

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 919
94TH GENERAL ASSEMBLY

Reported from the Committee on Local Government April 4, 2007 with recommendation that House Committee Substitute for House Bill No. 919 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2113L.03C

AN ACT

To repeal sections 50.332, 58.500, 58.510, 67.797, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2510, 77.020, 89.010, 89.400, 100.050, 100.059, 110.130, 110.140, 110.150, 182.015, 190.052, 190.305, 320.106, 320.146, 320.200, 320.271, 320.300, 320.310, 321.130, 409.107, 473.743, and 537.035, RSMo, 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 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 thirty-six new sections relating to political subdivisions, with a penalty provision.

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

Section A. Sections 50.332, 58.500, 58.510, 67.797, 67.1003, 67.1360, 67.1451,
2 67.1461, 67.1545, 67.2500, 67.2510, 77.020, 89.010, 89.400, 100.050, 100.059, 110.130,
3 110.140, 110.150, 182.015, 190.052, 190.305, 320.106, 320.146, 320.200, 320.271, 320.300,
4 320.310, 321.130, 409.107, 473.743, and 537.035, RSMo, and section 67.2505 as enacted by
5 conference committee substitute for senate substitute for senate committee substitute for house

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.

6 committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for
7 senate committee substitute for senate bill no. 1155, ninety-second general assembly, second
8 regular session, and section 67.2505, as enacted by senate substitute for senate committee
9 substitute for house committee substitute for house bill no. 833 merged with house committee
10 substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second
11 regular session, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be
12 known as sections 50.332, 58.500, 67.797, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545,
13 67.2500, 67.2505, 67.2510, 77.020, 89.010, 89.400, 100.050, 100.059, 110.130, 110.140,
14 110.150, 182.015, 190.052, 190.053, 190.305, 320.096, 320.106, 320.146, 320.200, 320.271,
15 320.300, 320.310, 321.130, 321.162, 409.107, 473.743, 537.035, and 1, to read as follows:

50.332. Each county officer in all counties except first class counties having a charter
2 form of government may, subject to the approval of the governing body of the county, contract
3 with the governing body of any municipality located within such county, either in whole or in
4 part, to perform the same type of duties for such municipality as such county officer is
5 performing for the county. Any compensation paid by a municipality for services rendered
6 pursuant to this section shall be paid directly to the county[, or county officer, or both, as
7 provided in the provisions of the contract, and any compensation allowed any county officer
8 under any such contract may be retained by such officer in addition to all other compensation
9 provided by law].

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.**

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.**

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

9 county of the third classification with a township form of government with a population of more
10 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.

67.1360. 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;

103

104 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
105 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
106 recreational boats which are used by transients for sleeping, which shall be at least two percent,
107 but not more than five percent per occupied room per night, except that such tax shall not
108 become effective unless the governing body of the city or county submits to the voters of the city
109 or county at a state general, primary or special election, a proposal to authorize the governing

110 body of the city or county to impose a tax pursuant to the provisions of this section and section
111 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
112 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
113 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
114 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
2 members to the district's board of directors shall be in accordance with this section. If a district
3 is a not-for-profit corporation, the election and qualification of members to its board of directors
4 shall be in accordance with chapter 355, RSMo.

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

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

8 (2) Be either:

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

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

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

17 (3) Any other qualifications set forth in the petition establishing the district.
18

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

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

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

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

28 (2) The election shall be conducted in the same manner as provided for in section
29 67.1551, provided that the published notice of the election shall contain the information required
30 by section 67.1551 for published notices, except that it shall state that the purpose of the election
31 is for the election of directors, in lieu of the information related to taxes;

32 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
33 the second Tuesday after the effective date of the ordinance establishing the district with the
34 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
35 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
36 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 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
21 to the question, place an "X" in the box opposite "NO".

22 3. Within ten days after the qualified voters have approved the imposition of the sales
23 and use tax, the district shall, in accordance with section [32.097] **32.087**, RSMo, notify the
24 director of the department of revenue. The sales and use tax authorized by this section shall
25 become effective on the first day of the second calendar quarter after the director of the
26 department of revenue receives notice of the adoption of such tax.

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

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

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

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

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

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

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

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 of a petition pursuant to this section, the governing body of any city,
40 town, or village described in this section [may] **shall** pass a resolution containing the following
41 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

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

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

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

- 80 (1) The description of the boundaries of the district and each subdistrict;
81 (2) A statement that a theater, cultural arts, and entertainment district has been
82 established;
83 (3) A declaration that the district is a political subdivision of the state;
84 (4) The name of the district;
85 (5) The date on which the sales tax election in the subdistricts was held, and the result
86 of the election;
87 (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;
88 (7) A certification to the newly created district of the election results, including the
89 election concerning the sales tax; and
90 (8) Such other matters as the governing body deems appropriate.

91 11. Any subdistrict that does not approve the creation of the district and imposing the
92 sales tax shall not be a part of the district and the sales tax shall not be imposed until after the
93 district board of directors has submitted another proposal for the inclusion of the area into the
94 district and such proposal and the sales tax proposal are approved by a majority of the qualified
95 voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in
96 accordance with section 67.2520; provided, however, that the district board of directors may
97 place the question of the inclusion of a subdistrict within a district and the question of imposing
98 a sales tax before the voters of a proposed subdistrict, and the municipal clerk, or circuit clerk
99 if the district is formed by the circuit court, shall conduct the election. In subsequent elections,
100 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.

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

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

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

12 5. Subdistricts shall be formed for the purpose of voting upon proposals
for the creation of the district or subsequent proposed subdistrict, voting upon the

question of imposing a proposed sales tax, and for representation on the board of directors, and for no other purpose.

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

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

(2) The name of the proposed district;

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

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

(5) A request that the district be established;

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

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

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

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

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

(11) Any other items the petitioners deem appropriate.

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

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

- 56 (6) Such other matters as the governing body may deem appropriate.
- 57 8. Prior to the governing body certifying the question of the district's
- 58 creation and imposing a sales tax for approval by the qualified electors, a hearing
- 59 shall be held as provided by this subsection. The governing body of the
- 60 municipality approving a resolution as set forth in section 67.2520 shall:
- 61 (1) Publish notice of the hearing, which shall include the information
- 62 contained in the resolution cited in section 67.2520, on two separate occasions
- 63 in at least one newspaper of general circulation in the county where the proposed
- 64 district is located, with the first publication to occur not more than thirty days
- 65 before the hearing, and the second publication to occur not more than fifteen days
- 66 or less than ten days before the hearing;
- 67 (2) Hear all protests and receive evidence for or against the establishment
- 68 of the proposed district; and
- 69 (3) Consider all protests, which determinations shall be final.
- 70
- 71 The costs of printing and publication of the notice shall be paid by the petitioners.
- 72 If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners
- 73 may be reimbursed for such costs out of the revenues received by the district.
- 74 9. Following the hearing, the governing body of any city, town, or village
- 75 within which the proposed district will be located may order an election on the
- 76 questions of the district creation and sales tax funding for voter approval and
- 77 certify the questions to the municipal clerk. The election order shall include the
- 78 date on which the ballots will be mailed to qualified electors, which shall be not
- 79 sooner than the eighth Tuesday from the issuance of the order. The election
- 80 regarding the incorporation of the district and the imposing of the sales tax shall
- 81 follow the procedure set forth in section 67.2520, and shall be held pursuant to
- 82 the order and certification by the governing body. Only those subdistricts
- 83 approving the question of creating the district and imposing the sales tax shall
- 84 become part of the district.
- 85 10. If the results of the election conducted in accordance with section
- 86 67.2520 show that a majority of the votes cast were in favor of organizing the
- 87 district and imposing the sales tax, the governing body may establish the
- 88 proposed district in those subdistricts approving the question of creating the
- 89 district and imposing the sales tax by adopting an ordinance to that effect. The
- 90 ordinance establishing the district shall contain the following:
- 91 (1) The description of the boundaries of the district and each subdistrict;
- 92 (2) A statement that a theater, cultural arts, and entertainment district has
- 93 been established;
- 94 (3) A declaration that the district is a political subdivision of the state;
- 95 (4) The name of the district;
- 96 (5) The date on which the sales tax election in the subdistricts was held,
- 97 and the result of the election;

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

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

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

103 11. Any subdistrict that does not approve the creation of the district and
104 imposing the sales tax shall not be a part of the district and the sales tax shall not
105 be imposed until after the district board of directors has submitted another
106 proposal for the inclusion of the area into the district and such proposal and the
107 sales tax proposal are approved by a majority of the qualified voters in the
108 subdistrict voting thereon. Such subsequent elections shall be conducted in
109 accordance with section 67.2520; provided, however, that the district board of
110 directors may place the question of the inclusion of a subdistrict within a district
111 and the question of imposing a sales tax before the voters of a proposed
112 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the
113 circuit court, shall conduct the election. In subsequent elections, the election
114 judges shall certify the election results to the district board of directors.]
115

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.**

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.**

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.**

 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.

110.130. 1. Subject to the provisions of section 110.030 the county commission of each
2 county in this state[, at the April term, in April 1997] **on or before the first Monday of July for**
3 **the year in which a bid is requested** and every fourth year thereafter, with an option to rebid
4 in each odd-numbered year, shall receive proposals from banking corporations or associations
5 at the county seat of the county which desire to be selected as the depositaries of the funds of the
6 county. [For the purpose of letting the funds the county commission shall, by order of record,
7 divide the funds into not less than two nor more than twelve equal parts, except that in counties
8 of the first classification not having a charter form of government, funds shall be divided in not
9 less than two nor more than twenty equal parts, and the bids provided for in sections 110.140 and
10 110.150 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.

182.015. 1. In addition to the provisions of section 182.010, the county commission of any county of the state may establish by its order a county library district without a petition or submission to the voters as provided in section 182.010, provided such district conforms otherwise to the provisions of that section and does not include any part of a regional library system established pursuant to other provisions of this chapter. In the event a district is so established, the county commission shall propose an annual rate of taxation within the limitations prescribed by section 182.010, which proposal shall be submitted to a vote of the people in the same manner as though the district were formed under the provisions of that section.

2. Where the county library district of any county is not operating a library within such county, the county commission may divide the county library district into subdistricts. In the event the subdistricts are established, the county commission shall propose an annual rate of taxation, which proposal shall be submitted to a vote of the people residing in the subdistrict in the same manner as provided for in section 182.010. If a majority of the votes cast on the question are for the tax as submitted, the tax shall be levied and collected on property within the subdistrict in the same manner as other county library taxes are levied and collected pursuant to section 182.020. Such funds shall be used to [operate a branch library] **provide library services** in the subdistrict of the county library district.

3. Where a tax has not been approved by the voters within a five-year period from the establishment of a library district, such library district shall be dissolved.

4. (1) The boundaries of any subdistrict established under this section in any county may be expanded as provided in this subsection. Whenever not less than ten percent of registered voters residing in an area in such county adjacent to an existing subdistrict desire to be annexed into the subdistrict, such registered voters shall file a petition with the governing body of the county requesting, subject to the official approval of the existing county library board, the expansion of the subdistrict. The petition shall contain the following information:

(a) The name and residence of each petitioner; and

(b) A specific description of the proposed subdistrict boundaries, including a map illustrating the boundaries.

(2) Upon the filing of a petition under this subsection, subject to the official approval of the existing county library board, the governing body of the county may, by resolution, approve the expansion of the subdistrict. Any resolution to expand such subdistrict adopted by the governing body of the county shall contain the following information:

(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 shall be completed within one year of election to the**
5 **board, and shall be conducted by the Missouri Ambulance Association. The Missouri**

6 Ambulance Association shall determine the content of the training to fulfill the
7 requirements of this section. Such training shall include, at 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;
- 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. Notwithstanding any other provision of law to the contrary, no ambulance
16 district board member shall receive any compensation for attending any meeting under this
17 chapter unless such board member has attended an approved training course within the
18 twelve months before or attends an approved training course within three months after
19 such meeting.

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. 3. Such tax shall be levied only upon the
40 tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or
41 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.

320.096. 1. Except as provided in subsection 2 of this section, fire protection districts as defined in chapter 321, RSMo, and municipal fire departments and volunteer fire protection associations as defined in this chapter shall be the sole providers of fire suppression and related activities, including but not limited to fire prevention, rescue, or hazardous material response, within their legally defined boundaries.

2. Upon the approval of the governing body of a registered fire protection district, municipal fire department, or volunteer fire protection association, any other association, organization, group, or political subdivision may provide the fire protection and related activities described in this section within the legally defined boundaries of such registered fire protection district, municipal fire department, or volunteer fire protection association.

3. Any association, organization, group, or political subdivision denied authorization to provide fire protection and related services under subsection 2 of this section may, within thirty days of such denial, appeal such denial to the circuit court with jurisdiction over such registered fire protection district, municipal fire department, or volunteer fire protection association. Such appeal shall be as a trial de novo.

4. This section shall not be construed to supersede any provision in chapter 190, RSMo, or chapter 321, RSMo, relating to the formation and operation of any fire protection district, ambulance district, or ambulance service.

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

(2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation;

(4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(5) "**Dispenser**", a device designed for the measurement and delivery of liquids as fuel;

(6) "Display fireworks", explosive devices designed primarily to produce visible or 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. **1.** All fire protection districts, fire departments, and all volunteer fire
2 protection associations as defined in section 320.300 shall file with the state fire marshal within
3 sixty days after August 13, 1988, and annually thereafter, the name and address of the fire
4 protection district, fire department, or volunteer fire protection association.

5 **2.** No fire protection district, fire department, or volunteer fire protection
6 association as defined in section 320.300 shall be recognized as a fire department by the
7 division of fire safety unless such entity has filed with the state fire marshal a registration
8 form provided by the state fire marshal within sixty days after January 30, 2008, and
9 annually thereafter. The state fire marshal may issue a fire department identification

10 **number to each registered fire protection district, fire department, and volunteer fire**
11 **protection association upon the submission of such registration.**

320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire protection
2 association" means any fire department, including a municipal fire department, which is staffed
3 by volunteers and organized for the purpose of combating fires in a specified area. The
4 provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection
5 associations **that provide fire suppression and related activities, including but not limited**
6 **to fire prevention, rescue, emergency medical services, hazardous material response, or**
7 **special operations to a population within a fixed and legally recorded geographical area,**
8 **and that are** either partially or wholly funded by membership or subscriber fees, and shall not
9 apply to fire protection districts supported by local tax revenues, or which have contracted with
10 a political subdivision to respond to fires within the area of an association's boundaries.

320.310. All volunteer fire protection associations [may] **shall** identify the association's
2 boundaries and file the same with the county administrative body.

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least one year before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 and 3 of this section. **The person shall also be a resident**
4 **of such fire protection district. In the event the person is no longer a resident of the**
5 **district, the person's office shall be vacated, and the vacancy shall be filled as provided in**
6 **section 321.200.** Nominations and declarations of candidacy shall be filed at the headquarters
7 of the fire protection district by paying a ten dollar filing fee and filing a statement under oath
8 that such person possesses the required qualifications.

9 2. In any fire protection district located in more than one county one of which is a first
10 class county without a charter form of government having a population of more than one hundred
11 ninety-eight thousand and not adjoining any other first class county or located wholly within a
12 first class county as described herein, a resident shall have been a resident of the district for more
13 than one year to be qualified to serve as a director.

14 3. In any fire protection district located in a county of the third or fourth classification,
15 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
16 be a voter of the district for more than one year before the election or appointment, except that
17 for the first board of directors in such district, a person need only be a voter of the district for one
18 year before the election or appointment.

19 4. A person desiring to become a candidate for the first board of directors of the
20 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
21 shall file with the election authority a statement under oath that such person possesses all of the

22 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
23 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
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 a fire
4 protection district. The training shall be completed within one year of election to the
5 board, and shall be conducted by an entity approved by the office of the state fire marshal.
6 The office of the state fire marshal shall determine the content of the training to fulfill the
7 requirements of this section. Such training shall include, at a minimum:**

- 8 **(1) Information relating to the roles and duties of a fire protection district director;**
- 9 **(2) A review of all state statutes and regulations relevant to fire protection districts;**
- 10 **(3) State ethics laws;**
- 11 **(4) State sunshine laws;**
- 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. Notwithstanding any other provision of law to the contrary, no fire district board**
16 **member shall receive any compensation for attending any meeting under sections 321.190**
17 **or 321.603 unless such board member has attended an approved training course within the**
18 **twelve months before or attends an approved training course within three months after**
19 **such meeting.**

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.**

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 monies are delivered to the public administrator from the county**
27 **coroner.**

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;

42 (7) **Appointed by a mayor, city council, board of aldermen, county commission,**
43 **county legislature, or ambulance district.**

44 3. Each member of a peer review committee and each person, hospital governing board,
45 **ambulance service governing board, emergency medical response agency governing board,**
46 health maintenance organization board of directors, and chief executive officer of a licensed
47 hospital or other hospital operating under constitutional or statutory authority, **chief executive**
48 **officer of an ambulance service or emergency medical response agency,** chief executive
49 officer or medical director of a licensed health maintenance organization who testifies before,
50 or provides information to, acts upon the recommendation of, or otherwise participates in the
51 operation of, such a committee shall be immune from civil liability for such acts so long as the

52 acts are performed in good faith, without malice and are reasonably related to the scope of
53 inquiry of the peer review committee.

54 4. Except as otherwise provided in this section, the interviews, memoranda, proceedings,
55 findings, deliberations, reports, and minutes of peer review committees, or the existence of the
56 same, concerning the health care provided any patient are privileged and shall not be subject to
57 discovery, subpoena, or other means of legal compulsion for their release to any person or entity
58 or be admissible into evidence in any judicial or administrative action for failure to provide
59 appropriate care. Except as otherwise provided in this section, no person who was in attendance
60 at any peer review committee proceeding shall be permitted or required to disclose any
61 information acquired in connection with or in the course of such proceeding, or to disclose any
62 opinion, recommendation, or evaluation of the committee or board, or any member thereof;
63 provided, however, that information otherwise discoverable or admissible from original sources
64 is not to be construed as immune from discovery or use in any proceeding merely because it was
65 presented during proceedings before a peer review committee nor is a member, employee, or
66 agent of such committee, or other person appearing before it, to be prevented from testifying as
67 to matters within his **or her** personal knowledge and in accordance with the other provisions of
68 this section, but such witness cannot be questioned about testimony or other proceedings before
69 any health care review committee or board or about opinions formed as a result of such
70 committee hearings. The disclosure of any interview, memoranda, proceedings, findings,
71 deliberations, reports, or minutes to any person or entity, including but not limited to
72 governmental agencies, professional accrediting agencies, or other health care providers, whether
73 proper or improper, shall not waive or have any effect upon its confidentiality,
74 nondiscoverability, or nonadmissibility.

75 5. The provisions of subsection 4 of this section limiting discovery and admissibility of
76 testimony as well as the proceedings, findings, records, and minutes of peer review committees
77 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.

**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.**

[58.510. If the money in the treasury be demanded within five years by
2 the legal representatives of deceased, the treasurer shall pay it to them, after
3 deducting all fees and expenses.]

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