital district directors. Each voter shall vote for six directors, one
6 from each district, **except in any county of the third classification without a township form**

7 **of government and with more than ten thousand six hundred but fewer than ten thousand**
8 **seven hundred inhabitants, each voter shall vote for one director from the hospital election**
9 **district in which the voter resides.** Directors shall serve a term of six years or a lesser term of
10 years as may be established by the county commission. If directors are to serve a term of six
11 years, the initial term of the director elected from district number one shall serve a term of one
12 year, the director elected from district number two shall serve a term of two years, the director
13 elected from district number three shall serve a term of three years, the director elected from
14 district number four shall serve a term of four years, the director elected from district number
15 five shall serve a term of five years, and the director elected from district number six shall serve
16 a term of six years; thereafter, the terms of all directors shall be six years. If the county
17 commission chooses to establish a term of office of less than six years, the initial election of
18 directors shall be done in a manner established by the county commission. All directors shall
19 serve until their successors are elected and qualified. Any vacancy shall be filled by the
20 remaining members of the board of directors who shall appoint a person to serve as director until
21 the next municipal election.

22 2. Candidates for director of the hospital district shall be citizens of the United States,
23 voters of the hospital district who have resided within the state for one year next preceding the
24 election and who are at least thirty years of age. All candidates shall file their declaration of
25 candidacy with the county commission calling the election for the organizational election, and
26 for subsequent elections, with the secretary of the board of directors of the district.

27 3. Notwithstanding any other provisions of law, if the number of candidates for office
28 of director is no greater than the number of directors to be elected, no election shall be held, and
29 the candidates shall assume the responsibilities of their offices at the same time and in the same
30 manner as if they had been elected.

31 4. Notwithstanding the provisions of subsections 1 to 3 of this section, after the
32 formation of the hospital district, the hospital board of directors, by a majority vote of the
33 directors with the consent of a majority of the county commission on an order of record, may
34 abolish the six hospital districts' election districts and cause the hospital district directors to be
35 elected from the hospital district at large. Upon opting to elect the hospital district directors at
36 large, the then serving hospital district directors shall continue to serve the remainder of their
37 terms and any vacancies on the board, after the date of such option, shall be filled by an election
38 conducted at large in the district.

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or
2 maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas,
3 visible from the main traveled way of the interstate or primary system and erected with the

4 purpose of its message being read from such traveled way, except such outdoor advertising as
5 is defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any sign erected in violation of
7 subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to
8 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section
9 if it were erected or maintained after August 13, 1976, shall be removed unless such removal is
10 required by the Secretary of Transportation and federal funds required to be contributed to this
11 state under section 131(g) of Title 23, United States Code, to pay compensation for such removal
12 have been appropriated and allocated and are immediately available to this state, and in such
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,
15 United States Code, section 131, by the Secretary of Transportation or his representative, and any
16 portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are
17 withheld, or declared forfeited by the Secretary of Transportation or his representative, all
18 removal of outdoor advertising by the Missouri state highways and transportation commission
19 pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full.
20 Such cessation of removal shall not be construed to affect compensation for outdoor advertising
21 removed or in the process of removal pursuant to this chapter.

22 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,
23 signs within an area subject to control by a local zoning authority and wherever located within
24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have
26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation.

28 **5. When a legally erected billboard exists on a parcel of property, a local zoning**
29 **authority shall not adopt or enforce any ordinance, order, rule, regulation or practice that**
30 **eliminates the ability of a property owner to build or develop property or erect an on-**
31 **premise sign solely because a legally erected billboard exists on the property.**

228.110. 1. Any twelve residents of the township or townships through which a road
2 runs may make application for the vacation of any such road or part of the same as useless, and
3 the repairing of the same an unreasonable burden upon the district or districts. The petition shall
4 be publicly read on the first day of the term at which it is presented, and the matter continued
5 without further proceedings until the next term.

6 2. Notice of the filing of such petition and of the road sought to be vacated shall be
7 posted up in not less than three public places in such township or townships, at least twenty days
8 before the first day of the next term of the commission, and a copy of the same shall be

9 personally served on all the persons residing in the district whose lands are crossed or touched
10 by the road proposed to be vacated in the same manner as other notices are required to be served
11 by law; and at the next regular term the same shall again be publicly read on the first day thereof.

12 3. If no remonstrance is made thereto in writing, signed by at least twelve residents of
13 the township, the commission may proceed to vacate such road, or any part thereof, at the cost
14 of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve residents of
15 such township or townships, is filed, and the commission after considering the same shall decide
16 that it is just to vacate such road, or any part thereof, against the vacation of which the
17 remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original
18 costs, and damages for opening such vacated road shall be paid by the petitioners to those who
19 paid the same, except that if five years have elapsed since the original opening of the same no
20 such reimbursement shall be made.

21 **4. Notwithstanding any other provision of this section to the contrary, in any**
22 **county with a charter form of government, any twenty-five residents of the county through**
23 **which a road subject to this section runs and who reside on any portion of such road or on**
24 **another road that intersects such road and within one mile of the right-of-way to be**
25 **vacated, may apply for the vacation of such road or part of such road as no longer serving**
26 **the public health, safety, and welfare. The county may, by order or ordinance, provide for**
27 **notice and hearing of such petitions and for filing and hearing remonstrances against them.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

- 2 (1) "Board", the board of directors of a district;
3 (2) "Commission", the Missouri highways and transportation commission;
4 (3) "District", a transportation development district organized under sections 238.200
5 to 238.275;
6 (4) "Local transportation authority", a county, city, town, village, county highway
7 commission, special road district, interstate compact agency, or any local public authority or
8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake
9 or river port, airport, railroad, light rail or other transit improvement or service;
10 (5) "Project" includes any bridge, street, road, highway, access road, interchange,
11 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,
12 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit
13 and any similar or related improvement or infrastructure.

14 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of
15 Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following
16 terms shall have the meanings given:

- 17 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

18 (2) "Qualified electors", "qualified voters" or "voters", [if] **within the proposed or**
19 **established district**, any persons [eligible to be registered voters reside within the proposed
20 district, such persons] **residing therein** who have registered to vote pursuant to chapter 115,
21 RSMo, [or if no persons eligible to be registered voters reside within the proposed district,] **and**
22 the owners of real property [located within the proposed district] , **who shall receive one vote**
23 **per acre, provided that any registered voter who also owns property must elect whether**
24 **to vote as an owner or a registered voter;**

25 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
26 RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
2 voters from each county partially or totally within the proposed district may file a petition
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside
4 within the district, the owners of record of all of the real property, except public streets, located
5 within the proposed district may file a petition requesting the creation of a district. The petition
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any
8 county in which a proposed project may be located may file a petition in the circuit court of that
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of
11 one or more municipalities and counties; provided:

12 (1) Property separated only by public streets, easements or rights-of-way shall be
13 considered contiguous;

14 (2) In the case of a district formed pursuant to a petition filed by the owners of record
15 of all of the real property located within the proposed district, the proposed district area need not
16 contain contiguous properties if:

17 (a) The petition provides that the only funding method for project costs will be a sales
18 tax;

19 (b) The court finds that all of the real property located within the proposed district will
20 benefit by the projects to be undertaken by the district; and

21 (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property
23 separated only by public streets, easements, or rights-of-way or connected by a single public
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,
27 if no persons eligible to be registered voters reside within the proposed district, the name and

28 address of each owner of record of real property located within the proposed district, or shall
29 recite that the petitioner is the governing body of a local transportation authority acting in its
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the
32 commission and each affected local transportation authority within the proposed district, except
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,
37 including a description of the approximate location of each project;

38 (5) **The estimated project costs and the anticipated revenues to be collected from**
39 **the project;**

40 (6) The name of the proposed district;

41 [(6)] (7) The number of members of the board of directors of the proposed district,
42 which shall be not less than five or more than fifteen;

43 [(7)] (8) A statement that the terms of office of initial board members shall be staggered
44 in approximately equal numbers to expire in one, two or three years;

45 [(8)] (9) If the petition was filed by registered voters or by a governing body, a request
46 that the question be submitted to the qualified voters within the limits of the proposed district
47 whether they will establish a transportation development district to develop a specified project
48 or projects;

49 [(9)] (10) A proposal for funding the district initially, pursuant to the authority granted
50 in sections 238.200 to 238.275, together with a request that the funding proposal be submitted
51 to the qualified voters [residing] within the limits of the proposed district; provided, however,
52 the funding method of special assessments may also be approved as provided in subsection 1 of
53 section 238.230; and

54 [(10)] (11) A statement that the proposed district shall not be an undue burden on any
55 owner of property within the district and is not unjust or unreasonable.

56 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,
57 if two or more local transportation authorities have adopted resolutions calling for the joint
58 establishment of a district, the governing body of any one such local transportation authority may
59 file a petition in the circuit court of any county in which the proposed project is located
60 requesting the creation of a district.

61 (2) The proposed district area shall be contiguous and may contain all or any portion of
62 one or more municipalities and counties. Property separated only by public streets, easements,

63 or rights-of-way or connected by a single public street, easement, or right-of-way shall be
64 considered contiguous.

65 (3) The petition shall set forth:

66 (a) That the petitioner is the governing body of a local transportation authority acting in
67 its official capacity;

68 (b) The name of each local transportation authority within the proposed district. The
69 resolution of the governing body of each local transportation authority calling for the joint
70 establishment of the district shall be attached to the petition;

71 (c) The name and address of each respondent. Respondents must include the
72 commission and each affected local transportation authority within the proposed district, except
73 a petitioning local transportation authority;

74 (d) A specific description of the proposed district boundaries including a map illustrating
75 such boundaries;

76 (e) A general description of each project proposed to be undertaken by the district,
77 including a description of the approximate location of each project;

78 (f) The name of the proposed district;

79 (g) The number of members of the board of directors of the proposed district;

80 (h) A request that the question be submitted to the qualified voters within the limits of
81 the proposed district whether they will establish a transportation development district to develop
82 the projects described in the petition;

83 (i) A proposal for funding the district initially, pursuant to the authority granted in
84 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal
85 be submitted to the qualified voters residing within the limits of the proposed district; provided,
86 however, the funding method of special assessments may also be approved as provided in
87 subsection 1 of section 238.230; and

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

238.208. 1. The owners of property adjacent to a transportation district formed under
2 the Missouri transportation development district act may petition the court by unanimous petition
3 to add their property to the district. If the property owners within the transportation development
4 district unanimously approve of the addition of property, the adjacent properties in the petition
5 shall be added to the district. Any property added under this section shall be subject to all
6 projects, taxes, and special assessments in effect as of the date of the court order adding the
7 property to the district. The owners of the added property shall be allowed to vote at the next
8 election scheduled for the district to fill vacancies on the board and on any other question
9 submitted to them by the board under this chapter. The owners of property added under this

10 section shall have one vote per acre in the same manner as provided in subdivision (2) of
11 subsection 2 of section 238.220.

12 **2. The owners of all of the property located in a transportation development district**
13 **formed under this chapter may, by unanimous petition filed with the board of directors of**
14 **the district, remove any property from the district, so long as such removal will not**
15 **materially affect any obligations of the district.**

238.225. 1. Before construction or funding of any project, the district shall submit the
2 proposed project, [together with the proposed plans and specifications,] to the commission for
3 its prior approval [of the project]. If the commission by minute finds that the project will
4 improve or is a necessary or desirable extension of the state highways and transportation system,
5 the commission may **preliminarily** approve the project subject to the district **providing plans**
6 **and specifications for the proposed project and** making any revisions in the plans and
7 specifications required by the commission and the district and commission entering into a
8 mutually satisfactory agreement regarding development and future maintenance of the project.
9 **After such preliminary approval, the district may impose and collect such taxes and**
10 **assessments as may be included in the commission's preliminary approval.** After the
11 commission approves the final construction plans and specifications, the district shall obtain
12 prior commission approval of any modification of such plans or specifications.

13 2. If the proposed project is not intended to be merged into the state highways and
14 transportation system under the commission's jurisdiction, the district shall also submit the
15 proposed project and proposed plans and specifications to the local transportation authority that
16 will become the owner of the project for its prior approval.

17 3. In those instances where a local transportation authority is required to approve a
18 project and the commission determines that it has no direct interest in that project, the
19 commission may decline to consider the project. Approval of the project shall then vest
20 exclusively with the local transportation authority subject to the district making any revisions in
21 the plans and specifications required by the local transportation authority and the district and the
22 local transportation authority entering into a mutually satisfactory agreement regarding
23 development and future maintenance of the project. After the local transportation authority
24 approves the final construction plans and specifications, the district shall obtain prior approval
25 of the local transportation authority before modifying such plans or specifications.

238.230. 1. If approved by:

2 (1) A majority of the qualified voters voting on the question in the district; or

3 (2) The owners of record of all of the real property located within the district who shall
4 indicate their approval by signing a special assessment petition;

5 the district may make one or more special assessments for those project improvements which
6 specially benefit the properties within the district. Improvements which may confer special
7 benefits within a district include but are not limited to improvements which are intended
8 primarily to serve traffic originating or ending within the district, to reduce local traffic
9 congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the
10 district.

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

12 Shall the Transportation Development District be authorized to levy special
13 assessments against property benefited within the district for the purpose of providing revenue
14 for the development of a project (or projects) in the district (insert general description of the
15 project or projects, if necessary), said special assessments to be levied ratably against each tract,
16 lot or parcel of property within the district which is benefited by such project in proportion to the
17 (insert method of allocating special assessments), in an amount not to exceed \$ per
18 annum per (insert unit of measurement)?

19 3. The special assessment petition shall be substantially in the following form:

20 The Transportation Development District shall be authorized to levy
21 special assessments against property benefited within the district for the purpose of providing
22 revenue for the development of a project (or projects) in the district (insert general description
23 of the project or projects, if necessary), said special assessments to be levied pro rata against each
24 tract, lot or parcel or property within the district which is benefited by such project in proportion
25 to the (insert method of allocating special assessments), in an amount not to exceed \$..... per
26 annum per (insert unit of measurement).

27 4. If a proposal for making a special assessment fails, the district board of directors may,
28 with the prior approval of the commission or the local transportation authority which will assume
29 ownership of the completed project, delete from the project any portion which was to be funded
30 by special assessment and which is not otherwise required for project integrity.

31 **5. A district may establish different classes or subclasses of real property within the**
32 **district for purposes of levying differing rates of special assessments. The levy rate for**
33 **special assessments may vary for each class or subclass of real property based on the level**
34 **of benefit derived by each class or subclass from projects funded by the district.**

238.275. 1. Within six months after development and initial maintenance costs of its
2 completed project have been paid, the district shall pursuant to contract transfer ownership and
3 control of the project to the commission or a local transportation authority which shall be
4 responsible for all future maintenance costs pursuant to contract. **Such transfer may be made**
5 **sooner with the consent of the recipient.**

6 2. At such time as a district has completed its project and has transferred ownership of
7 the project to the commission or other local transportation authority for maintenance, or at such
8 time as the board determines that it is unable to complete its project due to lack of funding or for
9 any other reason, the board shall submit for a vote in an election held throughout the district the
10 question of whether the district should be abolished. The question shall be submitted in
11 substantially the following form:

12 Shall the Transportation Development District be abolished?

13 3. The district board shall not propose the question to abolish the district while there are
14 outstanding claims or causes of action pending against the district, while the district liabilities
15 exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the
16 bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state
17 auditor shall audit the district to determine the financial status of the district, and whether the
18 district may be abolished pursuant to law.

19 4. While the district still exists, it shall continue to accrue all revenues to which it is
20 entitled at law.

21 5. Upon receipt of certification by the appropriate election authorities that the majority
22 of those voting within the district have voted to abolish the district, and if the state auditor has
23 determined that the district's financial condition is such that it may be abolished pursuant to law,
24 then the board shall:

25 (1) Sell any remaining district real or personal property it wishes, and then transfer the
26 proceeds and any other real or personal property owned by the district, including revenues due
27 and owing the district, to the commission or any appropriate local transportation authority
28 assuming maintenance and control of the project, for its further use and disposition;

29 (2) Terminate the employment of any remaining district employees, and otherwise
30 conclude its affairs;

31 (3) At a public meeting of the district, declare by a majority vote that the district has been
32 abolished effective that date; and

33 (4) Cause copies of that resolution under seal to be filed with the secretary of state, the
34 director of revenue, the commission, and with each local transportation authority affected by the
35 district. Upon the completion of the final act specified in this subsection, the legal existence of
36 the district shall cease.

247.060. 1. The management of the business and affairs of the district is hereby vested
2 in a board of directors, who shall have all the powers conferred upon the district except as herein
3 otherwise provided, who shall serve without pay. It shall be composed of five members, each
4 of whom shall be a voter of the district and shall have resided in said district one whole year
5 immediately prior to his election. A member shall be at least twenty-five years of age and shall

6 not be delinquent in the payment of taxes at the time of his election. Except as provided in
7 subsection 2 of this section, the term of office of a member of the board shall be three years. The
8 remaining members of the board shall appoint a qualified person to fill any vacancy on the board.
9 If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve
10 on the board, the board may appoint an otherwise qualified person, who lives in the district but
11 not in the subdistrict in which the vacancy exists to fill such vacancy.

12 2. After notification by certified mail that he or she has two consecutive unexcused
13 absences, any member of the board failing to attend the meetings of the board for three
14 consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,
15 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to
16 the board. The vacancy shall be filled as other vacancies occurring in the board.

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

24 **4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first**
25 **Tuesday after the first Monday in June until the first Tuesday in April of the third year**
26 **following the year of their election. All directors elected thereafter shall serve from the**
27 **first Tuesday in April until the first Tuesday in April of the third year following the year**
28 **of their election.**

260.830. 1. Any county of the third classification or any county of the second
2 classification with more than forty-eight thousand two hundred but less than forty-eight thousand
3 three hundred inhabitants or any county of the fourth classification with more than forty-eight
4 thousand two hundred but less than forty-eight thousand three hundred inhabitants may **or any**
5 **county of the first classification with more than one hundred four thousand six hundred**
6 **but fewer than one hundred four thousand seven hundred inhabitants**, by a majority vote
7 of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the
8 benefit of the county. No order or ordinance enacted pursuant to the authority granted by this
9 section shall be effective unless the governing body of the county submits to the qualified voters
10 of the county, at a public election, a proposal to authorize the governing body of the county to
11 impose a fee under the provisions of this section. The ballot of submission shall be in
12 substantially the following form:

13 Shall the county of (insert name of county) impose a landfill fee of
14 (insert amount of fee per ton or volumetric equivalent of solid waste)?

15 ☐ YES ☐ NO

16

17 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
18 of the proposal, then the order or ordinance and any amendments thereto shall become effective
19 on the first day of the calendar quarter immediately after such election results are certified. If
20 a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the
21 governing body of the county shall have no power to impose the fee authorized by this section
22 unless and until the governing body of the county shall again have submitted another proposal
23 to authorize the governing body of the county to impose such fee, and the proposal is approved
24 by a majority of the qualified voters voting thereon. If an economic development authority does
25 not exist in a county at the time that a landfill fee is adopted by such county under this section,
26 then the governing body of such county shall establish an economic development authority in
27 the county.

28 2. The landfill fee authorized by such an election may not exceed one dollar and fifty
29 cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in
30 addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county
2 wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect
3 a charge equal to the charge authorized by the voters in such election, not to exceed one dollar
4 and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be
5 collected in addition to any fee authorized or imposed pursuant to the provisions of section
6 260.330, and shall be paid to such operator by all political subdivisions, municipalities,
7 corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant
8 to contract or otherwise, and notwithstanding that any such contract may provide for collection,
9 transportation and disposal of such waste at a fixed fee. Any such contract providing for
10 collections, transportation and disposal of such waste at a fixed fee which is in force on August
11 28, [2003] **2007**, shall be renegotiated by the parties to the contract to include the additional fee
12 imposed by this section. Each such operator shall submit the charge, less collection costs, to the
13 governing body of the county, which shall dedicate such funds for use by the industrial
14 development authority within the county and such funds shall be used by the county commission
15 or authority for economic development within the county. Collection costs shall be the same as
16 established by the department of natural resources pursuant to section 260.330, and shall not
17 exceed two percent of the amount collected pursuant to this section.

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

 302.010. Except where otherwise provided, when used in this chapter, the following
2 words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
5 freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to
7 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be
8 equivalent to a conviction, except that when any conviction as a result of which points are
9 assessed pursuant to section 302.302 is appealed, the term "conviction" means the original
10 judgment of conviction for the purpose of determining the assessment of points, and the date of
11 final judgment affirming the conviction shall be the date determining the beginning of any
12 license suspension or revocation pursuant to section 302.304;

13 (4) "Director", the director of revenue acting directly or through the director's authorized
14 officers and agents;

15 (5) "Farm tractor", every motor vehicle designed and used primarily as a farm implement
16 for drawing plows, mowing machines and other implements of husbandry;

17 (6) "Highway", any public thoroughfare for vehicles, including state roads, county roads
18 and public streets, avenues, boulevards, parkways, or alleys in any municipality;

19 (7) "Incompetent to drive a motor vehicle", a person who has become physically
20 incapable of meeting the prescribed requirements of an examination for an operator's license, or
21 who has been adjudged by a probate division of the circuit court in a capacity hearing of being
22 incapacitated;

23 (8) "License", a license issued by a state to a person which authorizes a person to operate
24 a motor vehicle;

25 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks
26 except motorized bicycles, as defined in section 307.180, RSMo;

27 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this definition
28 shall not include motorized bicycles as defined in section 301.010, RSMo;

29 (11) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
30 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

31 (12) "Moving violation", that character of traffic violation where at the time of violation
32 the motor vehicle involved is in motion, except that the term does not include the driving of a
33 motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170
34 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

35 (13) "Municipal court", every division of the circuit court having original jurisdiction
36 to try persons for violations of city ordinances;

37 (14) "Nonresident", every person who is not a resident of this state;

38 (15) "Operator", every person who is in actual physical control of a motor vehicle upon
39 a highway;

40 (16) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is
41 the subject of an agreement for the conditional sale or lease thereof with the right of purchase
42 upon performance of the conditions stated in the agreement and with an immediate right of
43 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle
44 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed
45 the owner for the purpose of sections 302.010 to 302.540;

46 (17) "Record" includes, but is not limited to, papers, documents, facsimile information,
47 microphotographic process, electronically generated or electronically recorded information,
48 digitized images, deposited or filed with the department of revenue;

49 (18) **"Residence address", residence, or resident address shall be the location at**
50 **which a person has been physically present, and that the person regards as home. A**
51 **residence address is a person's true, fixed, principal, and permanent home, to which a**
52 **person intends to return and remain, even though currently residing elsewhere;**

53 (19) "Restricted driving privilege", a driving privilege issued by the director of revenue
54 following a suspension of driving privileges for the limited purpose of driving in connection with
55 the driver's business, occupation, employment, formal program of secondary, postsecondary or
56 higher education, or for an alcohol education or treatment program;

57 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means any motor
58 vehicle, either publicly or privately owned, used to transport students to and from school, or to
59 transport pupils properly chaperoned to and from any place within the state for educational
60 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal
61 corporation or common carrier authorized to conduct local or interstate transportation of
62 passengers when such bus is not traveling a specific school bus route but is:

63 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or
64 (b) Furnishing charter service for the transportation of persons enrolled as students on
65 field trips or other special trips or in connection with other special events;

66 [(20)] **(21)** "School bus operator", an operator who operates a school bus as defined in
67 subdivision [(19)] **(20)** of this section in the transportation of any schoolchildren and who
68 receives compensation for such service. The term "school bus operator" shall not include any
69 person who transports schoolchildren as an incident to employment with a school or school
70 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such
71 person is under contract with or employed by a school or school district as a school bus operator;

72 [(21)] **(22)** "Signature", any method determined by the director of revenue for the
73 signing, subscribing or verifying of a record, report, application, driver's license, or other related
74 document that shall have the same validity and consequences as the actual signing by the person
75 providing the record, report, application, driver's license or related document;

76 [(22)] **(23)** "Substance abuse traffic offender program", a program certified by the
77 division of alcohol and drug abuse of the department of mental health to provide education or
78 rehabilitation services pursuant to a professional assessment screening to identify the individual
79 needs of the person who has been referred to the program as the result of an alcohol- or
80 drug-related traffic offense. Successful completion of such a program includes participation in
81 any education or rehabilitation program required to meet the needs identified in the assessment
82 screening. The assignment recommendations based upon such assessment shall be subject to
83 judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of
84 section 302.540;

85 [(23)] **(24)** "Vehicle", any mechanical device on wheels, designed primarily for use, or
86 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
87 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
88 wheelchairs operated by handicapped persons.

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the
2 following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard
4 which may amend or supersede this standard for manufacturers, importers and distributors of
5 fireworks;

6 (2) "Chemical composition", all pyrotechnic and explosive composition contained in
7 fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

8 (3) "Consumer fireworks", explosive devices designed primarily to produce visible or
9 audible effects by combustion and includes aerial devices and ground devices, all of which are
10 classified as fireworks, UN0336, 1.4G by regulation of the United States Department of

11 Transportation, as amended from time to time, and which were formerly classified as class C
12 common fireworks by regulation of the United States Department of Transportation;

13 (4) "Discharge site", the area immediately surrounding the fireworks mortars used for
14 an outdoor fireworks display;

15 (5) **"Dispenser", a device designed for the measurement and delivery of liquids as**
16 **fuel;**

17 (6) "Display fireworks", explosive devices designed primarily to produce visible or
18 audible effects by combustion, deflagration or detonation. This term includes devices containing
19 more than two grains (130 mg) of explosive composition intended for public display. These
20 devices are classified as fireworks, UN0335, 1.3G by regulation of the United States Department
21 of Transportation, as amended from time to time, and which were formerly classified as class B
22 display fireworks by regulation of the United States Department of Transportation;

23 [(6)] (7) "Display site", the immediate area where a fireworks display is conducted,
24 including the discharge site, the fallout area, and the required separation distance from mortars
25 to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

26 [(7)] (8) "Distributor", any person engaged in the business of selling fireworks to
27 wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the
28 necessary permits as specified in sections 320.106 to 320.161, including any person that imports
29 any fireworks of any kind in any manner into the state of Missouri;

30 [(8)] (9) "Fireworks", any composition or device for producing a visible, audible, or both
31 visible and audible effect by combustion, deflagration, or detonation and that meets the definition
32 of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United
33 States Department of Transportation hazardous materials regulations, and American Pyrotechnics
34 Association 87-1 standards;

35 [(9)] (10) "Fireworks season", the period beginning on the twentieth day of June and
36 continuing through the tenth day of July of the same year and the period beginning on the
37 twentieth day of December and continuing through the second day of January of the next year,
38 which shall be the only periods of time that seasonal retailers may be permitted to sell consumer
39 fireworks;

40 [(10)] (11) "Jobber", any person engaged in the business of making sales of consumer
41 fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and
42 distribution outside the state of Missouri during a calendar year from the first day of January
43 through the thirty-first day of December;

44 [(11)] (12) "Licensed operator", any person who supervises, manages, or directs the
45 discharge of outdoor display fireworks, either by manual or electrical means; who has met

46 additional requirements established by promulgated rule and has successfully completed a
47 display fireworks training course recognized and approved by the state fire marshal;

48 [(12)] (13) "Manufacturer", any person engaged in the making, manufacture, assembly
49 or construction of fireworks of any kind within the state of Missouri;

50 [(13)] (14) "NFPA", National Fire Protection Association, an international codes and
51 standards organization;

52 [(14)] (15) "Permanent structure", buildings and structures with permanent foundations
53 other than tents, mobile homes, and trailers;

54 [(15)] (16) "Permit", the written authority of the state fire marshal issued pursuant to
55 sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

56 [(16)] (17) "Person", any corporation, association, partnership or individual or group
57 thereof;

58 [(17)] (18) "Proximate fireworks", a chemical mixture used in the entertainment industry
59 to produce visible or audible effects by combustion, deflagration, or detonation, as defined by
60 the most current edition of the American Pyrotechnics Association (APA), Standard 87-1,
61 section 3.8, specific requirements for theatrical pyrotechnics;

62 [(18)] (19) "Pyrotechnic operator" or "special effects operator", an individual who has
63 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special
64 effects for proximate fireworks and who has met additional requirements established by
65 promulgated rules and has successfully completed a proximate fireworks training course
66 recognized and approved by the state fire marshal;

67 [(19)] (20) "Sale", an exchange of articles of fireworks for money, including barter,
68 exchange, gift or offer thereof, and each such transaction made by any person, whether as a
69 principal proprietor, salesman, agent, association, copartnership or one or more individuals;

70 [(20)] (21) "Seasonal retailer", any person within the state of Missouri engaged in the
71 business of making sales of consumer fireworks in Missouri only during a fireworks season as
72 defined by subdivision (9) of this section;

73 [(21)] (22) "Wholesaler", any person engaged in the business of making sales of
74 consumer fireworks to any other person engaged in the business of making sales of consumer
75 fireworks at retail within the state of Missouri.

320.146. 1. It shall be unlawful to expose fireworks to direct sunlight through glass to
2 the merchandise displayed, except where the fireworks are in the original package. All fireworks
3 which the public may examine shall be kept for sale in original packages, except where an
4 attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in
5 showcases out of the reach of the public when an attendant is not on duty. One or more signs

6 reading, "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are
7 stored or sold in letters not less than four inches in height.

8 2. Fireworks shall not be **manufactured**, stored, kept or sold within fifty feet of any
9 [gasoline pump, gasoline filling station] **motor vehicle fuel dispensing station dispenser, retail**
10 **propane dispensing station dispenser, compressed natural gas dispensing station dispenser,**
11 gasoline **or propane** bulk station, or any building in which gasoline or volatile liquids are sold
12 in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores
13 where cleaners, paints, and oils are sold in the original containers to consumers.

14 3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any
15 other open flame within twenty-five feet of where fireworks are manufactured, stored, kept, or
16 offered for sale.

17 [4. Fireworks shall not be manufactured, stored, kept or sold within one hundred feet of
18 any dispensing unit for ignitable liquids or gases.]

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires
2 otherwise, the following terms mean:

3 (1) "Division", the division of fire safety created in section 320.202;

4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more individuals
5 living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping
6 facilities;

7 (3) **"Fire department", any fire protection district as defined in section 321.010,**
8 **RSMo, any voluntary fire protection association as defined in section 320.300, or any**
9 **agency or organization that provides fire suppression and related activities, including but**
10 **not limited to fire prevention, rescue, or hazardous material response to a population**
11 **within a fixed and legally recorded geographical area;**

12 (4) "Fire loss", loss of or damage to property, or the loss of life or of personal injury, by
13 fire, lightning, or explosion;

14 [(4)] (5) "Investigator", the supervising investigators and investigators appointed under
15 sections 320.200 to 320.270;

16 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any property;

17 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for residential
18 purposes and having not more than two dwelling units;

19 [(7)] (8) "Property", property of all types, both real and personal, movable and
20 immovable;

21 [(8)] (9) "State fire marshal", the state fire marshal selected under the provisions of
22 sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer fire protection associations as defined in section 320.300 shall **complete and** file with the state fire marshal within sixty days after [August 13, 1988] **January 1, 2008**, and annually thereafter, [the name and address of the fire protection district, fire department, or volunteer fire protection association.] **a fire department registration form provided by the state fire marshal. The state fire marshal may issue a fire department identification number to each registered fire protection district, fire department, or volunteer fire protection association based upon such registration. The state fire marshal may conduct periodic reviews of the information provided on each fire department registration form, and may deny or revoke a fire department identification number based upon the information provided.**

320.310. 1. All volunteer fire protection associations [may] **as defined in section 320.300 shall** identify the association's boundaries and file the same with the county administrative body.

2. **Except as provided in section 44.090, RSMo, and section 320.090, RSMo, and except for state agencies that engage in fire suppression and related activities, such fire protection districts, municipal fire departments, and volunteer fire protection associations, as defined in section 320.300, shall be the sole provider of fire suppression and related activities. As used in this section, "related activities" means only: fire prevention, rescue, or hazardous material response within their legally defined boundaries.**

3. **Only upon approval by the governing body of a municipal fire department, fire protection district, or volunteer fire association registered with the office of the state fire marshal, as required by section 320.271, shall any other association, organization, group, or political subdivision be authorized to provide the fire suppression response and related activities referenced in subsection 2 of this section within the legally defined boundaries of any municipal fire department, fire protection district, or volunteer fire association.**

4. **Any such association, group, or political subdivision denied approval to operate within the established boundaries of a fire department or volunteer fire association may appeal that decision within thirty days of the decision to the circuit court having jurisdiction for a trial de novo.**

5. **Notwithstanding the provisions of subsections 2 and 3 of this section, ambulance services and districts that are or will be licensed, formed, or operated under chapter 190, RSMo, may provide emergency medical services and nonemergency medical transport within the geographic boundaries of a fire department. Nothing in this section shall supersede the provisions set forth in section 67.300, RSMo, or chapter 190 or 321, RSMo.**

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least one year before the election or appointment and be over the age of twenty-five years;

except as provided in subsections 2 and 3 of this section. **The person shall also be a resident of such fire protection district. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.** Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than one year before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

321.162. 1. All members of the board of directors of a fire protection district first elected on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of a fire protection district. The training required under this section shall be conducted by an entity approved by the office of the state fire marshal. The office of the state fire marshal shall determine the content of the training to fulfill the requirements of this section. Such training shall include, at a minimum:

- (1) Information relating to the roles and duties of a fire protection district director;**
- (2) A review of all state statutes and regulations relevant to fire protection districts;**
- (3) State ethics laws;**
- (4) State sunshine laws, chapter 610, RSMo;**
- (5) Financial and fiduciary responsibility;**
- (6) State laws relating to the setting of tax rates; and**
- (7) State laws relating to revenue limitations.**

15 **2. If any fire district board member fails to attend a training session within twelve**
16 **months after taking office, the board member shall not be compensated for attendance at**
17 **meetings thereafter until the board member has completed such training session.**

321.688. 1. The board of directors of any fire district located wholly within any
2 **county of the first classification may consolidate with each other upon the passage of a joint**
3 **resolution by each board desiring to consolidate. The joint resolution shall not become**
4 **effective unless each board submits to the voters residing within the fire protection districts**
5 **at a state general, primary, or special election a proposal to authorize the consolidation**
6 **under this section.**

7 **2. The ballot of submission for the consolidation authorized in this section shall be**
8 **in substantially the following form:**

9 **Shall (insert the name of the fire protection district) be consolidated into one**
10 **fire protection district, to be known as the (insert name of proposed consolidated fire**
11 **protection district)?**

12 ☐ **YES**

☐ **NO**

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

16
17 **If a majority of the votes cast on the question by the qualified voters voting thereon in each**
18 **existing fire protection district are in favor of the question, then the consolidation shall**
19 **become effective on January first of the year immediately following the approval of the**
20 **consolidation, unless the consolidation is approved at a November election, in which case**
21 **the consolidation shall become effective on January first of the second year following the**
22 **approval of the consolidation.**

23 **3. The board of directors of any consolidated fire protection district created under**
24 **this section shall consist of the existing board members of the fire protection districts that**
25 **were consolidated. Upon the occurrence of a vacancy in the membership of the board, the**
26 **number of members on the board may be reduced upon approval by a majority of the**
27 **remaining board members, but the number of seats shall not be reduced to fewer than five.**
28 **The terms of office for board members shall be identical to the terms of office the board**
29 **members were originally elected to serve before the consolidation.**

30 **4. Upon the approval of consolidation under this section, the consolidated district**
31 **shall be a political subdivision of this state and a body corporate, with all the powers of like**
32 **or similar corporations, and with all the powers, privileges, and duties of fire protection**
33 **districts under this chapter. All properties, rights, assets, and liabilities of the fire**

34 **protection districts which are consolidated, including outstanding bonds thereof if any,**
35 **shall become the properties, rights, assets, and liabilities of the consolidated fire protection**
36 **district.**

37 **5. The consolidated fire protection district shall levy the same taxes as levied in the**
38 **fire protection district with the lowest tax levy before the consolidation unless a tax levy**
39 **is specifically set forth in the ballot language approved by the voters of the consolidating**
40 **districts, except that the tax levy of the consolidated district shall not exceed the highest tax**
41 **levy of the consolidating districts.**

392.410. 1. A telecommunications company not possessing a certificate of public
2 convenience and necessity from the commission at the time this section goes into effect shall
3 have not more than ninety days in which to apply for a certificate of service authority from the
4 commission pursuant to this chapter unless a company holds a state charter issued in or prior to
5 the year 1913 which charter authorizes a company to engage in the telephone business. No
6 telecommunications company not exempt from this subsection shall transact any business in this
7 state until it shall have obtained a certificate of service authority from the commission pursuant
8 to the provisions of this chapter, except that any telecommunications company which is
9 providing telecommunications service on September 28, 1987, and which has not been granted
10 or denied a certificate of public convenience and necessity prior to September 28, 1987, may
11 continue to provide that service exempt from all other requirements of this chapter until a
12 certificate of service authority is granted or denied by the commission so long as the
13 telecommunications company applies for a certificate of service authority within ninety days
14 from September 28, 1987.

15 2. No telecommunications company offering or providing, or seeking to offer or provide,
16 any interexchange telecommunications service shall do so until it has applied for and received
17 a certificate of interexchange service authority pursuant to the provisions of subsection 1 of this
18 section. No telecommunications company offering or providing, or seeking to offer or provide,
19 any local exchange telecommunications service shall do so until it has applied for and received
20 a certificate of local exchange service authority pursuant to the provisions of section 392.420.

21 3. No certificate of service authority issued by the commission shall be construed as
22 granting a monopoly or exclusive privilege, immunity or franchise. The issuance of a certificate
23 of service authority to any telecommunications company shall not preclude the commission from
24 issuing additional certificates of service authority to another telecommunications company
25 providing the same or equivalent service or serving the same geographical area or customers as
26 any previously certified company, except to the extent otherwise provided by section 392.450.

27 4. Any certificate of public convenience and necessity granted by the commission to a
28 telecommunications company prior to September 28, 1987, shall remain in full force and effect

29 unless modified by the commission, and such companies need not apply for a certificate of
30 service authority in order to continue offering or providing service to the extent authorized in
31 such certificate of public convenience and necessity. Any such carrier, however, prior to
32 substantially altering the nature or scope of services provided under a certificate of public
33 convenience and necessity, or adding or expanding services beyond the authority contained in
34 such certificate, shall apply for a certificate of service authority for such alterations or additions
35 pursuant to the provisions of this section.

36 5. The commission may review and modify the terms of any certificate of public
37 convenience and necessity issued to a telecommunications company prior to September 28, 1987,
38 in order to ensure its conformity with the requirements and policies of this chapter. Any
39 certificate of service authority may be altered or modified by the commission after notice and
40 hearing, upon its own motion or upon application of the person or company affected. Unless
41 exercised within a period of one year from the issuance thereof, authority conferred by a
42 certificate of service authority or a certificate of public convenience and necessity shall be null
43 and void.

44 6. The commission may issue a temporary certificate which shall remain in force not to
45 exceed one year to assure maintenance of adequate service or to serve particular customers,
46 without notice and hearing, pending the determination of an application for a certificate.

47 7. No political subdivision of this state shall provide or offer for sale, either to the public
48 or to a telecommunications provider, a telecommunications service or telecommunications
49 facility used to provide a telecommunications service for which a certificate of service authority
50 is required pursuant to this section. Nothing in this subsection shall be construed to restrict a
51 political subdivision from allowing the nondiscriminatory use of its rights-of-way including its
52 poles, conduits, ducts and similar support structures by telecommunications providers or from
53 providing to telecommunications providers, within the geographic area in which it lawfully
54 operates as a municipal utility, telecommunications services or telecommunications facilities on
55 a nondiscriminatory, competitively neutral basis, and at a price which covers cost, including
56 imputed costs that the political subdivision would incur if it were a for-profit business. Nothing
57 in this subsection shall restrict a political subdivision from providing telecommunications
58 services or facilities:

- 59 (1) For its own use;
60 (2) For 911, E-911 or other emergency services;
61 (3) For medical or educational purposes;
62 (4) To students by an educational institution; or
63 (5) Internet-type services.
64

65 [The provisions of this subsection shall expire on August 28, 2007.]

66 8. The public service commission shall annually study the economic impact of the
67 provisions of this section and prepare and submit a report to the general assembly by December
68 thirty-first of each year.

393.705. As used in sections 393.700 to 393.770, the following terms shall, unless the
2 context clearly indicates otherwise, have the following meanings:

3 (1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other
4 obligations of a commission issued pursuant to sections 393.700 to 393.770;

5 (2) "Commission", any joint municipal utility commission established by a joint contract
6 pursuant to sections 393.700 to 393.770;

7 (3) "Contracting municipality", each municipality which is a party to a joint contract
8 establishing a commission pursuant to sections 393.700 to 393.770, a water supply district
9 formed pursuant to the provisions of chapter 247, RSMo, or a sewer district formed pursuant to
10 the provisions of chapter 204, RSMo, or chapter 249, RSMo;

11 (4) "Joint contract", the contract entered into among or by and between two or more of
12 the following contracting entities for the purpose of establishing a commission:

13 (a) Municipalities;

14 (b) Public water supply districts;

15 (c) Sewer districts;

16 (d) Nonprofit water companies; [or]

17 (e) Nonprofit sewer companies;

18 **(f) Joint municipal utility commissions;**

19 (5) "Participating municipality", a municipality, public water supply district, or sewer
20 district acting in concert with a commission in the development of a project but providing
21 separate financing to acquire an individual interest in the project;

22 (6) "Person", a natural person, cooperative or private corporation, association, firm,
23 partnership, or business trust of any nature whatsoever, organized and existing pursuant to the
24 laws of any state or of the United States and any municipality or other municipal corporation,
25 governmental unit, or public corporation created under the laws of any state or the United States,
26 and any person, board, or other body declared by the laws of any state or the United States to be
27 a department, agency or instrumentality thereof;

28 (7) "Project", the purchasing, construction, extending or improving of any utility facility
29 or property including without limitation revenue-producing water, sewage, gas or electric light
30 works, heating or power plants, transmission and distribution systems, and all other types of
31 utilities and revenue-producing facilities as deemed appropriate by the governing bodies of the
32 contracting or participating municipalities, including all real and personal property of any nature

33 whatsoever to be used in connection therewith, together with all parts thereof and appurtenances
34 thereto, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind
35 for any such purposes.

393.710. 1. Municipalities, **joint municipal utility commissions**, public water supply
2 districts, and sewer districts may, by joint contract, establish a governmental entity to be known
3 as a joint municipal utility commission, to effect the joint development of a project or projects
4 in whole or in part for the benefit of the inhabitants of such municipalities, public water supply
5 districts and sewer districts.

6 2. Any joint contract establishing a commission under this section shall specify:

7 (1) The name and purpose of the commission and the functions or services to be
8 provided by the commission;

9 (2) The establishment and organization of a governing body of a commission which shall
10 be a board of directors in which all powers of the commission are vested. The joint contract may
11 provide for the creation by the board of an executive committee of the board to which the powers
12 and duties of the board may be delegated as the board or state statute shall specify;

13 (3) The number of directors, the manner of their appointment, terms of office and
14 compensation, if any, and the procedure for filling vacancies on the board. Each contracting
15 municipality, public water supply district, and sewer district shall have the power to appoint one
16 member and an alternate to the board of directors and shall be entitled to remove that member
17 and alternate at will;

18 (4) The manner of selection of the officers of the commission and their duties;

19 (5) The voting requirements for action by the board, but, unless specifically provided
20 otherwise, a majority of directors shall constitute a quorum and a majority of the quorum shall
21 be necessary for any action taken by the board;

22 (6) The duties of the board which shall include the obligation to comply or to cause
23 compliance with this section and the laws of the state and, in addition, with each and every term,
24 provision and covenant in the joint contract creating the commission on its part to be kept or
25 performed;

26 (7) The manner in which additional municipalities, public water supply districts, and
27 sewer districts may become parties to the joint contract;

28 (8) The manner of financing the commission and of establishing and maintaining a
29 budget and annual audit for the commission;

30 (9) The ownership interests of the contracting municipality electric cooperative
31 associations, municipally owned or public utilities in a project or the manner of determining such
32 ownership interest, which ownership interest shall be subject to any mortgage of a project
33 pursuant to section 393.735;

34 (10) Provisions for the disposition, division or distribution of any property or assets of
35 the commission on dissolution; and

36 (11) The term of the joint contract, which may be a definite period or until rescinded or
37 terminated, and the method, if any, by which the joint contract may be rescinded or terminated
38 so long as the commission has no bonds outstanding, unless provision for full payment of such
39 bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the
40 resolution, trust indenture or security instrument securing the bonds.

41 3. A commission shall, if the joint contract so provides, be the successor to any nonprofit
42 corporation, agency, or another entity theretofore organized by the contracting municipalities to
43 provide the same function, service or facility, and the commission shall be entitled to all rights
44 and privileges and shall assume all obligations and liabilities of such other entity under existing
45 contracts to which such other entity is a party.

393.715. 1. The general powers of a commission to the extent provided in section
2 393.710 to be exercised for the benefit of its contracting members shall include the power to:

3 (1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate
4 in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by
5 participation with electric cooperative associations, municipally owned or public utilities or
6 acquire any interest in or any rights to capacity of a project, within or outside the state, and act
7 as an agent, or designate one or more other persons participating in a project to act as its agent,
8 in connection with the planning, acquisition, construction, operation, maintenance, repair,
9 extension or improvement of such project;

10 (2) Acquire, sell, distribute and process fuels necessary to the production of electric
11 power and energy; provided, however, the commission shall not have the power or authority to
12 erect, own, use or maintain a transmission line which is parallel or generally parallel to another
13 transmission line in place within a distance of two miles, which serves the same general area
14 sought to be served by the commission unless the public service commission finds that it is not
15 feasible to utilize the transmission line which is in place;

16 (3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines,
17 wells, check dams, pumping stations, water purification plants, and other facilities for the
18 production, wholesale distribution, and utilization of water and to own and hold such real and
19 personal property as may be necessary to carry out the purposes of its organization; provided,
20 however, that a commission shall not sell or distribute water, at retail or wholesale, within the
21 certificated area of a water corporation which is subject to the jurisdiction of the public service
22 commission unless the sale or distribution of water is within the boundaries of a public water
23 supply district or municipality which is a contracting municipality in the commission and the

24 commission has obtained the approval of the public service commission prior to commencing
25 such said sale or distribution of water;

26 (4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells,
27 pumping stations, sewage treatment plants and other facilities for the treatment and
28 transportation of sewage and to own and hold such real and personal property as may be
29 necessary to carry out the purposes of its organization;

30 (5) Enter into operating, franchises, exchange, interchange, pooling, wheeling,
31 transmission and other similar agreements with any person;

32 (6) Make and execute contracts and other instruments necessary or convenient to the
33 exercise of the powers of the commission;

34 (7) Employ agents and employees;

35 (8) Contract with any person, within or outside the state, for the construction of any
36 project or for any interest therein or any right to capacity thereof, without advertising for bids,
37 preparing final plans and specifications in advance of construction, or securing performance and
38 payment of bonds, except to the extent and on such terms as its board of directors or executive
39 committee shall determine. Any contract entered into pursuant to this subdivision shall contain
40 a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

41 (9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat
42 or electric power and energy, or any by-product resulting therefrom, within and outside the state,
43 in such amounts as it shall determine to be necessary and appropriate to make the most effective
44 use of its powers and to meet its responsibilities, and to enter into agreements with any person
45 with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms
46 and for such period of time as its board of directors or executive committee shall determine. A
47 commission may not sell or distribute water, gas, heat or power and energy, or sell sewage
48 service at retail to ultimate customers outside the boundary limits of its contracting
49 municipalities except pursuant to subsection 2 or 3 of this section;

50 (10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of,
51 mortgage, pledge, or grant a security interest in any real or personal property, commodity or
52 service or interest therein;

53 (11) Exercise the powers of eminent domain for public use as provided in chapter 523,
54 RSMo, except that the power of eminent domain shall not be exercised against any electric
55 cooperative association, municipally owned or public utility;

56 (12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the
57 authority granted in section 27 of article VI of the Missouri Constitution;

58 (13) Sue and be sued in its own name;

59 (14) Have and use a corporate seal;

60 (15) Fix, maintain and revise fees, rates, rents and charges for functions, services,
61 facilities or commodities provided by the commission. **The powers enumerated in this**
62 **subdivision shall constitute the power to tax for purposes of article 10, section 15 of the**
63 **Missouri Constitution;**

64 (16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not
65 inconsistent with this section to carry into effect the powers and purposes of the commission;

66 (17) Notwithstanding the provisions of any other law, invest any funds held in reserve
67 or sinking funds, or any funds not required for immediate disbursement, including the proceeds
68 from the sale of any bonds, in such obligations, securities and other investments as the
69 commission deems proper;

70 (18) Join organizations, membership in which is deemed by the board of directors or its
71 executive committee to be beneficial to accomplishment of the commission's purposes;

72 (19) Exercise any other powers which are deemed necessary and convenient by the
73 commission to effectuate the purposes of the commission; and

74 (20) Do and perform any acts and things authorized by this section under, through or by
75 means of an agent or by contracts with any person.

76 2. When a municipality purchases a privately owned water utility and a commission is
77 created pursuant to sections 393.700 to 393.770, the commission may continue to serve those
78 locations previously receiving water from the private utility even though the location receives
79 such service outside the geographical area of the municipalities forming the commission. New
80 water service may be provided in such areas if the site to receive such service is located within
81 one-fourth of a mile from a site serviced by the privately owned water utility.

82 3. When a commission created by any of the contracting entities listed in subdivision (4)
83 of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer
84 corporation or other nonprofit agency or entity organized to provide water or sewer service, the
85 commission may continue to serve, as well as provide new service to, those locations and areas
86 previously receiving water or sewer service from such nonprofit entity, regardless of whether or
87 not such location receives such service outside the geographical service area of the contracting
88 entities forming such commission; provided that such locations and areas previously receiving
89 water and sewer service from such nonprofit entity are not located within:

90 (1) Any county of the first classification with a population of more than six hundred
91 thousand and less than nine hundred thousand;

92 (2) The boundaries of any sewer district established pursuant to article VI, section 30(a)
93 of the Missouri Constitution; or

94 (3) The certificated area of a water or sewer corporation that is subject to the jurisdiction
95 of the public service commission.

393.720. Any commission established by joint contract under sections 393.700 to 393.770 shall constitute a body public and corporate of the state, exercising public powers for the benefit of its contracting members and in order to carry out the public purposes and the public functions of its contracting members. It shall have the duties, privileges, immunities, rights, liabilities and disabilities of its contracting members and as a public body politic and corporate, **including the power to tax**, but shall not have **any additional** taxing power separate from that of its members nor shall it have the benefit of the doctrine of sovereign immunity.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, except for properties acquired exclusively for water supply districts **and water supply commissions**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes only to the same extent as if such property was owned directly by each contracting or participating municipality in such proportion or manner as specified by contract among all contracting or participating municipalities party to a project or if not specified in proportion to the percentage of each municipality's interest or participation in the facility or property.

393.825. 1. Nonprofit, membership corporations may be organized under sections 393.825 to 393.861 and section 393.175 only for the purpose of supplying wastewater disposal and treatment services within the state of Missouri. Corporations which become subject to sections 393.825 to 393.861 and section 393.175 in the manner herein provided are herein referred to as "nonprofit sewer companies". Five or more persons may organize a nonprofit sewer company pursuant to sections 393.825 to 393.861 and section 393.175.

2. The articles of incorporation of a nonprofit sewer company shall recite in the caption that they are executed pursuant to sections 393.825 to 393.861 and section 393.175, shall be signed and acknowledged in duplicate by at least five of the incorporators and shall state:

- (1) The name of the company;
- (2) The address of its principal office;
- (3) The names and addresses of the incorporators;
- (4) The number of years the company is to continue, which may be any number including perpetuity;
- (5) The names and addresses of the persons who shall constitute its first board of directors;
- (6) Whether the company chooses to operate under the provisions of chapter 347, RSMo, or chapter 355, RSMo; and

19 (7) Any provisions not inconsistent with sections 393.825 to 393.861 and section
20 393.175 deemed necessary or advisable for the conduct of its business and affairs. Such articles
21 of incorporation shall be submitted to the secretary of state for filing.

22 **3. (1) Prior to obtaining a permit to provide service, a nonprofit sewer company**
23 **shall provide a copy of the articles of incorporation and company bylaws to the department**
24 **of natural resources to ensure compliance with all statutory requirements. The**
25 **department shall review the documents and provide the nonprofit sewer company**
26 **authorization to provide service if all statutory requirements are met. If all statutory**
27 **requirements have not been met, the department shall inform the nonprofit sewer company**
28 **of all deficiencies and assist such company in curing the deficiencies.**

29 (2) All nonprofit sewer companies shall provide a copy of all subsequent
30 modifications of the articles of incorporation and company bylaws to the department to
31 ensure continued compliance. If statutory requirements are no longer being met, the
32 department shall inform the nonprofit sewer company of all deficiencies and provide a
33 period of thirty days to cure such deficiencies. If such deficiencies are not cured within
34 thirty days, the department may suspend or revoke the nonprofit sewer company's
35 authority to provide service until such time that the deficiencies are cured.

393.829. A nonprofit sewer company shall have power:

- 2 (1) To sue and be sued, in its corporate name;
- 3 (2) To have succession by its corporate name for the period stated in its articles of
4 incorporation or, if no period is stated in its articles of incorporation, to have such succession
5 perpetually;
- 6 (3) To adopt a corporate seal and alter the same at pleasure;
- 7 (4) To provide wastewater disposal and wastewater treatment services to its members,
8 to governmental agencies and political subdivisions;
- 9 (5) To make loans to persons to whom wastewater disposal or wastewater treatment is
10 or will be supplied by the company for the purpose of, and otherwise to assist such persons in,
11 installing therein plumbing fixtures, appliances, apparatus and equipment of any and all kinds
12 and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and
13 repair such plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise
14 acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes,
15 bonds and other evidences of indebtedness and any and all types of security therefor;
- 16 (6) To make loans to persons to whom wastewater disposal or wastewater treatment is
17 or will be supplied by the company for the purpose of, and otherwise to assist such persons in,
18 constructing, maintaining and operating commercial or industrial plants or facilities;

19 (7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to
20 own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease
21 as lessor, mortgage, pledge, or otherwise dispose of or encumber, wastewater provision or
22 collection or treatment systems, plants, lands, buildings, structures, dams, and equipment, and
23 any and all kinds and classes of real or personal property whatsoever, which shall be deemed
24 necessary, convenient or appropriate to accomplish the purpose for which the company is
25 organized;

26 (8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell,
27 assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber,
28 franchises, rights, privileges, licenses, rights-of-way and easements;

29 (9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and
30 other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge,
31 deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real
32 or personal property, assets, franchises, revenues or income;

33 (10) To construct, maintain and operate wastewater distribution and collection and
34 treatment plants and lines along, upon, under and across all public thoroughfares, including
35 without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under
36 and across all publicly owned lands;

37 (11) To exercise the power of eminent domain in the manner provided by the laws of this
38 state for the exercise of that power by corporations constructing or operating electric
39 transmission and distribution lines or systems;

40 (12) To conduct its business and exercise any or all of its powers within or without this
41 state;

42 (13) To adopt, amend and repeal bylaws; [and]

43 (14) To do and perform any and all other acts and things, and to have and exercise any
44 and all other powers which may be necessary, convenient or appropriate to accomplish the
45 purpose for which the company is organized;

46 **(15) To provide all services and assume all responsibilities authorized to a nonprofit**
47 **water company organized under sections 393.900 to 393.954 in the same areas where the**
48 **company is providing sewer services when approved by its members, provided that no**
49 **domestic water services may be provided within the boundaries of an existing public water**
50 **supply district or within the certificated area of a water corporation as defined in section**
51 **386.020, RSMo.**

393.847. 1. Every nonprofit sewer company constructing, maintaining and operating its
2 wastewater lines and treatment facilities shall construct, maintain and operate such lines and
3 facilities in conformity with the rules and regulations relating to the manner and methods of

4 construction, maintenance and operation and as to safety of the public with other lines and
5 facilities now or hereafter from time to time prescribed by the department of natural resources
6 for the construction, maintenance and operation of such lines or systems. The jurisdiction,
7 supervision, powers and duties of the department of natural resources shall extend to every such
8 nonprofit sewer company and every nonprofit sewer company shall be supervised and regulated
9 by the department of natural resources to the same extent and in the same manner as any other
10 nonprofit corporation engaged in whole or in part in the collection or treatment of wastewater.

11 **2. Notwithstanding any provision of sections 393.825 to 393.861 to the contrary, a**
12 **nonprofit sewer company shall not be eligible to obtain a construction or operating permit**
13 **unless a waiver from all affected political subdivisions is obtained for a site where:**

14 **(1) A municipality, county, public sewer district, or public water supply district**
15 **operates a wastewater treatment system; or**

16 **(2) A connection to a wastewater treatment system is required by a municipal or**
17 **county ordinance.**

18 **3.** The public service commission shall not have jurisdiction over the construction,
19 maintenance or operation of the wastewater facilities, service, rates, financing, accounting or
20 management of any nonprofit sewer company.

393.900. 1. Nonprofit, membership corporations may be organized pursuant to sections
2 393.900 to 393.951 only for the purpose of supplying water for distribution, wholesale and
3 treatment services within the state of Missouri. Corporations which become subject to sections
4 393.900 to 393.951 are referred to in sections 393.900 to 393.951 as nonprofit water companies.
5 Five or more persons may organize a nonprofit water company pursuant to sections 393.900 to
6 393.951.

7 **2.** The articles of incorporation of a nonprofit water company shall recite in the caption
8 that they are executed pursuant to sections 393.900 to 393.951, shall be signed and
9 acknowledged in duplicate by at least five of the incorporators and shall state:

10 (1) The name of the company;

11 (2) The address of its principal office;

12 (3) The names and addresses of the incorporators;

13 (4) The number of years the company is to continue, which may be any number including
14 perpetuity;

15 (5) The legal description of the territory in which the company intends to operate;

16 (6) The names and addresses of the persons who shall constitute its first board of
17 directors;

18 (7) Whether the company chooses to operate pursuant to chapter 347, RSMo, or chapter
19 355, RSMo;

20 (8) The method chosen for distributing the assets of the company upon dissolution; and
21 (9) Any provisions not inconsistent with sections 393.900 to 393.951 deemed necessary
22 or advisable for the conduct of its business and affairs. Such articles of incorporation shall be
23 submitted to the secretary of state for filing.

24 **3. (1) Prior to obtaining a permit to provide service, a nonprofit water company**
25 **shall provide a copy of the articles of incorporation and company bylaws to the department**
26 **of natural resources to ensure compliance with all statutory requirements. The**
27 **department shall review the documents and provide the nonprofit water company**
28 **authorization to provide service if all statutory requirements are met. If all statutory**
29 **requirements have not been met, the department shall inform the nonprofit water company**
30 **of all deficiencies and assist such company in curring the deficiencies.**

31 **(2) All nonprofit sewer companies shall provide a copy of all subsequent**
32 **modifications of the articles of incorporation and company bylaws to the department to**
33 **ensure continued compliance. If statutory requirements are no longer being met, the**
34 **department shall inform the nonprofit water company of all deficiencies and provide a**
35 **period of thirty days to cure such deficiencies. If such deficiencies are not cured within**
36 **thirty days, the department may suspend or revoke the nonprofit water company's**
37 **authority to provide service until such time that the deficiencies are cured.**

393.933. 1. Every nonprofit water company constructing, maintaining and operating its
2 water lines and treatment facilities shall construct, maintain and operate such lines and facilities
3 in conformity with the rules and regulations relating to the manner and methods of construction,
4 maintenance and operation and as to safety of the public with other lines and facilities now or
5 hereafter from time to time prescribed by the department of natural resources or by law for the
6 construction, maintenance and operation of such lines or systems. The jurisdiction, supervision,
7 powers and duties of the department of natural resources shall extend to every such nonprofit
8 water company so far as it concerns the construction, maintenance and operation of the physical
9 equipment of such company to the extent of providing for the safety of employees and the
10 general public.

11 **2. Notwithstanding any provision of sections 393.900 to 393.954 to the contrary, a**
12 **nonprofit water company shall not be eligible to obtain a construction permit or a permit**
13 **to dispense unless a waiver from all affected political subdivisions is obtained for a site**
14 **where:**

15 **(1) A municipality, county, or public water supply district operates a water system;**
16 **or**

17 **(2) A connection to a water system is required by a municipal or county ordinance.**

18 **3.** The public service commission shall not have jurisdiction over the construction,
19 maintenance or operation of the water facilities, service, rates, financing, accounting or
20 management of any nonprofit water company; except that, the public service commission shall
21 have authority to approve the reorganization of any existing company regulated by the public
22 service commission.

 409.107. No investment firm, legal firm offering bond counsel services, or any persons
2 having an interest in any such firms shall be involved in [any manner in] the issuance of bonds
3 authorized by an election in which the firm or person made any **direct or indirect financial**
4 contribution [of any kind whatsoever] to any campaign in support of the bond election. **For the**
5 **purposes of this section, direct or indirect financial contribution shall not include services**
6 **with respect to providing factual information relating to the prospective bond issuance,**
7 **responding to questions and making presentations at public forums relative to prospective**
8 **bond issuance, or participation in any meeting subject to the open meetings law.**

 432.070. No county, city, town, village, school township, school district or other
2 municipal corporation shall make any contract, unless the same shall be within the scope of its
3 powers or be expressly authorized by law, nor unless such contract be made upon a consideration
4 wholly to be performed or executed subsequent to the making of the contract; and such contract,
5 including the consideration, shall be in writing and dated when made, and shall be subscribed
6 by the parties thereto, or their agents authorized by law and duly appointed and authorized in
7 writing. [Notwithstanding the foregoing, any home rule city with more than sixty thousand three
8 hundred but fewer than sixty thousand four hundred inhabitants which after January 1, 2003, has
9 committed or agreed in writing to provide sewer service or has in fact directly or indirectly
10 provided such service to any homes within a subdivision shall give its customers two years prior
11 written notice of its intent to discontinue service and during such two-year period shall continue
12 to connect and provide sanitary sewer service to all homes constructed in such subdivision. In
13 no event shall any sewer service connected prior to the expiration of such two-year period be
14 discontinued.]

 473.743. It shall be the duty of the public administrator to take into his **or her** charge and
2 custody the estates of all deceased persons, and the person and estates of all minors, and the
3 estates or person and estate of all incapacitated persons in his **or her** county, in the following
4 cases:

- 5 (1) When a stranger dies intestate in the county without relations, or dies leaving a will,
6 and the personal representative named is absent, or fails to qualify;
- 7 (2) When persons die intestate without any known heirs;
- 8 (3) When persons unknown die or are found dead in the county;

9 (4) When money, property, papers or other estate are left in a situation exposed to loss
10 or damage, and no other person administers on the same;

11 (5) When any estate of any person who dies intestate therein, or elsewhere, is left in the
12 county liable to be injured, wasted or lost, when the intestate does not leave a known husband,
13 widow or heirs in this state;

14 (6) The persons of all minors under the age of fourteen years, whose parents are dead,
15 and who have no legal guardian or conservator;

16 (7) The estates of all minors whose parents are dead, or, if living, refuse or neglect to
17 qualify as conservator, or, having qualified have been removed, or are, from any cause,
18 incompetent to act as such conservator, and who have no one authorized by law to take care of
19 and manage their estate;

20 (8) The estates or person and estate of all disabled or incapacitated persons in his **or her**
21 county who have no legal guardian or conservator, and no one competent to take charge of such
22 estate, or to act as such guardian or conservator, can be found, or is known to the court having
23 jurisdiction, who will qualify;

24 (9) Where from any other good cause, the court shall order him to take possession of any
25 estate to prevent its being injured, wasted, purloined or lost;

26 **(10) When moneys are delivered to the public administrator from the county**
27 **coroner.**

479.010. Violations of municipal ordinances shall be [tried] **heard and determined** only
2 before divisions of the circuit court as hereinafter provided in this chapter. **As used in this**
3 **chapter, "heard and determined" means any process under which the court in question**
4 **retains the final authority to make factual determinations pertaining to allegations of a**
5 **municipal ordinance violation, including but not limited to the use of a system of**
6 **administrative adjudication as provided in section 479.011, preliminary to a determination**
7 **by appeal to the court in question.**

479.011. 1. Any city not within a county **or any home rule city with more than four**
2 **hundred thousand inhabitants and located in more than one county** may establish, by order
3 or ordinance, an administrative system for adjudicating parking and other **civil** nonmoving
4 municipal code violations consistent with applicable state law. Such administrative adjudication
5 system shall be subject to practice, procedure, and pleading rules established by the state
6 supreme court, circuit court, or municipal court. This section shall not be construed to affect the
7 validity of other administrative adjudication systems authorized by state law and created before
8 August 28, 2004.

9 2. The order or ordinance creating the administrative adjudication system shall designate
10 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The

11 administrative tribunal may operate under the supervision of the municipal court, parking
12 commission, or other entity designated by order or ordinance and in a manner consistent with
13 state law. The administrative tribunal shall adopt policies and procedures for administrative
14 hearings, and filing and notification requirements for appeals to the municipal or circuit court,
15 subject to the approval of the municipal or circuit court.

16 3. The administrative adjudication process authorized in this section shall ensure a fair
17 and impartial review of contested municipal code violations, and shall afford the parties due
18 process of law. The formal rules of evidence shall not apply in any administrative review or
19 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the
20 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
21 affairs. The code violation notice, property record, and related documentation in the proper
22 form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The
23 officer who issued the code violation citation need not be present.

24 4. An administrative tribunal may not impose incarceration or any fine in excess of the
25 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
26 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
27 under chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in
28 accordance with applicable law.

29 5. Any final decision or disposition of a code violation by an administrative tribunal shall
30 constitute a final determination for purposes of judicial review[.] . **Such determination is**
31 **subject to review under chapter 536, RSMo. After expiration of the judicial review period under**
32 **chapter 536, RSMo, or, at the request of the defendant made within ten days, a trial de novo**
33 **in the circuit court,** unless stayed by a court of competent jurisdiction, the administrative
34 tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a
35 judgment entered by a court of competent jurisdiction. Upon being recorded in the manner
36 required by state law or the uniform commercial code, a lien may be imposed on the real or
37 personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or
38 found guilty of a municipal code violation in the amount of any debt due the city under this
39 section and enforced in the same manner as a judgment lien under a judgment of a court of
40 competent jurisdiction.

537.035. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following words and terms shall have the meanings indicated:

3 (1) "Health care professional", a physician or surgeon licensed under the provisions of
4 chapter 334, RSMo, or a dentist licensed under the provisions of chapter 332, RSMo, or a
5 podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under
6 the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter

7 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a
8 psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the
9 provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter
10 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or
11 a mental health professional as defined in section 632.005, RSMo, **or an emergency medical**
12 **technician, including an emergency medical technician-basic, emergency medical**
13 **technician-intermediate, and an emergency medical technician-paramedic, and an**
14 **emergency medical dispatcher licensed or authorized under chapter 190, RSMo, while**
15 acting within their scope of practice;

16 (2) "Peer review committee", a committee of health care professionals with the
17 responsibility to evaluate, maintain, or monitor the quality and utilization of health care services
18 or to exercise any combination of such responsibilities.

19 2. A peer review committee may be constituted as follows:

20 (1) Comprised of, and appointed by, a state, county or local society of health care
21 professionals;

22 (2) Comprised of, and appointed by, the partners, shareholders, or employed health care
23 professionals of a partnership or professional corporation of health care professionals, or
24 employed health care professionals of a university or an entity affiliated with a university
25 operating under chapter 172, 174, 352, or 355, RSMo;

26 (3) Appointed by the board of trustees, chief executive officer, or the organized medical
27 staff of a licensed hospital, or other health facility operating under constitutional or statutory
28 authority, including long-term care facilities licensed under chapter 198, RSMo, or an
29 administrative entity of the department of mental health recognized pursuant to the provisions
30 of subdivision (3) of subsection 1 of section 630.407, RSMo;

31 (4) **Appointed by a board of trustees or chief executive officer of a licensed**
32 **ambulance service, a licensed emergency medical response agency, or any not-for-profit**
33 **organization that provides or contracts for ambulance services under authority granted**
34 **to such not-for-profit organization by a city, county, town, village, or ambulance district**
35 **and of which a majority of the governing body consists of elected officials and individuals**
36 **appointed by a mayor, board of aldermen, city council, county commission, county**
37 **legislature, or ambulance district;**

38 (5) Any other organization formed pursuant to state or federal law authorized to exercise
39 the responsibilities of a peer review committee and acting within the scope of such authorization;

40 [(5)] (6) Appointed by the board of directors, chief executive officer or the medical
41 director of the licensed health maintenance organization;

(7) **Appointed by a mayor, city council, board of aldermen, county commission, county legislature, or ambulance district.**

3. Each member of a peer review committee and each person, hospital governing board, **ambulance service governing board, emergency medical response agency governing board,** health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, **chief executive officer of an ambulance service or emergency medical response agency,** chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of peer review committees, or the existence of the same, concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his **or her** personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other health care providers, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the

78 legal entity which formed or within which such committee operates to deny, restrict, or revoke
79 the hospital staff privileges or license to practice of a physician or other health care providers;
80 or when a member, employee, or agent of the peer review committee or the legal entity which
81 formed such committee or within which such committee operates is sued for actions taken by
82 such committee which operate to deny, restrict or revoke the hospital staff privileges or license
83 to practice of a physician or other health care provider.

84 6. Nothing in this section shall limit authority otherwise provided by law of a health care
85 licensing board of the state of Missouri to obtain information by subpoena or other authorized
86 process from peer review committees or to require disclosure of otherwise confidential
87 information relating to matters and investigations within the jurisdiction of such health care
88 licensing boards.

**644.597. In addition to those sums authorized prior to August 28, 2007, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and in this chapter.**

**644.598. In addition to those sums authorized prior to August 28, 2007, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,
5 RSMo, and in this chapter.**

**644.599. In addition to those sums authorized prior to August 28, 2007, the board
2 of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum
4 of twenty million dollars in the manner described, and for the purposes set out, in chapter
5 640, RSMo, and in this chapter.**

650.340. 1. The provisions of this section may be cited and shall be known as the "911
2 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911 calls that come
4 to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator 16 hours;
6 (2) Fire telecommunicator 16 hours;
7 (3) Emergency medical services telecommunicator 16 hours;
8 (4) Joint communication center telecommunicator 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be required to complete
10 ongoing training so long as such person engages in the occupation as a telecommunicator. Such

11 persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three**
12 years by such persons or organizations as provided in subsection 6 of this section. **The**
13 **reporting period for the ongoing training under this subsection shall run concurrent with**
14 **the existing continuing education reporting periods for Missouri peace officers pursuant**
15 **to chapter 590, RSMo.**

16 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
17 required to complete the training requirement as provided in subsection 2 of this section. Any
18 person hired as a telecommunicator after August 28, 1999, shall complete the training
19 requirements as provided in subsection 2 of this section within twelve months of the date such
20 person is employed as a telecommunicator.

21 5. The training requirements as provided in subsection 2 of this section shall be waived
22 for any person who furnishes proof to the committee that such person has completed training in
23 another state which are at least as stringent as the training requirements of subsection 2 of this
24 section.

25 6. The department of public safety shall determine by administrative rule the persons or
26 organizations authorized to conduct the training as required by subsection 2 of this section.

27 7. This section shall not apply to an emergency medical dispatcher or agency as defined
28 in section 190.100, RSMo, or a person trained by an entity accredited or certified under section
29 190.131, RSMo, or a person who provides prearrival medical instructions who works for an
30 agency which meets the requirements set forth in section 190.134, RSMo.

Section 1. The cities of Rogersville and Springfield shall abide by the terms and
2 **conditions of the November 15, 2005, settlement agreement, as amended, relating to**
3 **involuntary annexation of certain real property located between the two cities.**

Section 2. 1. In any county with a population of more than one hundred eighty
2 **thousand inhabitants that adjoins a county with a charter form of government with a**
3 **population of more than nine hundred thousand inhabitants, all trucks registered for a**
4 **gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not**
5 **be driven in the far left lane upon an interstate highway having at least three lanes**
6 **proceeding in the same direction, within three miles of where an interstate highway and**
7 **a three-digit numbered Missouri route intersects with an average daily traffic count on the**
8 **interstate highway of at least one hundred thirty thousand vehicles at such point. The**
9 **Missouri department of transportation shall design, manufacture, and install any**
10 **informational and directional signs at the appropriate locations. Such restriction shall not**
11 **apply when:**

12 (1) **It is reasonably necessary for the operation of the truck to respond to**
13 **emergency conditions; or**

14 **(2) The right or a center lane of a roadway is closed to traffic while under**
15 **construction, maintenance, or repair.**

16 **2. As used in this section, "truck" means any vehicle, machine, tractor trailer, or**
17 **semitrailer, or any combination thereof, propelled or drawn by mechanical power and**
18 **designed for or used in the transportation of property upon the highways.**

19 **3. A violation of this section is an infraction unless such violation causes an**
20 **immediate threat of an accident, in which case such violation shall be deemed a class C**
21 **misdemeanor, or unless an accident results from such violation, in which case such**
22 **violation is a class A misdemeanor.**

2 [58.510. If the money in the treasury be demanded within five years by
3 the legal representatives of deceased, the treasurer shall pay it to them, after
4 deducting all fees and expenses.]

2 [105.971. 1. Any person who for valuable consideration acts in a
3 representative capacity for the purpose of attempting to influence the decisions
4 of any elected official or member of any commission, board, or committee of any
5 city with a population of at least four hundred thousand shall advise the city clerk
6 of his contact with or his intention to contact such official or member for the
7 purpose of attempting to influence the decision of such elected official or
8 member within ten working days of such contact.

9 2. The requirements of subsection 1 of this section shall be satisfied by
10 sending a letter to the clerk of such city, containing the person's name and
11 business address; the name and address of the person, business, association,
12 partnership or corporation for whom he is attempting to obtain a decision and the
13 department of city government which he is attempting to influence.

14 3. The city clerk shall, upon receipt, make such letters open for public
15 inspection during normal business hours.

16 4. Representatives of the news media engaged in the exercise or
17 expression of any editorial opinion are exempt from this section.

18 5. Violation of this section is an infraction.]

2 Section B. Because immediate action is necessary for effective and efficient city
3 management and to allow the citizens of Missouri to operate and maintain sewer systems, the
4 repeal and reenactment of sections 67.1360 and 78.610 and the enactment of sections 204.600,
5 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620,
6 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640,
7 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668,
8 204.670, 204.672, and 204.674 of section A of this act is deemed necessary for the immediate
9 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
emergency act within the meaning of the constitution, and the repeal and reenactment of sections

10 67.1360 and 78.610, and the enactment of sections 204.600, 204.602, 204.604, 204.606,
11 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626,
12 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654,
13 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, and 204.674
14 of section A of this act shall be in full force and effect upon its passage and approval.

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