

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 290**  
**96TH GENERAL ASSEMBLY**

1097L.03C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 67.402, 67.1461, 70.660, 107.170, 140.410, 140.660, 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520, 141.540 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, 192.300, 227.107, 238.202, 447.708, 537.620, RSMo, and section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, and section 67.1305 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 186, ninety-third general assembly, first regular session, and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof eighty-four new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

---

---

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

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.

Section A. Sections 67.402, 67.1461, 70.660, 107.170, 140.410, 140.660, 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520, 141.540, 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, 192.300, 227.107, 238.202, 447.708, 537.620, RSMo, and section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, and section 67.1305 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 186, ninety-third general assembly, first regular session, and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for senate committee substitute for house substitute for house bill no. 1238, ninetieth general assembly, second regular session, and section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, are repealed and eighty-four new sections enacted in lieu thereof, to be known as sections 44.035, 67.402, 67.1305, 67.1461, 67.2012, 70.660, 71.692, 107.170, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513, 135.1515, 135.1517, 135.1519, 135.1521, 140.410, 141.210, 141.220, 141.250, 141.290, 141.300, 141.320, 141.410, 141.420, 141.430, 141.450, 141.480, 141.520, 141.530, 141.540, 141.550, 141.560, 141.570, 141.580, 141.720, 141.770, 141.790, 141.980, 141.981, 141.982, 177.301, 177.302, 177.303, 177.304, 177.305, 177.306, 192.300, 226.224, 227.107, 238.202, 320.400, 320.402, 320.404, 320.406, 320.408, 320.410, 320.412, 320.414, 320.416, 324.900, 324.905, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935, 324.940, 324.945, 447.708, 537.620, and 620.2300, 1, 2, 3, 4, 5, 6, 7, and 8, to read as follows:

**44.035. The name, address, Social Security number, as well as any other personal identifying information that is utilized in a voluntary registry of persons with health-related ailments created by a public governmental body to assist individuals in case of a disaster or emergency, shall not be considered a public record under the provisions of chapter 610. Nothing in this section shall authorize a public governmental body to deny a lawful request for such name, address, Social Security number, or other personal**

7 **identifying information from a law enforcement agency or any public governmental body**  
8 **that provides firefighting, medical or other emergency services.**

67.402. 1. The governing body of **the following counties may enact nuisance**  
2 **abatement ordinances as provided in this section:**

3 (1) Any county of the first classification with more than one hundred thirty- five  
4 thousand four hundred but [less] **fewer** than one hundred thirty- five thousand five hundred  
5 inhabitants[,] ;

6 (2) Any county of the first classification with more than seventy-one thousand three  
7 hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and] ;

8 (3) Any county of the first classification without a charter form of government and with  
9 more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine  
10 thousand two hundred inhabitants;

11 (4) **Any county of the first classification with more than eighty-two thousand but**  
12 **fewer than eighty-two thousand one hundred inhabitants.**

13 **2. The governing body of any county described in subsection 1 of this section** may  
14 enact ordinances to provide for the abatement of a condition of any lot or land that has the  
15 presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict  
16 cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or  
17 overgrown or noxious weeds in residential subdivisions or districts which may endanger public  
18 safety or which is unhealthy or unsafe and declared to be a public nuisance.

19 [2.] **3. Any ordinance enacted pursuant to this section shall:**

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

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

25 (3) Provide for service of adequate notice of the declaration of nuisance, which notice  
26 shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and  
27 may provide that such notice be served either by personal service or by certified mail, return  
28 receipt requested, but if service cannot be had by either of these modes of service, then service  
29 may be had by publication. The ordinances shall further provide that the owner, occupant,  
30 lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the  
31 land records of the recorder of deeds of the county wherein the property is located shall be made  
32 parties;

33 (4) Provide that upon failure to commence work of abating the nuisance within the time  
34 specified or upon failure to proceed continuously with the work without unnecessary delay, the

35 building commissioner or designated officer or officers shall call and have a full and adequate  
36 hearing upon the matter before the county commission, giving the affected parties at least ten  
37 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall  
38 have an opportunity to be heard. After the hearings, if evidence supports a finding that the  
39 property is a nuisance or detrimental to the health, safety, or welfare of the residents of the  
40 county, the county commission shall issue an order making specific findings of fact, based upon  
41 competent and substantial evidence, which shows the property to be a nuisance and detrimental  
42 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.  
43 If the evidence does not support a finding that the property is a nuisance or detrimental to the  
44 health, safety, or welfare of the residents of the county, no order shall be issued.

45 [3.] 4. Any ordinance authorized by this section may provide that if the owner fails to  
46 begin abating the nuisance within a specific time which shall not be longer than seven days of  
47 receiving notice that the nuisance has been ordered removed, the building commissioner or  
48 designated officer shall cause the condition which constitutes the nuisance to be removed. If the  
49 building commissioner or designated officer causes such condition to be removed or abated, the  
50 cost of such removal shall be certified to the county clerk or officer in charge of finance who  
51 shall cause the certified cost to be included in a special tax bill or added to the annual real estate  
52 tax bill, at the county collector's option, for the property and the certified cost shall be collected  
53 by the county collector in the same manner and procedure for collecting real estate taxes. If the  
54 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
55 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
56 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
57 a lien on the property until paid.

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

3 2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the  
4 governing body of any city or county may impose, by order or ordinance, a sales tax on all retail  
5 sales made in the city or county which are subject to sales tax under chapter 144. The tax  
6 authorized in this section shall not be more than one-half of one percent. The order or ordinance  
7 imposing the tax shall not become effective unless the governing body of the city or county  
8 submits to the voters of the city or county at any citywide, county or state general, primary or  
9 special election a proposal to authorize the governing body to impose a tax under this section.  
10 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and  
11 shall be stated separately from all other charges and taxes. The tax authorized in this section  
12 shall not be imposed by any city or county that has imposed a tax under section 67.1300 or  
13 67.1303 unless the tax imposed under those sections has expired or been repealed.

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

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

18                           ☐ YES

☐ NO

19

20 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor  
21 of the question, then the tax shall become effective on the first day of the second calendar quarter  
22 following the calendar quarter in which the election was held. If a majority of the votes cast on  
23 the question by the qualified voters voting thereon are opposed to the question, then the tax shall  
24 not become effective unless and until the question is resubmitted under this section to the  
25 qualified voters and such question is approved by a majority of the qualified voters voting on the  
26 question, provided that no proposal shall be resubmitted to the voters sooner than twelve months  
27 from the date of the submission of the last proposal.

28           4. All sales taxes collected by the director of revenue under this section on behalf of any  
29 county or municipality, less one percent for cost of collection which shall be deposited in the  
30 state's general revenue fund after payment of premiums for surety bonds as provided in section  
31 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the  
32 "Local Option Economic Development Sales Tax Trust Fund".

33           5. The moneys in the local option economic development sales tax trust fund shall not  
34 be deemed to be state funds and shall not be commingled with any funds of the state. The  
35 director of revenue shall keep accurate records of the amount of money in the trust fund and  
36 which was collected in each city or county imposing a sales tax pursuant to this section, and the  
37 records shall be open to the inspection of officers of the city or county and the public.

38           6. Not later than the tenth day of each month the director of revenue shall distribute all  
39 moneys deposited in the trust fund during the preceding month to the city or county which levied  
40 the tax. Such funds shall be deposited with the county treasurer of each such county or the  
41 appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising  
42 from the local economic development sales tax trust fund shall be in accordance with this  
43 section.

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

48           8. If any county or municipality abolishes the tax, the city or county shall notify the  
49 director of revenue of the action at least ninety days prior to the effective date of the repeal and

50 the director of revenue may order retention in the trust fund, for a period of one year, of two  
51 percent of the amount collected after receipt of such notice to cover possible refunds or  
52 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of  
53 such accounts. After one year has elapsed after the effective date of abolition of the tax in such  
54 city or county, the director of revenue shall remit the balance in the account to the city or county  
55 and close the account of that city or county. The director of revenue shall notify each city or  
56 county of each instance of any amount refunded or any check redeemed from receipts due the  
57 city or county.

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

60 10. (1) No revenue generated by the tax authorized in this section shall be used for any  
61 retail development project, except for the redevelopment of downtown areas and historic  
62 districts. Not more than twenty-five percent of the revenue generated shall be used annually for  
63 administrative purposes, including staff and facility costs.

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

- 67 (a) Acquisition of land;
- 68 (b) Installation of infrastructure for industrial or business parks;
- 69 (c) Improvement of water and wastewater treatment capacity;
- 70 (d) Extension of streets;
- 71 (e) Public facilities directly related to economic development and job creation; and
- 72 (f) Providing matching dollars for state or federal grants relating to such long-term  
73 projects.

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

- 76 (a) Marketing;
- 77 (b) Providing grants and loans to companies for job training, equipment acquisition, site  
78 development, and infrastructures;
- 79 (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- 80 (d) Legal and accounting expenses directly associated with the economic development  
81 planning and preparation process;
- 82 (e) Developing value-added and export opportunities for Missouri agricultural products.

83 11. All revenue generated by the tax shall be deposited in a special trust fund and shall  
84 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the  
85 special trust fund shall continue to be used solely for the designated purposes. Any funds in the

86 special trust fund which are not needed for current expenditures may be invested by the  
87 governing body in accordance with applicable laws relating to the investment of other city or  
88 county funds.

89 12. (1) Any city or county imposing the tax authorized in this section shall establish an  
90 economic development tax board. The volunteer board shall receive no compensation or  
91 operating budget.

92 (2) The economic development tax board established by a city shall consist of five **or**  
93 **nine** members[.]. **The number of members of the board shall be designated in the order**  
94 **or ordinance imposing the sales tax authorized by this section, and are** to be appointed as  
95 follows:

96 (a) **For a five-member board:**

97 a. One member shall be appointed by the school districts included within any economic  
98 development plan or area funded by the sales tax authorized in this section. Such member shall  
99 be appointed in any manner agreed upon by the affected districts;

100 [(b)] b. Three members shall be appointed by the chief elected officer of the city with  
101 the consent of the majority of the governing body of the city; **and**

102 [(c)] c. One member shall be appointed by the governing body of the county in which  
103 the city is located;

104 (b) **For a nine-member board:**

105 a. **Two members shall be appointed by the school districts included within any**  
106 **economic development plan or area funded by the sales tax authorized in this section. Such**  
107 **members shall be appointed in any manner agreed upon by the affected districts;**

108 b. **Five members shall be appointed by the chief elected officer of the city with the**  
109 **consent of the majority of the governing body of the city; and**

110 c. **Two members shall be appointed by the governing body of the county in which**  
111 **the city is located.**

112 (3) The economic development tax board established by a county shall consist of seven  
113 members, to be appointed as follows:

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

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

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

120

Of the members initially appointed, three shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. **If there are more than seven members initially appointed, the eighth and ninth members shall be designated to serve for terms of two years.** Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

**(4) If an economic development tax board established by a city is already in existence on August 28, 2011, any increase in the number of members of the board shall be designated in an order or ordinance. The sixth and seventh members shall be appointed to a term with an expiration coinciding with the expiration of the terms of the two board member positions that were originally appointed to terms of four years. The eighth and ninth members shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.**

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

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

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

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.



156           15. Notwithstanding any other provision of law to the contrary, the economic  
157 development sales tax imposed under this section when imposed within a special taxing district,  
158 including but not limited to a tax increment financing district, neighborhood improvement  
159 district, or community improvement district, shall be excluded from the calculation of revenues  
160 available to such districts, and no revenues from any sales tax imposed under this section shall  
161 be used for the purposes of any such district unless recommended by the economic development  
162 tax board established under this section and approved by the governing body imposing the tax.

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

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

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

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

173           (3) A statement of total expenditures during the preceding calendar year in each of the  
174 following categories:

175           (a) Infrastructure improvements;

176           (b) Land and or buildings;

177           (c) Machinery and equipment;

178           (d) Job training investments;

179           (e) Direct business incentives;

180           (f) Marketing;

181           (g) Administration and legal expenses; and

182           (h) Other expenditures.

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

187           Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate  
188 of ..... (insert rate of percent) percent for economic development purposes?

189                           ☐ YES

☐ NO

190

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

197 19. Whenever the governing body of any city or county that has adopted the sales tax  
198 authorized in this section receives a petition, signed by ten percent of the registered voters of the  
199 city or county voting in the last gubernatorial election, calling for an election to repeal the sales  
200 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal  
201 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are  
202 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar  
203 year in which such repeal was approved. If a majority of the votes cast on the question by the  
204 qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until  
205 the question is resubmitted under this section to the qualified voters and the repeal is approved  
206 by a majority of the qualified voters voting on the question.

207 20. If any provision of this section or section 67.1303 or the application thereof to any  
208 person or circumstance is held invalid, the invalidity shall not affect other provisions or  
209 application of this section or section 67.1303 which can be given effect without the invalid  
210 provision or application, and to this end the provisions of this section and section 67.1303 are  
211 declared severable.

2 [67.1305. 1. As used in this section, the term "city" shall mean any  
3 incorporated city, town, or village.

4 2. In lieu of the sales taxes authorized under sections 67.1300 and  
5 67.1303, the governing body of any city or county may impose, by order or  
6 ordinance, a sales tax on all retail sales made in the city or county which are  
7 subject to sales tax under chapter 144. The tax authorized in this section shall not  
8 be more than one-half of one percent. The order or ordinance imposing the tax  
9 shall not become effective unless the governing body of the city or county  
10 submits to the voters of the city or county at any citywide, county, or state  
11 general, primary, or special election a proposal to authorize the governing body  
12 to impose a tax under this section. The tax authorized in this section shall be in  
13 addition to all other sales taxes imposed by law, and shall be stated separately  
14 from all other charges and taxes. The tax authorized in this section shall not be  
15 imposed by any city or county that has imposed a tax under section 67.1300 or  
16 67.1303 unless the tax imposed under those sections has expired or been  
17 repealed.

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

19                Shall ..... (insert the name of the city or county) impose a  
20 sales tax at a rate of ..... (insert rate of percent) percent for economic  
21 development purposes?

22                    ☐ YES

☐ NO

23  
24                If a majority of the votes cast on the question by the qualified voters voting  
25 thereon are in favor of the question, then the tax shall become effective on the  
26 first day of the second calendar quarter following the calendar quarter in which  
27 the election was held. If a majority of the votes cast on the question by the  
28 qualified voters voting thereon are opposed to the question, then the tax shall not  
29 become effective unless and until the question is resubmitted under this section  
30 to the qualified voters and such question is approved by a majority of the  
31 qualified voters voting on the question, provided that no proposal shall be  
32 resubmitted to the voters sooner than twelve months from the date of the  
33 submission of the last proposal.

34                4. All sales taxes collected by the director of revenue under this section  
35 on behalf of any county or city or municipality, less one percent for cost of  
36 collection which shall be deposited in the state's general revenue fund after  
37 payment of premiums for surety bonds as provided in section 32.087, shall be  
38 deposited in a special trust fund, which is hereby created, to be known as the  
39 "Local Option Economic Development Sales Tax Trust Fund".

40                5. The moneys in the local option economic development sales tax trust  
41 fund shall not be deemed to be state funds and shall not be commingled with any  
42 funds of the state. The director of revenue shall keep accurate records of the  
43 amount of money in the trust fund and which was collected in each city or county  
44 imposing a sales tax under and pursuant to this section, and the records shall be  
45 open to the inspection of officers of the city or county and the public.

46                6. Not later than the tenth day of each month, the director of revenue  
47 shall distribute all moneys deposited in the trust fund during the preceding month  
48 to the city or county which levied the tax. Such funds shall be deposited with the  
49 county treasurer of each such county or the appropriate city or municipal officer  
50 in the case of a city or municipal tax, and all expenditures of funds arising from  
51 the local option economic development sales tax trust fund shall be in accordance  
52 with this section.

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

57                8. If any county or city or municipality abolishes the tax, the city or  
58 county shall notify the director of revenue of the action at least ninety days prior  
59 to the effective date of the repeal and the director of revenue may order retention  
60 in the trust fund, for a period of one year, of two percent of the amount collected  
61 after receipt of such notice to cover possible refunds or overpayment of the tax

62 and to redeem dishonored checks and drafts deposited to the credit of such  
63 accounts. After one year has elapsed after the effective date of abolition of the  
64 tax in such city or county, the director of revenue shall remit the balance in the  
65 account to the city or county and close the account of that city or county. The  
66 director of revenue shall notify each city or county of each instance of any  
67 amount refunded or any check redeemed from receipts due the city or county.

68 9. Except as modified in and by this section, all provisions of sections  
69 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

70 10. (1) No revenue generated by the tax authorized in this section shall  
71 be used for any retail development project, except for the redevelopment of  
72 downtown areas and historic districts. Not more than twenty-five percent of the  
73 revenue generated shall be used annually for administrative purposes, including  
74 staff and facility costs.

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

79 (a) Acquisition of land;  
80 (b) Installation of infrastructure for industrial or business parks;  
81 (c) Improvement of water and wastewater treatment capacity;  
82 (d) Extension of streets;  
83 (e) Public facilities directly related to economic development and job  
84 creation; and

85 (f) Providing matching dollars for state or federal grants relating to such  
86 long-term projects.

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

89 (a) Marketing;  
90 (b) Providing grants and loans to companies for job training, equipment  
91 acquisition, site development, and infrastructures;  
92 (c) Training programs to prepare workers for advanced technologies and  
93 high skill jobs;

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

96 (e) Developing value-added and export opportunities for Missouri  
97 agricultural products.

98 11. All revenue generated by the tax shall be deposited in a special trust  
99 fund and shall be used solely for the designated purposes. If the tax is repealed,  
100 all funds remaining in the special trust fund shall continue to be used solely for  
101 the designated purposes. Any funds in the special trust fund which are not  
102 needed for current expenditures may be invested by the governing body in  
103 accordance with applicable laws relating to the investment of other city or county  
104 funds.

105           12. (1) Any city or county imposing the tax authorized in this section  
106 shall establish an economic development tax board. The volunteer board shall  
107 receive no compensation or operating budget.

108           (2) The economic development tax board established by a city shall  
109 consist of five members, to be appointed as follows:

110           (a) One member shall be appointed by the school districts included  
111 within any economic development plan or area funded by the sales tax authorized  
112 in this section. Such member shall be appointed in any manner agreed upon by  
113 the affected districts;

114           (b) Three members shall be appointed by the chief elected officer of the  
115 city with the consent of the majority of the governing body of the city; and

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

118           (3) The economic development tax board established by a county shall  
119 consist of seven members, to be appointed as follows:

120           (a) One member shall be appointed by the school districts included  
121 within any economic development plan or area funded by the sales tax authorized  
122 in this section. Such member shall be appointed in any manner agreed upon by  
123 the affected districts;

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

126           (c) Two members from the cities, towns, or villages within the county  
127 appointed in any manner agreed upon by the chief elected officers of the cities,  
128 towns or villages. Of the members initially appointed, three shall be designated  
129 to serve for terms of two years, and the remaining members shall be designated  
130 to serve for a term of four years from the date of such initial appointments.  
131 Thereafter, the members appointed shall serve for a term of four years, except  
132 that all vacancies shall be filled for unexpired terms in the same manner as were  
133 the original appointments.

134           13. The board, subject to approval of the governing body of the city or  
135 county, shall consider economic development plans, economic development  
136 projects, or designations of an economic development area, and shall hold public  
137 hearings and provide notice of any such hearings. The board shall vote on all  
138 proposed economic development plans, economic development projects, or  
139 designations of an economic development area, and amendments thereto, within  
140 thirty days following completion of the hearing on any such plan, project, or  
141 designation, and shall make recommendations to the governing body within  
142 ninety days of the hearing concerning the adoption of or amendment to economic  
143 development plans, economic development projects, or designations of an  
144 economic development area. The governing body of the city or county shall have  
145 the final determination on use and expenditure of any funds received from the tax  
146 imposed under this section.

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

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

152           (2) The board establishes an agreement with the governing bodies of all  
153 cities and counties in which the plan, project, or area designation is located  
154 detailing the authority and responsibilities of each governing body with regard to  
155 the plan, project, or area designation.

156           15. Notwithstanding any other provision of law to the contrary, the local  
157 option economic development sales tax imposed under this section when  
158 imposed within a special taxing district, including but not limited to a tax  
159 increment financing district, neighborhood improvement district, or community  
160 improvement district, shall be excluded from the calculation of revenues  
161 available to such districts, and no revenues from any sales tax imposed under this  
162 section shall be used for the purposes of any such district unless recommended  
163 by the economic development tax board established under this section and  
164 approved by the governing body imposing the tax.

165           16. The board and the governing body of the city or county imposing the  
166 tax shall report at least annually to the governing body of the city or county on the  
167 use of the funds provided under this section and on the progress of any plan,  
168 project, or designation adopted under this section and shall make such report  
169 available to the public.

170           17. Not later than the first day of March each year the department of  
171 economic development shall submit to the joint committee on economic  
172 development a report which shall include the following information for each  
173 project using the tax authorized under this section:

174           (1) A statement of its primary economic development goals;  
175           (2) A statement of the total economic development sales tax revenues  
176 received during the immediately preceding calendar year; and

177           (3) A statement of total expenditures during the preceding calendar year  
178 in each of the following categories:

- 179           (a) Infrastructure improvements;  
180           (b) Land and or buildings, or both;  
181           (c) Machinery and equipment;  
182           (d) Job training investments;  
183           (e) Direct business incentives;  
184           (f) Marketing;  
185           (g) Administration and legal expenses; and  
186           (h) Other expenditures.

187           18. The governing body of any city or county that has adopted the sales  
188 tax authorized in this section may submit the question of repeal of the tax to the

voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

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

☐ YES

☐ NO

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

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

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

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

(2) To sue and be sued;

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

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

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

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

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

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 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. Those exempt pursuant to subdivision  
22 (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to  
23 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. Those exempt pursuant to subdivisions (2) and (5)  
29 of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

30 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections  
31 67.1401 to 67.1571;

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

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

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

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

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

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

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

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

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

49 (a) Pedestrian or shopping malls and plazas;

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

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

52 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic  
53 signs and signals, utilities, drainage, water, storm and sewer systems, and other site  
54 improvements;

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

56 (f) Lakes, dams, and waterways;



- 57 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,  
58 awnings, canopies, walls, and barriers;
- 59 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and  
60 kiosks;
- 61 (i) Paintings, murals, display cases, sculptures, and fountains;
- 62 (j) Music, news, and child-care facilities; [and]
- 63 (k) **Any property, device, structure, or equipment necessary for the acquisition,**  
64 **installation, equipping, and improvement of any real or personal property used for the**  
65 **purpose of creating a solar photovoltaic project or a solar thermal energy project, whether**  
66 **such real or personal property is publicly or privately owned; and**
- 67 (l) Any other useful, necessary, or desired improvement;
- 68 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,  
69 parks, and other real property and improvements located within its boundaries for public use;
- 70 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict  
71 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,  
72 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 73 (19) Within its boundaries, to operate or to contract for the provision of music, news,  
74 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- 75 (20) Within its boundaries, to lease space for sidewalk café tables and chairs;
- 76 (21) Within its boundaries, to provide or contract for the provision of security personnel,  
77 equipment, or facilities for the protection of property and persons;
- 78 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other  
79 services to public and private property, **including, but not limited to, real or personal**  
80 **property installed as part of a special energy improvement project;**
- 81 (23) To produce and promote any tourism, recreational or cultural activity or special  
82 event in the district by, but not limited to, advertising, decoration of any public place in the  
83 district, promotion of such activity and special events, and furnishing music in any public place;
- 84 (24) To support business activity and economic development in the district including,  
85 but not limited to, the promotion of business activity, development and retention, and the  
86 recruitment of developers and businesses;
- 87 (25) To provide or support training programs for employees of businesses within the  
88 district;
- 89 (26) To provide refuse collection and disposal services within the district;
- 90 (27) To contract for or conduct economic, planning, marketing or other studies;
- 91 (28) To repair, restore, or maintain any abandoned cemetery on public or private land  
92 within the district; and

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

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

96 (1) Within its blighted area, to contract with any private property owner to demolish  
97 [and] , remove, renovate, reconstruct, **construct**, or rehabilitate any building [or] , structure, **or**  
98 **improvement** owned by such private property owner; and

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

103 3. Each district shall annually reimburse the municipality for the reasonable and actual  
104 expenses incurred by the municipality to establish such district and review annual budgets and  
105 reports of such district required to be submitted to the municipality; provided that, such annual  
106 reimbursement shall not exceed one and one-half percent of the revenues collected by the district  
107 in such year.

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

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

**67.2012. 1. Any county of the first classification with more than eighty-two  
2 thousand but less than eighty-two thousand one hundred inhabitants may prosecute and  
3 punish violations of its county ordinances pertaining to county building codes, on-site  
4 sewer treatment and zoning orders in the circuit court of the county in the manner and to  
5 the extent herein provided or in a county municipal court upon adoption by the county  
6 commission of an ordinance creating a county municipal court. In addition, the county  
7 may prosecute and punish municipal ordinance violations in the county municipal court  
8 pursuant to a contract with any municipality within the county. Any county municipal  
9 court established under this section shall have jurisdiction over violations of that county's  
10 ordinances and the ordinances of municipalities with which the county has a contract to  
11 prosecute and punish violations of municipal ordinances of the city. Costs and procedures**

12 in any such county municipal court shall be governed by the provisions of law relating to  
13 municipal ordinance violations in municipal divisions of circuit courts.

14       2. In any county which has elected to establish a county municipal court under this  
15 section, the judges for such court shall be appointed by the county commission in the same  
16 manner as other county appointed officers. The number of judges appointed and the  
17 qualifications for their appointment shall be established by county ordinance. Judges of  
18 the county municipal court shall be licensed to practice law in this state and shall be  
19 residents of the county. Municipal court judges shall not accept or handle cases in their  
20 practice of law which are inconsistent with their duties as a municipal court judge and  
21 shall not be a judge or prosecutor for any other court. The ordinance shall also establish  
22 the number of divisions of the county municipal court, the court's term, and shall provide  
23 for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside  
24 the county seat.

25       3. The ordinance establishing the court shall make provisions for appropriate  
26 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by  
27 telephone or written communication without personal appearance, or to plead guilty and  
28 deliver by mail or electronic transfer or other approved method the specified amount of  
29 the fine and costs as otherwise provided by law, within a specified period of time.

30       4. The county may by ordinance provide for court costs not to exceed the sum  
31 which may be provided by municipalities for municipal violations before municipal courts.  
32 The county municipal judge may assess costs against a defendant who pleads guilty or is  
33 found guilty except in those cases where the defendant is found by the judge to be indigent  
34 and unable to pay the costs. The costs authorized in this subsection are in addition to  
35 service costs, witness fees, and jail costs or fees. Such costs shall be collected by the  
36 authorized clerk and deposited into the county treasury.

37       5. The ordinance shall provide for recording of proceedings. In the event that the  
38 proceedings are not recorded, a person aggrieved by a judgment of a traffic judge or  
39 commissioner shall have the right of a trial de novo. The procedures for perfecting the  
40 right of a trial de novo shall be the same as that provided in sections 512.180 to 512.320,  
41 except that subsection 2 of section 512.180 shall not apply to such cases. In the event that  
42 the proceedings are recorded, all final decisions of the county municipal court shall be  
43 appealable on such record to the appellate court with appropriate jurisdiction.

44       6. Any person charged with the violation of a county ordinance in a county which  
45 has established a county municipal court under this section shall, upon request, be entitled  
46 to a trial by jury before a county municipal court judge. Any jury trial shall be heard, and  
47 a record shall be made.

48           **7. If a county elects to have the violations of its county ordinances adopted**  
49 **pertaining to county building codes, on-site sewer treatment and zoning orders heard and**  
50 **determined by an associate circuit judge, the associate circuit judge or judges shall**  
51 **commence hearing and determining such violations six months after the county notifies the**  
52 **presiding judge of the circuit of its election. With the consent of the presiding judge, the**  
53 **associate circuit judge or judges may commence hearing such violations at an earlier date.**

70.660. 1. Except as otherwise provided herein, before the date the first payment of a  
2 person's allowance becomes due but not thereafter, a person about to become a retirant may elect  
3 to receive his or her allowance for life with or without a partial lump-sum distribution, as  
4 provided in this subsection. A person about to become a retirant may elect to receive a partial  
5 lump-sum distribution equal to twenty-four times the amount of his or her monthly allowance  
6 for life, not including any monthly temporary allowance which may be payable. Such lump sum  
7 shall be paid to the retirant, upon written application to the board, not fewer than ninety days nor  
8 more than one hundred fifty days after the date the first payment of his or her monthly allowance  
9 becomes due. The retirant's monthly life allowance shall be reduced to eighty-four percent if the  
10 retirant's age at the time of retirement is sixty, which percent shall be decreased by four- tenths  
11 of one percent for each year the retirant's age at the time of retirement is greater than sixty, or  
12 which percent shall be increased by four-tenths of one percent for each year the retirant's age at  
13 the time of retirement is less than sixty, **up to a maximum of ninety percent.** The reductions  
14 in monthly life allowance in this subsection shall be calculated and applied before any reductions  
15 under subsection 2 of this section are calculated and applied.

16           2. Before the date the first payment of a person's allowance becomes due but not  
17 thereafter, a person about to become a retirant may elect to have his or her allowance for life  
18 reduced but not any temporary allowance which may be payable, and nominate a beneficiary, as  
19 provided by option A, B, C, or D set forth below:

20           (1) Option A. Under option A, a retirant's allowance payable to the retirant shall be  
21 reduced to a certain percent of the allowance otherwise payable to the retirant. If such first  
22 payment due date is on or after October 1, 1998, such percent shall be eighty-five percent if the  
23 retirant's age and the retirant's beneficiary's age are the same on such first due date, which shall  
24 be decreased by three-quarters of one percent for each year that the beneficiary's age is less than  
25 the retirant's age, or which shall be increased by three-quarters of one percent, up to a maximum  
26 of ninety percent, for each year that the beneficiary's age is more than the retirant's age. Upon  
27 the retirant's death three-quarters of the retirant's reduced allowance to which the retirant would  
28 have been entitled had the retirant lived shall be paid to his or her surviving beneficiary,  
29 nominated before such first payment due date but not thereafter, who was the retirant's spouse  
30 for not less than the two years immediately preceding such first payment due date, or another

31 person aged forty years or older receiving more than one-half support from the retirant for not  
32 less than the two years immediately preceding such first payment due date.

33 (2) Option B. Under option B, a retirant's allowance payable to the retirant shall be  
34 reduced to a certain percent of the allowance otherwise payable to the retirant. If such first  
35 payment due date is on or after October 1, 1998, such percent shall be ninety percent if the  
36 retirant's age and the retirant's beneficiary's age are the same on such first payment due date,  
37 which shall be decreased by one-half of one percent for each year that the beneficiary's age is less  
38 than the retirant's age, or which shall be increased by one-half of one percent, up to a maximum  
39 of ninety-five percent for each year that the beneficiary's age is more than the retirant's age.  
40 Upon the retirant's death one-half of his or her reduced allowance to which the retirant would  
41 have been entitled had the retirant lived shall be paid to the retirant's surviving beneficiary,  
42 nominated before such first payment due date but not thereafter, who was either the retirant's  
43 spouse for not less than the two years immediately preceding such first payment due date, or  
44 another person aged forty years or older receiving more than one-half support from the retirant  
45 for not less than the two years immediately preceding such first payment due date.

46 (3) Option C. Under option C, a retirant's allowance payable to the retirant shall be  
47 reduced to ninety-five percent of the allowance otherwise payable to the retirant if such first  
48 payment due date is on or after October 1, 1998. If the retirant dies before having received one  
49 hundred twenty monthly payments of his or her reduced allowance, his or her reduced allowance  
50 to which the retirant would have been entitled had the retirant lived shall be paid for the  
51 remainder of the one hundred twenty months' period to such person as the retirant shall have  
52 nominated by written designation duly executed and filed with the board. If there is no such  
53 beneficiary surviving the retirant, the reserve for such allowance for the remainder of such one  
54 hundred twenty months' period shall be paid to the retirant's estate.

55 (4) Option D. Some other option approved by the board which shall be the actuarial  
56 equivalent of the allowance to which the member is entitled under this system.

57 3. The death of the beneficiary designated under option A or B of subsection 2 of this  
58 section before the death of the retirant after retirement shall, upon written notification to the  
59 system of the death of the beneficiary, cancel any optional plan elected at retirement to provide  
60 continuing lifetime benefits to the beneficiary and shall return the retirant to his or her single  
61 lifetime benefit equivalent, to be effective the month following receipt of the written notification  
62 of the death of the beneficiary by the system.

63 4. If a member fails to elect a benefit option under subsection 2 of this section, his or her  
64 allowance for life shall be paid to the member as a single lifetime benefit.

**71.692. 1. This section shall be known and may be cited as the "Freedom to Choose  
2 Trash Collection Services Act".**

3           **2. To promote and ensure competition for the collection of residential solid waste,**  
4 **no city, town, or village with more than ten thousand inhabitants shall contract with a**  
5 **single-source provider of residential solid waste collection unless such contract is approved**  
6 **by a majority of the voters of the city, town, or village voting on the question.**

7           **3. The provisions of this section shall not apply to any city of the third classification**  
8 **with more than four thousand seven hundred but fewer than four thousand eight hundred**  
9 **inhabitants and located in any county of the first classification with more than one**  
10 **hundred eighty-four thousand but fewer than one hundred eighty-eight thousand**  
11 **inhabitants, any home rule city with more than four hundred thousand inhabitants and**  
12 **located in more than one county or any city not within a county.**

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

2           (1) "Contractor", a person or business entity who provides construction services under  
3 contract to a public entity. Contractor specifically does not include professional engineers,  
4 architects or land surveyors licensed pursuant to chapter 327, those who provide environmental  
5 assessment services or those who design, create or otherwise provide works of art under a city's  
6 formally established program for the acquisition and installation of works of art and other  
7 aesthetic adornments to public buildings and property;

8           (2) "Public entity", any official, board, commission or agency of this state or any county,  
9 city, town, township, school, road district or other political subdivision of this state;

10          (3) "Public works", the erection, construction, alteration, repair or improvement of any  
11 building, road, street, public utility or other public facility owned by the public entity.

12          2. It is hereby made the duty of all public entities in this state, in making contracts for  
13 public works, the cost of which is estimated to exceed twenty-five thousand dollars, to be  
14 performed for the public entity, to require every contractor for such work to furnish to the public  
15 entity, a bond with good and sufficient sureties, in an amount fixed by the public entity, and such  
16 bond, among other conditions, shall be conditioned for the payment of any and all materials,  
17 incorporated, consumed or used in connection with the construction of such work, and all  
18 insurance premiums, both for compensation, and for all other kinds of insurance, said work, and  
19 for all labor performed in such work whether by subcontractor or otherwise. **When the cost of**  
20 **a public works contract exceeds twenty-five thousand dollars but is less than five hundred**  
21 **thousand dollars, in lieu of requiring said bond, the public entity may elect to contract with**  
22 **a title insurer, agency, or agent as defined in chapter 381 and authorized to conduct**  
23 **business as an escrow agent to receive and disburse funds upon receipt of proper**  
24 **documentation.**

25           3. All bonds executed and furnished under the provisions of this section shall be deemed  
26 to contain the requirements and conditions as herein set out, regardless of whether the same be  
27 set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

28           4. Nothing in this section shall be construed to require a member of the school board of  
29 any public school district of this state to independently confirm the existence or solvency of any  
30 bonding company if a contractor represents to the member that the bonding company is solvent  
31 and that the representations made in the purported bond are true and correct. This subsection  
32 shall not relieve from any liability any school board member who has any actual knowledge of  
33 the insolvency of any bonding company, or any school board member who does not act in good  
34 faith in complying with the provisions of subsection 2 of this section.

35           5. A public entity may defend, save harmless and indemnify any of its officers and  
36 employees, whether elective or appointive, against any claim or demand, whether groundless or  
37 otherwise arising out of an alleged act or omission occurring in the performance of a duty under  
38 this section. The provisions of this subsection do not apply in case of malfeasance in office or  
39 willful or wanton neglect of duty.

**135.1500. 1. Sections 135.1500 to 135.1521, shall be known and may be cited as the**  
2 **"Aerotropolis Trade Incentive and Tax Credit Act".**

3           **2. As used in sections 135.1500 to 135.1521, unless the context clearly requires**  
4 **otherwise, the following terms shall mean:**

5           **(1) "Airport", an airport which is owned and operated by a city not within a**  
6 **county;**

7           **(2) "Air export tax credit", the tax credit against the taxes imposed under chapters**  
8 **143, 147, and 148, except for sections 143.191 to 143.265, to be issued by the department**  
9 **to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound**  
10 **flight;**

11           **(3) "Cargo activity", the activities within an eligible facility relating to the storage**  
12 **and distribution of goods and products through all modes of multimodal commerce,**  
13 **including goods and products manufactured or assembled within an eligible facility;**

14           **(4) "Certificate of compliance", a certificate submitted with any application for a**  
15 **tax credit or tax incentive specified in section 135.1513, that shall certify that all requisite**  
16 **requirements for the issuance of such tax credits and tax incentives have been satisfied for**  
17 **such eligible facility and shall provide evidence of such satisfaction;**

18           **(5) "Certificate of occupancy", the certificate or permit issued by a municipality**  
19 **that permits the commercial use or occupancy of a building or structure;**

- 20           (6) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater  
21 of:
- 22           (a) Actual weight; or
- 23           (b) A dimensional weight, as determined by the conversion factors promulgated by  
24 the International Air Transport Association, on a qualifying outbound flight or a  
25 qualifying inbound flight;
- 26           (7) "Claiming freight forwarder", the freight forwarder designated as the "agent"  
27 on the airway bill for the qualifying outbound flight for which such air export tax credit  
28 is sought;
- 29           (8) "Department", the Missouri department of economic development;
- 30           (9) "Direct all cargo aircraft flight", a flight that flies directly to its destination  
31 without stopping, except to receive fuel and maintenance;
- 32           (10) "Economic incentive laws", any provision of Missouri law under which  
33 economic incentives are provided to redevelopers of a parcel or parcels to redevelop the  
34 land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or  
35 redevelopment projects approved or adopted which include the use of economic incentives  
36 to redevelop the land;
- 37           (11) "Eligible costs", the following costs associated with the development in  
38 construction of an eligible facility:
- 39           (a) Purchase price of real property on which is constructed the eligible facility;
- 40           (b) Purchase price of structures;
- 41           (c) Costs of construction of the eligible facility, including necessary site work;
- 42           (d) Costs of environmental assessments;
- 43           (e) Closing costs;
- 44           (f) Real estate brokerage fees;
- 45           (g) Demolition costs of vacant structures;
- 46           (h) Maintenance costs prior to the construction of the eligible facility;
- 47           (i) Costs of title insurance; and
- 48           (j) Attorneys' fees associated with the acquisition or development of an eligible  
49 facility;
- 50           (12) "Eligible facility", a qualifying gateway facility, qualifying cold-chain facility,  
51 or qualifying assembly and manufacturing facility;
- 52           (13) "Eligibility period", the time period, not to exceed eight years, during which  
53 an owner of, or tenant in, or entity operating within, an eligible facility may receive  
54 benefits under section 135.1513. Such time period shall begin to run on the date the



55 certificate of occupancy is issued for each eligible facility and shall continue for the next  
56 subsequent seven taxable years;

57 (14) "Freight forwarder", a person that assumes responsibility in the ordinary  
58 course of its business for the transportation of cargo from the place of receipt to the place  
59 of destination, including the utilization of a qualifying outbound flight;

60 (15) "Gateway zone", an area designated under the provisions of sections 135.1500  
61 to 135.1521, which shall be within:

62 (a) A foreign trade zone located within fifty miles of an airport;

63 (b) A site of at least one hundred contiguous developable acres located within fifty  
64 miles of an airport; provided, however, such one hundred developable acres need not be  
65 contiguous if the acreage is located within a larger designated urban renewal area or  
66 redevelopment area under economic incentive laws;

67 (c) An area within the boundaries of an airport; or

68 (d) Any area owned or managed by the port authority of a city not within a county;

69 (16) "Interest costs", interest, loan fees, and closing costs;

70 (17) "Level one air cargo activity", where at least sixty percent of the total cargo  
71 activity of an eligible facility consists of:

72 (a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by  
73 the owner of, or any tenant in, such facility; or

74 (b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any  
75 tenant in, an eligible facility, whether or not the inbound shipment is stored at any time  
76 within such facility;

77 (18) "Level two air cargo activity", where at least thirty percent of the total cargo  
78 activity of an eligible facility consists of:

79 (a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by  
80 the owner of, or any tenant in, such facility; or

81 (b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any  
82 tenant in, an eligible facility, whether or not the inbound shipment is stored at any time  
83 within such facility;

84 (19) "Multimodal commerce", modes of commerce for the shipment of goods or  
85 products, including road transportation, railroad transportation, water transportation or  
86 aircraft transportation;

87 (20) "Municipality", any city, town, village, or county;

88 (21) "New building", a new structure or building for commercial activity, including  
89 furniture, fixtures, and equipment;

- 90           (22) "Perishable freight", agricultural products, including seeds, garden products,  
91 live animals and processed meat products, such as pork and beef;
- 92           (23) "Qualifying applicant", an owner of, or tenant in, an eligible facility or an  
93 entity operating in an eligible facility;
- 94           (24) "Qualifying assembly and manufacturing facility", a new building located  
95 within a gateway zone that is equipped for manufacturing or assembly and:
- 96           (a) In which a majority of its production components are received through at least  
97 two modes of multimodal commerce; or
- 98           (b) From which a majority of its finished products are shipped through at least two  
99 modes of such multimodal commerce;
- 100          (25) "Qualifying cargo activity", meeting or exceeding the requirements for level  
101 one air cargo activity or level two air cargo activity;
- 102          (26) "Qualifying cold-chain facility", a new building located within a gateway zone  
103 which has within it equipment for maintaining necessary temperatures for the processing,  
104 packaging, or distribution of temperature-sensitive products, provided that at least eighty  
105 percent of the usable square footage of such facility is refrigerated;
- 106          (27) "Qualifying gateway facility", a new building, located within a gateway zone,  
107 in which qualifying cargo activity occurs, provided that no more than twenty percent of  
108 the usable space within the qualifying gateway facility is devoted to office, retail, or  
109 residential use;
- 110          (28) "Qualifying inbound flight", an all cargo aircraft flight originating from an  
111 international destination to the airport;
- 112          (29) "Qualifying interest costs", interest costs incurred on a qualifying loan  
113 provided, however, the interest rate on such loan shall not exceed seven percent per  
114 annum;
- 115          (30) "Qualifying loan amount", the principal amount of the loan or loans obtained  
116 in connection with the development and construction of an eligible facility not to exceed  
117 sixty percent of the eligible costs of such facility, without regard to the actual principal  
118 amount of such loan or loans;
- 119          (31) "Qualifying outbound flight", a direct all cargo aircraft flight from the airport  
120 to an international destination.

135.1503. The executive officer of any county or the mayor of a city not within a  
2 county may designate a gateway zone by notifying the department of such designation.

135.1505. 1. Any county or a city not within a county, with a designated gateway  
2 zone, shall establish a board of supervisors and shall select three members to serve on the

3 board. The board shall annually levy special assessments on eligible facilities within the  
4 gateway zone, which receive benefits under sections 135.1500 to 135.1521, and shall oversee  
5 the use of revenues derived from the special assessments.

6 2. The special assessment on an eligible facility, which receives benefits under  
7 sections 135.1500 to 135.1521, shall be twenty cents per rentable square foot of such  
8 facility.

9 3. After the payment of any fees related to the approval and collection of the special  
10 assessments, the remaining revenues collected from the special assessments shall be utilized  
11 as follows:

12 (1) Fifty percent of such revenues shall be annually transferred to the airport to be  
13 used to market and promote the cargo activities of the airport under an agreement between  
14 a city not within a county and the board. Such agreement shall, at a minimum, provide:

15 (a) That the proceeds of the net special assessments shall be placed in a special fund  
16 for marketing and promotion of the airport; and

17 (b) That the board shall review and approve the annual budget of the airport for  
18 such marketing and promotion.

19 (2) The remaining fifty percent of such revenues shall be annually transferred to  
20 a tax exempt regional economic development association or associations, selected by the  
21 board for the marketing and promotion of the gateway zone. The board shall enter into  
22 an agreement or agreements with such tax exempt economic development business  
23 association or associations for the marketing and promotion of the gateway zone and shall  
24 review and approve the annual budget of such association or associations for such  
25 marketing and promotion.

135.1507. 1. For all taxable years beginning on or after January 1, 2011, a claiming  
2 freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on  
3 a qualifying outbound flight in an amount equal to twenty-five cents per chargeable kilo.

4 2. For all taxable years beginning on or after January 1, 2011, a claiming freight  
5 forwarder shall be entitled to an air export tax credit for the shipment of perishable freight  
6 on a qualifying outbound flight in an amount equal to thirty cents per chargeable kilo.

7 3. No claiming freight forwarder shall receive air export tax credits under both  
8 subsections 1 and 2 of this section for a single shipment of goods.

9 4. The department shall index the amount of the air export tax credits to adjust  
10 each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1509. 1. To receive benefits provided under section 135.1507, a claiming freight  
2 forwarder shall file an application with the department. The documentation to be

3 presented by the claiming freight forwarder in such an application shall consist of the  
4 master airway bill for the shipment on the qualifying outbound flight for which the  
5 claiming freight forwarder is seeking air export tax credits. The department shall establish  
6 procedures to allow claiming freight forwarders that file applications for air export tax  
7 credits to receive such tax credits within five business days of the departure of the  
8 qualifying outbound flight.

9       2. If the fiscal year cap on the issuance of air export tax credits provided under  
10 section 135.1511, is met in a given fiscal year, then the amount of such tax credits which  
11 have been authorized, but remain unissued, shall be carried forward and issued in the  
12 subsequent fiscal year.

13       3. No tax credits provided under section 135.1507 shall be authorized after August  
14 28, 2019. Any tax credits authorized on or before August 28, 2019, but not issued, may be  
15 issued until all such authorized tax credits have been issued.

      135.1511. The total aggregate amount for air export tax credits authorized under  
2 section 135.1507 shall not exceed sixty million dollars. The amount of the air export tax  
3 credits issued under section 135.1507 shall not exceed:

4       (1) Three million six hundred thousand dollars for the fiscal year beginning on or  
5 after July 1, 2011, but ending on or before June 30, 2012;

6       (2) Four million two hundred thousand dollars for the fiscal year beginning on or  
7 after July 1, 2012, but ending on or before June 30, 2013;

8       (3) Five million four hundred thousand dollars for the fiscal year beginning on or  
9 after July 1, 2013, but ending on or before June 30, 2014; and

10       (4) The greater of one million two hundred thousand dollars per weekly qualifying  
11 outbound flight or three million six hundred thousand dollars for all fiscal years beginning  
12 on or after July 1, 2014.

13

14 The department shall annually determine the number of weekly qualifying outbound  
15 flights, which shall be the average number of such flights per week during the month of  
16 September of the previous year.

      135.1513. 1. For all taxable years beginning on or after January 1, 2013, qualifying  
2 applicants shall be entitled to the following benefits:

3       (1) Any tenant or entity operating within an eligible facility shall be exempt from  
4 income tax under chapter 143 and franchise tax under chapter 148 for each year during  
5 the eligibility period if such facility satisfies the requirements of sections 135.1500 to  
6 135.1521;

7           (2) Any tenant or entity operating within an eligible facility shall be entitled to  
8 retain fifty percent of the state income tax withheld on behalf of employees by such tenant  
9 or entity under section 143.221, for each year during the eligibility period if such facility  
10 satisfies the requirements of sections 135.1500 to 135.1521 without regard to whether a  
11 municipality is to receive the other fifty percent of such state income tax from the  
12 supplemental tax increment financing fund with respect to such property under section  
13 99.845.

14           (3) The owner of any eligible facility with level one air cargo activity shall be  
15 entitled, during the eligibility period, to receive tax credits against the taxes imposed under  
16 chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to five percent of  
17 the eligible costs for such facility for each year that such facility meets or exceeds level one  
18 air cargo activity volumes. The total amount of tax credits issued for any such facility shall  
19 not exceed twenty-five percent of such facility's eligible costs;

20           (4) The owner of any qualifying gateway facility with level two air cargo activity,  
21 a qualifying assembly and manufacturing facility, or a qualifying cold-chain facility shall  
22 be entitled, during the eligibility period, to receive tax credits against the taxes imposed  
23 under chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to three  
24 percent of the eligible costs for such facility for each year that such facility satisfies the  
25 requirements of sections 135.1500 to 135.1521. The total amount of tax credits issued for  
26 such facility shall not exceed fifteen percent of such facility's eligible costs;

27           (5) The owner of an eligible facility shall be entitled to receive tax credits against  
28 the taxes imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265,  
29 from the department equal to seventy-five percent of the qualifying interest costs for a  
30 period of three years during the eligibility period if during such three-year period each  
31 type of facility satisfies the requirements for that type of facility specified in sections  
32 135.1500 to 135.1521, provided that the interest rate for such loans shall not exceed seven  
33 percent per year.

34           2. If an eligible facility receives a certificate of occupancy prior to the sunset of the  
35 program, the owners and tenants of an eligible facility and the entities operating within the  
36 eligible facility may apply for benefits provided under this section for the term of the  
37 eligibility period notwithstanding the sunset of the program prior to the end of the  
38 term of the eligibility period for such facility.

135.1515. 1. In order for the owners or tenants of an eligible facility or the entities  
2 operating within the eligible facility to receive benefits provided under section 135.1513,  
3 the eligible facility shall satisfy all applicable requirements provided under sections

4 135.1500 to 135.1521 by September thirtieth of the calendar year in which an application  
5 is filed under subsection 2 of this section.

6 2. Owners of, or tenants in, eligible facilities and entities operating within an  
7 eligible facility, seeking benefits provided under section 135.1513, shall file applications for  
8 such benefits, accompanied by a certificate of compliance, on or before December thirty-  
9 first of each year. If such facility, relating to which such owners, tenants, and entities are  
10 applying for such tax credits and tax incentives, satisfies the applicable requirements  
11 provided under sections 135.1500 to 135.1521, the department shall grant such benefits on  
12 or before July fifteenth of the next calendar year following such time period.

13 3. If the annual cap for any of such tax credits, provided under section 135.1517,  
14 is met in a year, then the amount of such tax credits authorized, but unissued, shall be  
15 carried forward and issued in the subsequent year.

16 4. No qualifying applicant shall be entitled to receive benefits provided under  
17 section 135.1513 unless a certificate of occupancy has been issued for the eligible facility  
18 prior to August 28, 2020. A qualifying applicant for which a certificate of occupancy has  
19 been issued prior to August 28, 2020, may be granted benefits under this section.

135.1517. 1. The total aggregate amount for all of the tax credits authorized under  
2 subdivisions (3) and (4) of subsection 1 of section 135.1513 shall not exceed three hundred  
3 million dollars. The annual amount of the tax credits issued under subdivisions (3) and (4)  
4 of subsection 1 of section 135.1513 shall not exceed:

5 (1) Six million dollars for the taxable year beginning on or after January 1, 2013,  
6 and ending on or before December 31, 2013;

7 (2) Twelve million dollars for the taxable year beginning on or after January 1,  
8 2014, and ending on or before December 31, 2014;

9 (3) Fifteen million dollars for the taxable year beginning on or after January 1,  
10 2015, and ending on or before December 31, 2015;

11 (4) Twenty million dollars for all taxable years beginning on or after January 1,  
12 2016, but ending on or before December 31, 2019;

13 (5) Thirty million dollars for all taxable years beginning on or after January 1,  
14 2020, but ending on or before December 31, 2025; and

15 (6) Seven million dollars for the taxable year beginning on or after January 1, 2026,  
16 and ending on or before December 31, 2026.

17 2. The total aggregate amount for the tax credits authorized under subdivision (5)  
18 of subsection 1 of section 135.1513 shall not exceed one hundred twenty million dollars.

19 The annual amount of the tax credits issued under subdivision (5) of subsection 1 of section  
20 135.1513 shall not exceed:

21 (1) Three million dollars for the taxable year beginning on or after January 1, 2013,  
22 and ending on or before December 31, 2013;

23 (2) Six million dollars for the taxable year beginning on or after January 1, 2014,  
24 and ending on or before December 31, 2014;

25 (3) Nine million dollars for the taxable year beginning on or after January 1, 2015,  
26 and ending on or before December 31, 2015;

27 (4) Ten million dollars for all taxable years beginning on or after January 1, 2016,  
28 but ending on or before December 31, 2025; and

29 (5) Two million dollars for the taxable year beginning on or after January 1, 2026,  
30 and ending on or before December 31, 2026.

135.1519. 1. If the amount of any tax credit authorized under sections 135.1500 to  
2 135.1521 exceeds the total tax liability for the year in which the applicant is entitled to  
3 receive a tax credit, the amount that exceeds the state tax liability may be carried forward  
4 for credit against the taxes imposed under chapters 143, 147, and 148, except sections  
5 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever  
6 occurs first. Tax credits authorized under the provisions of sections 135.1500 to 135.1521  
7 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a  
8 limited liability company taxed as a partnership, or multiple owners of property shall be  
9 passed through to the partners, members, or owners respectively pro rata or under an  
10 executed agreement among the partners, members, or owners documenting an alternate  
11 distribution method.

12 2. A tenant or an entity, which under section 135.1513 retains state income tax  
13 withheld on behalf of employees under section 143.221, may retain such state income tax  
14 under section 135.1513 once such facility satisfies the requirements of sections 135.1500 to  
15 135.1521 and for each year thereafter during the eligibility period if such facility satisfies  
16 such requirements. No benefits shall be provided under this program until such facility  
17 satisfies such requirements. The retention of such state income tax shall be subject to the  
18 annual verification of the actual payroll of such tenant or entity and the state income tax  
19 associated with the actual payroll. In the event such facility does not meet the  
20 requirements provided under section 135.1513, the department may recapture the amount  
21 of such state income tax that has been retained by such tenant or entity for such year.

22 3. An employee of a tenant or an entity, which under section 135.1513 is retaining  
23 state income tax withheld on behalf of employees by such tenant or entity under section

24 **143.221, shall receive full credit for the amount of tax withheld as provided in section**  
25 **143.211.**

**135.1521. 1. The department may promulgate rules to implement the provisions**  
2 **of sections 135.1500 to 135.1521. Any rule or portion of a rule, as that term is defined in**  
3 **section 536.010 that is created under the authority delegated in this section shall become**  
4 **effective only if it complies with and is subject to all of the provisions of chapter 536, and,**  
5 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
6 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
7 **the effective date, or to disapprove and to annul a rule are subsequently held**  
8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
9 **after August 28, 2011, shall be invalid and void.**

10 **2. Under section 23.253 of the Missouri sunset act:**

11 **(1) The provisions of the new programs authorized under sections 135.1500 to**  
12 **135.1521 shall automatically sunset six years after August 28, 2011, unless reauthorized by**  
13 **an act of the general assembly;**

14 **(2) If such program is reauthorized, the program authorized under this section**  
15 **shall automatically sunset six years after the effective date of the reauthorization of this**  
16 **section; and**

17 **(3) This section shall terminate on September first of the calendar year immediately**  
18 **following the calendar year in which the programs authorized under sections 135.1500 to**  
19 **135.1521 sunset.**

**140.410. In all cases where lands have been or may hereafter be sold for delinquent**  
2 **taxes, penalty, interest and costs due thereon, and a certificate of purchase has been or may**  
3 **hereafter be issued, it is hereby made the duty of such purchaser, his heirs or assigns, to cause**  
4 **all subsequent taxes to be paid on the property purchased prior to the issuance of any**  
5 **collector's deed, and the purchaser shall further cause a deed to be executed and placed on**  
6 **record in the proper county all within two years from the date of said sale; provided, that on**  
7 **failure of said purchaser, his heirs or assigns so to do, then and in that case the amount due such**  
8 **purchaser shall cease to be a lien on said lands so purchased as herein provided. Upon the**  
9 **purchaser's forfeiture of all rights of the property acquired by the certificate of purchase**  
10 **issued, and including the nonpayment of all subsequent years taxes as described in this**  
11 **section, it shall be the responsibility of the collector to record the cancellation of the**  
12 **certificate of purchase in the office of the recorder of deeds of the county, and the recorder**  
13 **shall not charge or receive any fees for recording the same. Certificates of purchase cannot**  
14 **be assigned to nonresidents or delinquent taxpayers. However, any person purchasing property**



15 at a delinquent land tax sale **who meets the requirements of this section, prior to receiving**  
16 **a collector's deed**, shall pay to the collector the fee necessary for the recording of such  
17 [collector] **collector's deed** to be issued. It shall be the responsibility of the collector to record  
18 the deed before delivering such deed to the purchaser of the property.

141.210. Sections 141.210 to [141.810] **141.982** shall be known by the short title of  
2 "Land Tax Collection Law".

141.220. The following words, terms and definitions, when used in sections 141.210 to  
2 141.810 **and sections 141.980 to 141.982**, shall have the meanings ascribed to them in this  
3 section, except where the text clearly indicates a different meaning:

4 (1) "Appraiser" shall mean a state licensed or certified appraiser licensed or certified  
5 pursuant to chapter 339 who is not an employee of the collector or collection authority;

6 (2) "Collector" shall mean the collector of the revenue in any county affected by sections  
7 141.210 to 141.810 **and sections 141.980 to 141.982**;

8 (3) "County" shall mean any county of the first class in this state having a charter form  
9 of government, any county of the first class not having a charter form of government with a  
10 population of at least one hundred fifty thousand but less than one hundred sixty thousand and  
11 any county of the first class not having a charter form of government with a population of at least  
12 eighty-two thousand but less than eighty-five thousand;

13 (4) "Court" shall mean the circuit court of any county affected by sections 141.210 to  
14 141.810 **and sections 141.980 to 141.982**;

15 (5) "Delinquent land tax attorney" shall mean a licensed attorney-at-law, employed or  
16 designated by the collector as hereinafter provided;

17 (6) **"Land bank agency", an agency created under section 141.980;**

18 (7) **"Land bank commission", a commission created under section 141.980;**

19 (8) "Land taxes" shall mean taxes on real property or real estate and shall include the  
20 taxes both on land and the improvements thereon;

21 [(7)] (9) "Land trustees" and "land trust" shall mean the land trustees and land trust as  
22 the same are created by and described in section 141.700;

23 [(8)] (10) "Municipality" shall include any incorporated city or town, or a part thereof,  
24 located in whole or in part within a county of class one, which municipality now has or which  
25 may hereafter contain a population of two thousand five hundred inhabitants or more, according  
26 to the last preceding federal decennial census;

27 [(9)] (11) "Person" shall mean any individual, male or female, firm, copartnership, joint  
28 adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by

29 any state or federal court, trustee otherwise created, syndicate, or any other group or combination  
30 acting as a unit, and the plural as well as the singular number;

31 **(12) "Private sale" and "private foreclosure sale", a sheriff's private foreclosure**  
32 **sale to a land bank agency under a tax lien foreclosure judgment as provided in sections**  
33 **141.210 to 141.810 and sections 141.980 to 141.902;**

34 [(10)] **(13)** "School district", "road district", "water district", "sewer district", "levee  
35 district", "drainage district", "special benefit district", "special assessment district", or "park  
36 district" shall include those located within a county as such county is described in subdivision  
37 (3) of this section;

38 [(11)] **(14)** "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk,  
39 respectively, of any county affected by sections 141.210 to 141.810 **and sections 141.980 to**  
40 **141.982;**

41 [(12)] **(15)** "Tax bill" as used in sections 141.210 to 141.810 **and sections 141.980 to**  
42 **141.982** shall represent real estate taxes and the lien thereof, whether general or special, levied  
43 and assessed by any taxing authority;

44 [(13)] **(16)** "Tax district" shall mean the state of Missouri and any county, municipality,  
45 school district, road district, water district, sewer district, levee district, drainage district, special  
46 benefit district, special assessment district, or park district, located in any municipality or county  
47 as herein described;

48 [(14)] **(17)** "Tax lien" shall mean the lien of any tax bill as defined in [subdivision (12)  
49 of] this section;

50 [(15)] **(18)** "Taxing authority" shall include any governmental, managing, administering  
51 or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of  
52 Missouri or any county, municipality, school district, road district, water district, sewer district,  
53 levee district, drainage district, special benefit district, special assessment district, or park  
54 district, affected by sections 141.210 to 141.810 **and sections 141.980 to 141.982.**

141.250. 1. The respective liens of the tax bills for general taxes of the state of Missouri,  
2 the county, any municipality and any school district, for the same tax year, shall be equal and  
3 first liens upon the real estate described in the respective tax bills thereof; provided, however,  
4 that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority  
5 over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills  
6 shall rate in priority in the order of the years for which they are delinquent, the lien of the tax bill  
7 longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax  
8 year.

9           2. All tax bills for other than general taxes shall constitute liens junior to the liens for  
10 general taxes upon the real estate described therein; provided, however, that a tax bill for other  
11 than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less  
12 recent date.

13           3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens,  
14 or held by the land trustees **or acquired by a land bank agency a deemed sale under**  
15 **subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by**  
16 **gift under subsection 2 of section 141.980, or by deed from land trustees under subsection**  
17 **1 of section 141.980**, shall be distributed to the owners of such liens in the order of the seniority  
18 of the liens, or their respective interests as shown by the records of the land trust **or such land**  
19 **bank agency**. Those holding liens of equal rank shall share in direct proportion to the amounts  
20 of their respective liens.

141.290. 1. The collector shall compile lists of all state, county, school, and other tax  
2 bills collectible by him which are delinquent according to his records and he shall combine such  
3 lists with the list filed by any taxing authority or tax bill owner.

4           2. The collector shall assign a serial number to each parcel of real estate in each list and  
5 if suit has been filed in the circuit court of the county on any delinquent tax bill included in any  
6 list, the collector shall give the court docket number of such suit and some appropriate  
7 designation of the place where such suit is pending, and such pending suit so listed in any  
8 petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980**  
9 **to 141.982** shall, without further procedure or court order, be deemed to be consolidated with  
10 the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.982**, and such  
11 pending suit shall thereupon be abated.

12           3. The collector shall deliver such combined lists to the delinquent land tax attorney from  
13 time to time but not later than April the first of each year.

14           4. The delinquent land tax attorney shall incorporate such lists in petitions in the form  
15 prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than  
16 June first of each year.

141.300. 1. The collector shall receipt for the aggregate amount of such delinquent tax  
2 bills appearing on the list or lists filed with him under the provisions of section 141.290, which  
3 receipt shall be held by the owner or holder of the tax bills or by the treasurer or other  
4 corresponding financial officer of the taxing authority so filing such list with the collector.

5           2. The collector shall, on or before the fifth day of each month, file with the owner or  
6 holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing  
7 authority, a detailed statement, verified by affidavit, of all taxes collected by him during the

8 preceding month which appear on the list or lists received by him, and shall, on or before the  
9 fifteenth day of the month, pay the same, less his commissions and costs payable to the county,  
10 to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any  
11 taxing authority; provided, however, that the collector shall be given credit for the full amount  
12 of any tax bill which is bid in by the land trustees and where title to the real estate described in  
13 such tax bill is taken by the land trust **or where title to the real estate described in such tax**  
14 **bill is taken by the land bank agency under a deemed sale under subsection 3 of section**  
15 **141.560.**

141.320. 1. The collector shall at his option appoint a delinquent land tax attorney at a  
2 compensation of ten thousand dollars per year, or in counties having a county counselor, the  
3 collector shall at his option designate the county counselor and such of his assistants as shall  
4 appear necessary to act as the delinquent land tax attorney.

5 2. A delinquent land tax attorney who is not the county counselor, with the approval of  
6 the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not  
7 less than two hundred dollars and not more than four hundred dollars per month, and such  
8 clerical employees as may be necessary, at salaries to be fixed by the collector at not less than  
9 three hundred dollars and not more than four hundred dollars per month; and the appointed  
10 delinquent tax attorney may incur such reasonable expenses as are necessary for the performance  
11 of his duties.

12 3. The delinquent land tax attorney and his assistants shall perform legal services for the  
13 collector and shall act as attorney for him in the prosecution of all suits brought for the collection  
14 of land taxes; but they shall not perform legal services for the land trust **or any land bank**  
15 **agency.**

16 4. Salaries and expenses of a delinquent land tax attorney who is not also the county  
17 counselor, his assistants and his employees shall be paid monthly out of the treasury of the  
18 county from the same funds as employees of the collector whenever the funds provided for by  
19 sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

20 5. The compensation herein provided shall be the total compensation for a delinquent  
21 land tax attorney who is not also a county counselor, his assistants and employees, and when the  
22 compensation received by him or owing to him by the collector exceeds ten thousand dollars in  
23 any one calendar year by virtue of the sums charged and collected pursuant to the provisions of  
24 section 141.150, the surplus shall be credited and applied by the collector to the expense of the  
25 delinquent land tax attorney and to the compensation of his assistants and employees, and any  
26 sum then remaining shall be paid into the county treasury on or before the first day of March of  
27 each year and credited to the general revenue fund of the county.

28           6. A delinquent land tax attorney who is not also the county counselor shall make a  
29 return quarterly to the county commission of such county of all compensation received by him,  
30 and of all amounts owing to him by the collector, and of all salaries and expenses of any  
31 assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

          141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be  
2 instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall  
3 contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the  
4 collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

5           2. The caption shall be in the following form:

6           In the Circuit Court of ..... County, Missouri,

7           In the Matter of

8           Foreclosure of Liens for Delinquent Land Taxes

9           By Action in Rem.

10          Collector of Revenue of .... County, Missouri,

11          Plaintiff

12          -vs.-

13          Parcels of Land Encumbered with Delinquent Tax Liens

14          Defendants.

15          3. The petition shall conclude with a prayer that all tax liens upon such real estate be  
16 foreclosed; that the court determine the amounts and priorities of all tax bills, together with  
17 interest, penalties, costs, and attorney's fees; that the court order such real estate to **either** be sold  
18 by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980**  
19 **to 141.982** and that thereafter a report of such sale be made by the sheriff to the court for further  
20 proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.982, or be sold by**  
21 **the sheriff at a private sale to a land bank agency if so designated by such land bank**  
22 **agency within thirty days after judgment of foreclosure has been entered. Any additional**  
23 **costs relating to such a private sale incurred by the county shall be reimbursed by such**  
24 **land bank agency to the county within thirty days after the county submits a bill therefor**  
25 **to such land bank agency.**

26          4. The delinquent land tax attorney within ten days after the filing of any such petition,  
27 shall forward by United States registered mail to each person or taxing authority having filed a  
28 list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and**  
29 **sections 141.980 to 141.982** a notice of the time and place of the filing of such petition and of  
30 the newspaper in which the notice of publication has been or will be published.

31           5. The petition when so filed shall have the same force and effect with respect to each  
32 parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens  
33 against any one of said parcels of real estate.

141.420. 1. Except as otherwise provided in subsection 3 of section 141.520, any person  
2 having any right, title or interest in, or lien upon, any parcel of real estate described in such  
3 petition, may redeem such parcel of real estate by paying to the collector all of the sums  
4 mentioned therein, including principal, interest, penalties, attorney's fees and costs then due, at  
5 any time prior to the time of the **public foreclosure sale or private** foreclosure sale of such real  
6 estate by the sheriff.

7           2. In the event of failure to redeem prior to the time of the **public foreclosure sale or**  
8 **private** foreclosure sale **of such parcel** by the sheriff, such person shall be barred and forever  
9 foreclosed of all his right, title and interest in and to the parcels of real estate described in such  
10 petition.

11           3. Upon redemption, as permitted by this section, the person redeeming shall be entitled  
12 to a certificate of redemption from the collector describing the property in the same manner as  
13 it is described in such petition, and the collector shall thereupon note on his records the word  
14 "redeemed" and the date of such payment opposite the description of such parcel of real estate.

15           4. The collector shall promptly notify the taxing authority and the delinquent land tax  
16 attorney of such redemption, and such payment shall operate as a release of the lien of the tax  
17 bill or bills involved and as a dismissal of the suit so far as such tax bill or bills are concerned.

141.430. 1. Upon the filing of such suits with the circuit clerk, the delinquent land tax  
2 attorney shall forthwith cause a notice of foreclosure to be published four times, once a week,  
3 during successive weeks, and on the same day of each week, in a daily newspaper of general  
4 circulation regularly published in such county, qualified according to law for the publication of  
5 public notices and advertisements.

6           2. Such notice shall be in substantially the following form:

7           NOTICE OF FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES,  
8           BY ACTION IN REM

9           Public notice is hereby given that on the ..... day of ....., 20.., the Collector of Revenue  
10 of ..... County, Missouri, filed a petition, being suit No. ....., in the Circuit Court of ..... County,  
11 Missouri, at ..... (stating the city), for the foreclosure of liens for delinquent land taxes (except  
12 liens in favor of the United States of America, if any) against the real estate situated in such  
13 county, all as described in said petition.

14           The object of said suit is to obtain from the Court a judgment foreclosing the tax liens  
15 against such real estate and ordering the sale of such real estate for the satisfaction of said tax

16 liens thereon (except liens in favor of the United States of America, if any), including principal,  
17 interest, penalties, attorneys' fees and costs. Such action is brought against the real estate only  
18 and no personal judgment shall be entered therein.

19       The serial number assigned by the Collector to each parcel of real estate, a description  
20 of each such parcel, a statement of the total principal amount of all delinquent tax bills against  
21 each such parcel of real estate, all of which, as to each parcel, is more fully set out and itemized  
22 in the aforesaid petition, and the name of the last known person appearing on the records of the  
23 collector in whose name said tax bills were listed or charged for the year preceding the calendar  
24 year in which the list described in said petition was filed with the collector, are, respectively, as  
25 follows: (Here set out the respective serial numbers, descriptions, names, and statements of total  
26 principal amounts of tax bills, next above referred to.)

27       The total principal amounts of delinquent taxes set out in this notice do not include the  
28 lawful interest, penalties, attorneys' fees and costs which have accrued against the respective  
29 parcels of real estate, all of which in each case is set out and itemized in the aforesaid petition.

30       Any person or taxing authority owning or holding any tax bill or claiming any right, title  
31 or interest in or to or lien upon any such parcel of real estate, must file an answer to such suit in  
32 the office of the Circuit Clerk of the aforesaid County, and a copy of such answer with the  
33 Delinquent Land Tax Attorney at the office of the Collector of Revenue of said County, on or  
34 before the .... day of ....., 20.., and in such answer shall set forth in detail the nature and amount  
35 of such interest and any defense or objection to the foreclosure of the tax liens, or any affirmative  
36 relief he or it may be entitled to assert with respect thereto.

37       Any person having any right, title or interest in or to, or lien upon, any parcel of such real  
38 estate, may redeem such parcel of real estate by paying all of the sums mentioned therein, to the  
39 undersigned Collector of Revenue, including principal, interest, penalties, attorneys' fees and  
40 costs then due, at any time prior to the time of the **public foreclosure sale or the private**  
41 foreclosure sale of such real estate by the sheriff.

42       In the event of failure to answer or redeem on or before the date herein fixed as the last  
43 day for filing answer in the suit, by any person having the right to answer or redeem, such person  
44 shall be forever barred and foreclosed as to any defense or objection he might have to the  
45 foreclosure of such liens for delinquent taxes and a judgment of foreclosure may be taken by  
46 default. Redemption may be made, however, up to the time fixed for the holding of sheriff's  
47 **public foreclosure sale or the private** foreclosure sale **of any such real estate**, and thereafter  
48 there shall be no equity of redemption and each such person having any right, title or interest in  
49 or to, or any lien upon, any such parcel of real estate described in the petition so failing to answer

50 or redeem as aforesaid, shall be forever barred and foreclosed of any right, title or interest in or  
51 lien upon or any equity of redemption in said real estate.

52 .....  
53 Collector of Revenue .....  
54 County, Missouri  
55 .....  
56 Address

57 .....  
58 Delinquent Land Tax Attorney  
59 .....  
60 Address

61 .....

62 First Publication:

63 .....

141.450. Such notice shall be substantially as follows:

2 To the person to whom this notice is addressed:

3 You are the last known person, according to the records in this office, in whose name  
4 land taxes were billed or charged, as to one or more parcels of real estate described in a certain  
5 petition bearing cause No. .... (fill in number of case) filed in the Circuit Court of .... County,  
6 Missouri, at .... (fill in city), on ....., 20.., wherein a foreclosure of the lien of various delinquent  
7 tax bills is sought and a court order asked for the purpose of selling said real estate at a public  
8 sale **or a private sale** for payment of all delinquent tax bills, together with interest, penalties,  
9 attorney's fees and costs. Publication of notice of such foreclosure was commenced on the ....  
10 day of ....., 20.., in .... (here insert name of newspaper), a daily newspaper published in .... (here  
11 insert name of city), Missouri.

12 Unless all delinquent taxes be paid upon the parcels of real estate described in said  
13 petition and said real estate redeemed prior to the time of the **public** foreclosure sale **or private**  
14 **foreclosure sale** of such real estate by the sheriff, the owner or any person claiming any right,  
15 title or interest in or to, or lien upon, any such parcels of real estate, shall be forever barred and  
16 foreclosed of all right, title and interest and equity of redemption in and to such parcels of real  
17 estate; provided, however, that any such persons shall have the right to file an answer in said suit  
18 on or before the .... day of ....., 20.., in the office of the Circuit Clerk and a copy thereof with the  
19 Delinquent Land Tax Attorney, setting forth in detail the nature and amount of the interest and  
20 any defense or objection to the foreclosure.

21



22 Dated .....  
 23 .....  
 24 Delinquent Land Tax Collector of Revenue  
 25 Attorney ..... County, Missouri  
 26 .....  
 27 Address Address

141.480. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill,  
 2 whether general or special, issued by any taxing authority shall be prima facie proof that the tax  
 3 described in the tax bill has been validly assessed at the time indicated by the tax bill and that  
 4 the tax is unpaid. Absent any answer the court shall take the allegations of the petition as  
 5 confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale  
 6 thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon  
 7 trial, affirmatively establish such defense.

2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of  
 9 clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated  
 10 statement of facts. The court shall hear the evidence offered by the collector or relator as the  
 11 case may be, and by all answering parties, and shall determine the amount of each and every tax  
 12 bill proved by the collector or any answering party, together with the amount of interest,  
 13 penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest  
 14 began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and  
 15 determine every issue of law and of fact necessary to a complete adjudication of all tax liens  
 16 asserted by any and every pleading, and may also hear evidence and determine any other issue  
 17 of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate,  
 18 sought to be enforced by any party to the proceeding against any other party to the proceeding  
 19 who has been served by process or publication as authorized by law, or who has voluntarily  
 20 appeared, and shall determine the order and priority of the liens and of any other rights or interest  
 21 put in issue by the pleadings.

3. After the court has first determined the validity of the tax liens of all tax bills affecting  
 23 parcels of real estate described in the petition, the priorities of the respective tax bills and the  
 24 amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court  
 25 shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the  
 26 **public** foreclosure sale **and the time of the private foreclosure sale**. The petition shall be  
 27 dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's **public**  
 28 **or private** foreclosure sale **thereof** as provided in sections 141.210 to 141.810 **and sections**  
 29 **141.980 to 141.982**. If the parcel of real estate auctioned off at sheriff's **public** foreclosure sale

30 **or sold at sheriff's private foreclosure sale** is sold for a sum sufficient to fully pay the principal  
31 amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees  
32 and costs, and for no more, and such sale is confirmed by the court, then all other proceedings  
33 as to such parcels of real estate shall be finally dismissed as to all parties and interests other than  
34 tax bill owners or holders; provided, however, that any parties seeking relief other than an  
35 interest in or lien upon the real estate may continue with said suit to a final adjudication of such  
36 other issues; provided, further, an appeal may be had as to any claim attacking the validity of the  
37 tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real  
38 estate auctioned off at sheriff's **public** foreclosure sale is sold for a sum greater than the total  
39 amount necessary to pay the principal amount of all tax bills included in the judgment, together  
40 with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no  
41 appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel  
42 of real estate or by any person or taxing authority owning or holding or claiming any right, title  
43 or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the  
44 court shall thereupon order the sheriff to make distribution to the owners or holders of the  
45 respective tax bills included in the judgment of the amounts found to be due and in the order of  
46 priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as  
47 to such persons or taxing authorities owning, holding or claiming any right, title, or interest in  
48 any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right,  
49 title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their  
50 respective claims to such surplus funds then remaining in the hands of the sheriff.

51 4. Whenever an answer is filed to the petition, as herein provided, a severance of the  
52 action as to all parcels of real estate affected by such answer shall be granted, and the issues  
53 raised by the petition and such answer shall be tried separate and apart from the other issues in  
54 the suit, but the granting of such severance shall not delay the trial or other disposition of any  
55 other issue in the case. A separate appeal may be taken from any action of the court affecting  
56 any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact  
57 affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien  
58 of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court  
59 without the aid of a jury and the suit shall be in equity. This action shall take precedence over  
60 and shall be triable before any other action in equity affecting the title to such real estate, upon  
61 motion of any interested party.

141.520. 1. **With respect to parcels of real estate to be sold in a public foreclosure**  
2 **sale**, after the judgment of foreclosure has been entered, or, after a motion for a new trial has  
3 been overruled, or, if an appeal be taken from such judgment and the judgment has been

4 affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has  
5 been affirmed on appeal and that the mandate of the appellate court is on file with the circuit  
6 clerk, there shall be a waiting period of six months before any advertisement of sheriff's **public**  
7 **foreclosure** sale shall be published.

8         2. If any such parcel of real estate **to be sold in a public foreclosure sale** be not  
9 redeemed, or if no written contract providing for redemption be made within six months after  
10 the date of the judgment of foreclosure, if no motion for rehearing be filed, and, if filed, within  
11 six months after such motion may have been overruled, or, if an appeal be taken from such  
12 judgment and the judgment be affirmed, within six months after the sheriff shall have been  
13 notified by any party to the suit that such judgment has been affirmed on appeal and that the  
14 mandate of the appellate court is on file with the circuit clerk, the sheriff shall commence to  
15 advertise the real estate described in the judgment and shall fix the date of **the public**  
16 **foreclosure** sale within thirty days after the date of the first publication of the notice of sheriff's  
17 sale as herein provided, and shall at such sale proceed to sell the real estate.

18         3. **With respect to parcels of real estate to be sold to a land bank agency in a private**  
19 **foreclosure sale, after the judgement of foreclosure has been entered or after a motion for**  
20 **a new trial has been overruled or if an appeal is taken from such judgment and the**  
21 **judgment has been affirmed, after the collector shall have been notified by any party to the**  
22 **suit that such judgment has been affirmed on appeal and that the mandate of the appellate**  
23 **court is on file with the clerk, there shall be a waiting period of six months before such**  
24 **private foreclosure sale.**

25         4. Any provisions of this chapter to the contrary notwithstanding, the owner of any parcel  
26 of real property against which a judgment has been rendered shall not have the right to redeem  
27 such property from said judgment if at the time of judgment such property is assessed as  
28 residential property and the judgment finds the property has been vacant for a period of not less  
29 than six months prior to the judgment. After a judgment as provided for in this section becomes  
30 final, the waiting period shall not apply to such judgment and a sale under execution of the  
31 judgment shall be immediately held as provided under the applicable provisions of this chapter.

141.530. 1. Except as otherwise provided in section 141.520, during such waiting period  
2 and at any time prior to the time of **the public or the private** foreclosure sale **of a parcel** by the  
3 sheriff, any interested party may redeem [any] **such** parcel of real estate as provided by this  
4 chapter. During such waiting period and at any time prior to the time of **the public or the**  
5 **private** foreclosure sale **of a parcel** by the sheriff, the collector may, at the option of the party  
6 entitled to redeem, enter into a written redemption contract with any such party interested in  
7 [any] **such** parcel of real estate, providing for payment in installments, monthly or bimonthly,

8 of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against  
9 such parcel of real estate, provided, however, that in no instance shall such installments exceed  
10 twelve in number or extend more than twenty-four months next after any agreement for such  
11 installment payments shall have been entered into; provided further, that upon good cause being  
12 shown by the owner of any parcel of real estate occupied as a homestead, or in the case of  
13 improved real estate with an assessed valuation of not more than three thousand five hundred  
14 dollars, owned by an individual, the income from such property being a major factor in the total  
15 income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the  
16 time and terms of payment in such contract to permit all of such installments to be paid within  
17 not longer than forty-eight months after any order or agreement as to installment payments shall  
18 have been made.

19 2. So long as such installments be paid according to the terms of the contract, the said  
20 six months waiting period shall be extended, but if any installment be not paid when due, the  
21 extension of said waiting period shall be ended without notice, and the real estate shall forthwith  
22 be advertised for sale or included in the next notice of sheriff's foreclosure sale.

23 [3. No redemption contracts may be used under this section for residential property  
24 which has been vacant for at least six months in any municipality contained wholly or partially  
25 within a county with a population of over six hundred thousand and less than nine hundred  
26 thousand.]

2 [141.530. 1. Except as otherwise provided in section 141.520, during  
3 such waiting period and at any time prior to the time of foreclosure sale by the  
4 sheriff, any interested party may redeem any parcel of real estate as provided by  
5 this chapter. During such waiting period and at any time prior to the time of  
6 foreclosure sale by the sheriff, the collector may, at the option of the party  
7 entitled to redeem, enter into a written redemption contract with any such party  
8 interested in any parcel of real estate, other than a residential property which has  
9 been vacant for at least six months, providing for payment in installments,  
10 monthly or bimonthly, of the delinquent tax bills, including interest, penalties,  
11 attorney's fees and costs charged against such parcel of real estate, provided,  
12 however, that in no instance shall such installments exceed twelve in number or  
13 extend more than twenty-four months next after any agreement for such  
14 installment payments have been entered into; provided further, that upon good  
15 cause being shown by the owner of any parcel of real estate occupied as a  
16 homestead, or in the case of improved real estate with an assessed valuation of  
17 not more than three thousand five hundred dollars, owned by an individual, the  
18 income from such property being a major factor in the total income of such  
19 individual, or by anyone on the individual's behalf, the court may, in its  
discretion, fix the time and terms of payment in such contract to permit all of

20 such installments to be paid within not longer than forty-eight months after any  
21 order or agreement as to installment payments being made.

22 2. So long as such installments are paid according to the terms of the  
23 contract, the six-month waiting period shall be extended, but if any installment  
24 is not paid when due, the extension of such waiting period shall be ended without  
25 notice, and the real estate shall forthwith be advertised for sale or included in the  
26 next notice of sheriff's foreclosure sale.]

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate  
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell  
3 **in a public foreclosure sale** the respective parcels of real estate ordered sold by him or her  
4 pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810  
5 at any of such courthouses **which are not sold in a private foreclosure sale**, but the sale of such  
6 parcels of real estate shall be held at the same front door as sales of real estate are customarily  
7 made by the sheriff under execution.

8 2. Such advertisements may include more than one parcel of real estate, and shall be in  
9 substantially the following form: NOTICE OF SHERIFF'S SALE UNDER JUDGMENT OF  
10 FORECLOSURE OF LIENS FOR DELINQUENT LAND TAXES

11 No. . . . . In the Circuit Court of . . . . . County, Missouri. In the Matter of  
12 Foreclosure of Liens for Delinquent Land Taxes Collector of Revenue of . . . . . County,  
13 Missouri, Plaintiff, vs. Parcels of Land encumbered with Delinquent Tax Liens, Defendants.

14 WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest,  
15 penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the  
16 description thereof, the name of the person appearing in the petition in the suit, and the total  
17 amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and  
18 costs, all as set out in said judgment and described in each case, respectively, as follows: (Here  
19 set out the respective serial numbers, descriptions, names and total amounts of each judgment,  
20 next above referred to.) and,

21 WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to  
22 satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

23 NOW, THEREFORE,

24 Public Notice is hereby given that I . . . . ., Sheriff of . . . . . County,  
25 Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for  
26 cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the . . . . . front door of  
27 the . . . . . County Courthouse in . . . . ., Missouri, on . . . . ., the . . . . . day of . . . . ., 20..,  
28 and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel

29 of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel  
30 shall be sold to the Land Trust of . . . . . (insert name of County), Missouri.

31 Any bid received shall be subject to confirmation by the court. . . . .  
32 . . . . .

33 Sheriff of . . . . .

34 County, Missouri. . . . .

35 Delinquent Land Tax Attorney Address: . . . . . First Publication . . . . .  
36 . . . . ., 20. . .

37 3. Such advertisement shall be published four times, once a week, upon the same day of  
38 each week during successive weeks prior to the date of such sale, in a daily newspaper of general  
39 circulation regularly published in the county, qualified according to law for the publication of  
40 public notices and advertisements.

41 4. In addition to the provisions herein for notice and advertisement of **public** sale, the  
42 county collector shall enter upon the property subject to foreclosure of these tax liens and post  
43 a written informational notice in any conspicuous location thereon. This notice shall describe  
44 the property and advise that it is the subject of delinquent land tax collection proceedings before  
45 the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the  
46 payment of delinquent taxes at a **public foreclosure** sale to be held at ten o'clock a.m., date and  
47 place, **or at a private foreclosure sale, date, and place**, and shall also contain a file number and  
48 the address and phone number of the collector. If the collector chooses to post such notices as  
49 authorized by this subsection, such posting must be made not later than the fourteenth day prior  
50 to the date of the sale.

51 5. The collector shall, concurrently with the beginning of the publication of sale **for**  
52 **parcels to be sold in a public foreclosure sale, or not less than thirty days prior to the sale**  
53 **for parcels to be sold in a private foreclosure sale**, cause to be prepared and sent by [restricted,  
54 registered or certified] **first class** mail with postage prepaid, a brief notice of the date, location,  
55 and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810,  
56 to the persons named in the petition as being the last known persons in whose names tax bills  
57 affecting the respective parcels of real estate described in said petition were last billed or charged  
58 on the books of the collector, or the last known owner of record, if different, and to the addresses  
59 of said persons upon said records of the collector. [The terms "restricted", "registered" or  
60 "certified mail" as used in this section mean mail which carries on the face thereof in a  
61 conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO  
62 ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal  
63 authorities that the addressee refused to receive and receipt for such mail.] If the notice is

64 returned to the collector by the postal authorities as undeliverable for reasons other than the  
65 refusal by the addressee to receive [and receipt for] the notice [as shown by the return receipt],  
66 then the collector shall make a search of the records maintained by the county, including those  
67 kept by the recorder of deeds, to discern the name and address of any person who, from such  
68 records, appears as a successor to the person to whom the original notice was addressed, and to  
69 cause another notice to be mailed to such person. The collector shall prepare and file with the  
70 circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address  
71 and serial number of the tract of real estate affected of any such notices of sale that are  
72 undeliverable because of an addressee's refusal to receive [and receipt for] the same, or of any  
73 notice otherwise nondeliverable by mail, or in the event that any name or address does not appear  
74 on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth  
75 above shall also state reason for the nondelivery of such notice.

76         6. The collector may, at his or her option, concurrently with the beginning of the  
77 publication of sale **for parcels to be sold in a public foreclosure sale, or not less than thirty**  
78 **days prior to the sale for parcels to be sold in a private foreclosure sale**, cause to be prepared  
79 and sent by [restricted, registered or certified] **first class** mail with postage prepaid, a brief notice  
80 of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections  
81 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of  
82 real estate described in said petition, and to the addressee of such mortgagee or security holder  
83 according to the records of the collector. [The terms "restricted", "registered" or "certified mail"  
84 as used in this section mean mail which carries on the face thereof in a conspicuous place, where  
85 it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which  
86 also requires a return receipt or a statement by the postal authorities that the addressee refused  
87 to receive and receipt for such mail.] If the notice is returned to the collector by the postal  
88 authorities as undeliverable for reasons other than the refusal by the addressee to receive [and  
89 receipt for] the notice [as shown by the return receipt], then the collector shall make a search of  
90 the records maintained by the county, including those kept by the recorder of deeds, to discern  
91 the name and address of any security holder who, from such records, appears as a successor to  
92 the security holder to whom the original notice was addressed, and to cause another notice to be  
93 mailed to such security holder. The collector shall prepare and file with the circuit clerk prior  
94 to confirmation hearings an affidavit reciting to the court any name, address and serial number  
95 of the tract of real estate affected by any such notices of sale that are undeliverable because of  
96 an addressee's refusal to receive [and receipt for] the same, or of any notice otherwise  
97 nondeliverable by mail, and stating the reason for the nondelivery of such notice.

141.550. 1. The **public foreclosure** sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any **public foreclosure** sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

[141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided



4 in sections 141.210 to 141.810, and provided that such sale need not occur during  
5 the term of court or while the court is in session.

6 2. The following provisions shall apply to any sale pursuant to this  
7 section of property located within any municipality contained wholly or partially  
8 within a county with a population of over six hundred thousand and less than nine  
9 hundred thousand:

10 (1) The sale shall be held on the day for which it is advertised, between  
11 the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day  
12 thereafter to satisfy the judgment as to each respective parcel of real estate sold;

13 (2) The sale shall be conducted publicly, by auction, for ready money.  
14 The highest bidder shall be the purchaser unless the highest bid is less than the  
15 full amount of all tax bills included in the judgment, interest, penalties, attorney's  
16 fees and costs then due thereon. No person shall be eligible to bid at the time of  
17 the sale unless such person has, no later than ten days before the sale date,  
18 demonstrated to the satisfaction of the official charged by law with conducting  
19 the sale that he or she is not the owner of any parcel of real estate in the county  
20 which is affected by a tax bill which has been delinquent for more than six  
21 months and is not the owner of any parcel of real property with two or more  
22 convictions based on violations occurring within a two-year period of the  
23 municipality's building or housing codes. A prospective bidder may make such  
24 a demonstration by presenting statements from the appropriate collection and  
25 code enforcement officials of the municipality.

26 3. Such sale shall convey the whole interest of every person having or  
27 claiming any right, title or interest in or lien upon such real estate, whether such  
28 person has answered or not, subject to rights-of-way thereon of public utilities  
29 upon which tax has been otherwise paid, and subject to the lien thereon, if any,  
30 of the United States of America.

31 4. The collector shall advance the sums necessary to pay for the  
32 publication of all advertisements required by sections 141.210 to 141.810 and  
33 shall be allowed credit therefor in his or her accounts with the county. The  
34 collector shall give credit in such accounts for all such advances recovered by  
35 him or her. Such expenses of publication shall be apportioned pro rata among  
36 and taxed as costs against the respective parcels of real estate described in the  
37 judgment; provided, however, that none of the costs herein enumerated, including  
38 the costs of publication, shall constitute any lien upon the real estate after such  
39 sale.]

141.560. 1. If, when the sheriff offers the respective parcels of real estate for sale **at**  
2 **public foreclosure sale**, there be no bidders for any parcel, or there be insufficient time or  
3 opportunity to sell all of the parcels of real estate so advertised, the sheriff shall adjourn such sale  
4 from day to day at the same place and commencing at the same hour as when first offered and  
5 shall announce that such real estate will be offered or reoffered for sale at such time and place.

6           2. **With respect to any parcel of real estate not located within a municipality that**  
7 **is an appointing authority under section 141.980,** in the event no bid equal to the full amount  
8 of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due  
9 thereon shall be received at such sale after any parcel of real estate has been offered for sale on  
10 three different days, which need not be successive, the land trustees shall be deemed to have bid  
11 the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and  
12 costs then due, and if no other bid be then received by the sheriff in excess of the bid of the  
13 trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be  
14 announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees  
15 in the same way as his report of other bids is made. **The land trustees shall pay any penalties,**  
16 **attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate,**  
17 **when such parcel is sold or otherwise disposed of by the land trustees, as herein provided.**  
18 **Upon confirmation by the court of such bid at such sale by such land trustees, the collector**  
19 **shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust"**  
20 **and shall take credit for the full amount of such tax bills, including principal amount,**  
21 **interest, penalties, attorney's fees, and costs, on the collector's books and in the collector's**  
22 **statements with any other taxing authorities.**

23           3. [The land trustees shall pay any penalties, attorney's fees or costs included in the  
24 judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise  
25 disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid  
26 at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees  
27 as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills,  
28 including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his  
29 statements with any other taxing authorities.] **With respect to any parcel of real estate located**  
30 **within a municipality that is an appointing authority under section 141.980, in the event**  
31 **no bid equal to the full amount of all tax bills included in the judgment, interest, penalties,**  
32 **attorney's fees, and costs then due thereon shall be received at such sale after such parcel**  
33 **of real estate has been offered for sale on three different days, which need not be**  
34 **successive, the land bank agency for which such municipality is an appointing authority**  
35 **shall be deemed to have bid the full amount of all tax bills included in the judgment,**  
36 **interest, penalties, attorney's fees, and costs then due, and the sheriff shall so announce at**  
37 **the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff**  
38 **shall report any such bid or bids so made by such land bank agency in the same way as the**  
39 **sheriff's report of other bids is made. Upon confirmation by the court of such bid at such**  
40 **sale by such land bank agency, the collector shall mark the tax bills so bid by such land**

41 **bank agency as "canceled by sale to the land bank" and shall take credit for the full**  
42 **amount of such tax bills, including principal amount, interest, penalties, attorney's fees,**  
43 **and costs, on the collector's books and in the collector's statements with any other taxing**  
44 **authorities.**

141.570. 1. The title to any real estate which shall vest in the land trust under the  
2 provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.982** shall be held by the  
3 land trust of such county in trust for the tax bill owners and taxing authorities having an interest  
4 in any tax liens which were foreclosed, as their interests may appear in the judgment of  
5 foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a**  
6 **deemed sale under subsection 3 of section 141.560 or by deed from land trustees under**  
7 **subsection 1 of section 141.980 shall be held in trust for the tax bill owners and taxing**  
8 **authorities having an interest in any tax liens which were foreclosed, as their interests may**  
9 **appear in the judgment of foreclosure.**

10 2. The title to any real estate which shall vest in any purchaser **in a private or public**  
11 **foreclosure sale**, upon confirmation of such sale by the court, shall be an absolute estate in fee  
12 simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid,  
13 and subject to any lien thereon of the United States of America, if any, and all persons, including  
14 the state of Missouri, infants, incapacitated and disabled persons as defined in chapter 475, and  
15 nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to,  
16 or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest,  
17 claim, lien or equity of redemption, and the court shall order immediate possession of such real  
18 estate be given to such purchaser; provided, however, that such title shall also be subject to the  
19 liens of any tax bills which may have attached to such parcel of real estate prior to the time of  
20 the filing of the petition affecting such parcel of real estate not then delinquent, or which may  
21 have attached after the filing of the petition and prior to sheriff's sale and not included in any  
22 answer to such petition, but if such parcel of real estate is **deemed** sold to the land trust **under**  
23 **subsection 2 of section 141.560 or deemed sold to a land bank agency under subsection 3**  
24 **of section 141.560**, the title thereto shall be free of any such liens to the extent of the interest of  
25 any taxing authority in such real estate; provided further, that such title shall not be subject to  
26 the lien of special tax bills which have attached to the parcel of real estate prior to November 22,  
27 1943, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to  
28 the proceeds of the ultimate sale of such parcel by the land trust.

141.580. 1. After the sheriff sells any parcel of real estate, the court shall, upon its own  
2 motion or upon motion of any interested party, set the cause down for hearing to confirm the  
3 foreclosure sale thereof, even though such parcels are not all of the parcels of real estate

4 described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall  
5 make report of the sale, and the court shall hear evidence of the value of the property offered on  
6 behalf of any interested party to the suit, and shall forthwith determine whether an adequate  
7 consideration has been paid for each such parcel; **provided that the amount to be paid by a**  
8 **land bank agency under subsection 5 of section 141.982 for a parcel sold to such land bank**  
9 **agency in a private foreclosure sale shall be deemed to be adequate consideration therefor**  
10 **and no evidence of value shall be heard with respect to such parcel; and provided further,**  
11 **that the amount bid for a parcel by a land bank agency under subsection 3 of section**  
12 **141.560 shall be deemed adequate consideration and no evidence of value shall be heard**  
13 **with respect to such parcel; and provided further, that the amount bid for a parcel by land**  
14 **trust under subsection 2 of section 141.560 shall be deemed adequate consideration and no**  
15 **evidence of value shall be heard with respect to such parcel.**

16 2. For this purpose the court shall have power to summon any city or county official or  
17 any private person to testify as to the reasonable value of the property, and if the court finds that  
18 adequate consideration has been paid, he **or she** shall confirm the sale and order the sheriff to  
19 issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the**  
20 **court shall confirm the sale if** the purchaser [may] increase his **or her** bid to such amount as  
21 the court [may deem] **deems** to be adequate[, whereupon the court may confirm the sale. If,  
22 **however,] and makes such additional payment, or if all tax bills included in the judgment,**  
23 **interest, penalties, attorney's fees, and costs then due thereon are not paid in full by one**  
24 **or more interested parties to the suit. If the court finds that the consideration is**  
25 **inadequate, but the purchaser declines to increase his or her bid to such an amount as the**  
26 **court deems adequate** and make such additional payment, then the sale shall be disapproved  
27 **if all tax bills included in the judgment, interest, penalties, attorney's fees, and costs then**  
28 **due thereon are paid in full by one or more interested parties to the suit,** the lien of the  
29 judgment continued, and such parcel of real estate shall be again advertised and offered for sale  
30 by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's  
31 foreclosure sale. [Unless the court requires evidence of the value of the property conveyed to  
32 land trust, none shall be required, and the amount bid by the land trustees shall be deemed  
33 adequate consideration.]

34 3. If the sale is confirmed, the court shall order the proceeds of the sale applied in the  
35 following order:

36 (1) To the payment of the costs of the publication of the notice of foreclosure and of the  
37 sheriff's foreclosure sale;

38 (2) To the payment of all costs including appraiser's fee not to exceed fifteen dollars and  
39 attorney's fees;

40 (3) To the payment of all tax bills adjudged to be due in the order of their priority,  
41 including principal, interest and penalties thereon.

42 If, after such payment, there is any sum remaining of the proceeds of the sheriff's  
43 foreclosure sale, the court shall thereupon try and determine the other issues in the suit in  
44 accordance with section 141.480. If any answering parties have specially appealed as provided  
45 in section 141.570, the court shall retain the custody of such funds pending disposition of such  
46 appeal, and upon disposition of such appeal shall make such distribution. If there are not  
47 sufficient proceeds of the sale to pay all claims in any class described, the court shall order the  
48 same to be paid pro rata in accordance with the priorities.

49 4. If there are any funds remaining of the proceeds after the sheriff's sale and after the  
50 distribution of such funds as herein set out and no person entitled to any such funds, whether or  
51 not a party to the suit, shall, within two years after such sale, appear and claim the funds, they  
52 shall [escheat to the state as provided by law] **be distributed to the appropriate taxing**  
53 **authorities.**

141.720. 1. The land trust shall be composed of three members, one of whom shall be  
2 appointed by the county, **as directed by the county** executive, or if the county does not have a  
3 county executive, **as directed by** the county commission of the county, one of whom shall be  
4 appointed by [the city council of that city] **that municipality** in the county which **is not an**  
5 **appointing authority under section 141.980 and** then has the largest population according to  
6 the last preceding federal decennial census, and one of whom shall be appointed by [the board  
7 of directors of the] **that school district in the county** which **is not an appointing authority**  
8 **under section 141.980 and** then has the largest population according to such census in the  
9 county. **If any such appointing authority fails to make any appointment of a land trustee**  
10 **after any term expires, then the appointment shall be made by the county.**

11 2. The terms of office of the land trustees shall be for four years each, except the terms  
12 of the first land trustees who shall be appointed by the foregoing appointing authorities,  
13 respectively, not sooner than twelve months and not later than eighteen months after sections  
14 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee**  
15 **appointed by a municipality or school district that becomes an appointing authority under**  
16 **section 141.980 shall thereupon terminate.**

17 3. Each land trustee shall have been a resident of the county for at least five years next  
18 prior to appointment, shall not hold other salaried or compensated public office by election or  
19 appointment during service as land trustee, the duties of which would in any way conflict with

20 his duties as land trustee, and shall have had at least ten years experience in the management or  
21 sale of real estate.

22 4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee  
23 appointed by the county commission shall serve for a term ending February 1, 1946, the land  
24 trustee appointed by the board of directors of the school district then having the largest  
25 population in the county shall serve for a term expiring February 1, 1947, and the land trustee  
26 appointed by the city council of the city then having the largest population in the county shall  
27 serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has  
28 been appointed and qualified.

29 5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the  
30 same appointing authority which made the original appointment. If any appointing authority fails  
31 to make any appointment of a land trustee within the time the first appointments are required by  
32 sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy  
33 occurs, then the appointment shall be made by the mayor of that city in the county then having  
34 the largest population, according to the last preceding federal decennial census.

35 6. The members shall receive for their services as land trustees a salary of two thousand  
36 four hundred dollars per year.

37 7. Each land trustee may be removed for cause by the respective appointing authority,  
38 after public hearing, if requested by the land trustee, and an opportunity to be represented by  
39 counsel and to present evidence is afforded the trustee.

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and  
2 purposes of expenditure, prepared not later than [December tenth] **October first** of each year  
3 with copies delivered to the [county and city] **taxing authorities** that appointed trustee members,  
4 and shall include therein only such appropriations as shall be deemed necessary to meet the  
5 reasonable expenses of the land trust during the forthcoming fiscal year. That budget shall not  
6 become the required annual budget of the land trust unless and until it has been approved by the  
7 governing bodies of the [county or city] **taxing authorities** that appointed trustee members. If  
8 [either] **any** of the governing bodies of the [county and city] **taxing authorities** that appointed  
9 trustee members fail to notify the land trust in writing of any objections to the proposed annual  
10 budget on or before [December] **November** twentieth, then such failure or failures to object shall  
11 be deemed approval. In the event objections have been made and a budget for the fiscal year  
12 beginning January first has not been approved by the governing bodies of the [county and city]  
13 **taxing authorities that appointed trustee members** on or before January first, then the budget  
14 for the previous fiscal year shall become the approved budget for that fiscal year. Any

15 unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to  
16 meet the budget requirements of the forthcoming year.

17         2. Copies of the budget shall be made available to the public on or before [December]  
18 **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth,  
19 in each year. The approved and adopted budget may be amended by the trustee members only  
20 with the approval of the governing bodies of the [county and city] **taxing authorities** that  
21 appointed trustee members.

22         3. If at any time there are not sufficient funds available to pay the salaries and other  
23 expenses of such land trust and of its employees, incident to the administration of sections  
24 141.210 to 141.810, including any expenditures authorized by section 141.760, funds sufficient  
25 to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor  
26 **by the ad valorem taxing authorities in the county that are not appointing authorities**  
27 **under section 141.980, [fifty] seven percent thereof by the county commission of such county,**  
28 **and the other [fifty] ninety-three percent by all of the [municipalities in such county as defined**  
29 **in section 141.220] other such ad valorem taxing authorities, in proportion to their assessed**  
30 **valuations [at the time of their last completed assessment for state and county purposes] of the**  
31 **properties then in the land trust inventory located within their respective taxing**  
32 **jurisdictions.** The land trust shall have power to requisition such funds in an amount not to  
33 exceed twenty-five percent of the total annual budget of the land trust from such sources for that  
34 fiscal year of the land trust for which there are not sufficient funds otherwise available to pay the  
35 salaries and other expenses of the land trust, but any amount in excess of twenty-five percent of  
36 the total annual budget in any fiscal year may be requisitioned by and paid to the land trust only  
37 if such additional sums are agreed to and approved by [the county commission and the respective  
38 municipalities in such county so desiring to make such payment] **such ad valorem taxing**  
39 **authorities.** All moneys so requisitioned shall be paid in a lump sum within thirty days after  
40 such requisition or the commencement of the fiscal year of the land trust for which such  
41 requisition is made, whichever is later, [and] **by the county paying seven percent thereof due**  
42 **from the county under this section and advancing the remaining ninety-three percent due**  
43 **from other ad valorem taxing authorities under this section on behalf of such other ad**  
44 **valorem taxing authorities, and such amounts so paid** shall be deposited to the credit of the  
45 land trust in some bank or trust company, subject to withdrawal by warrant as herein provided.  
46 **Amounts advanced by the county on behalf of any ad valorem taxing authority under this**  
47 **section shall be reimbursed to the county upon demand by the county or by the county**  
48 **withholding such amounts from distributions of tax moneys to such ad valorem taxing**  
49 **authority.**

50           4. The fiscal year of the land trust shall commence on January first of each year. Such  
51 land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman  
52 or vice chairman thereof, draw warrants therefor from time to time.

53           5. No warrant for the payment of any claim shall be drawn by such land trust until such  
54 claim shall have been approved by the land commissioner and shall bear the commissioner's  
55 certificate that there is a sufficient unencumbered balance in the proper appropriation and  
56 sufficient unexpended cash available for the payment thereof. For any certification contrary  
57 thereto, such land commissioner shall be liable personally and on the commissioner's official  
58 bond for the amounts so certified, and shall thereupon be promptly removed from office by the  
59 land trustees.

60           6. In addition to the annual audit provided for in section 141.760, the land trust may be  
61 performance audited at any time by the state auditor or by the auditor of any home rule city with  
62 more than four hundred thousand inhabitants and located in more than one county that is a  
63 member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall  
64 be made available to the public within thirty days of the completion of the audit.

          141.790. When any parcel of real estate is sold or otherwise disposed of by the land trust,  
2 the proceeds therefrom shall be applied and distributed in the following order:

3           (1) **To the payment of amounts due from the land trustees under subsection 2 of**  
4 **section 141.560 on the sale or other disposition of such parcel;**

5           (2) To the payment of the expenses of sale;

6           [(2)] (3) The balance to be retained by the land trust to pay the salaries and other  
7 expenses of such land trust and of its employees, incident to the administration of sections  
8 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for  
9 in its annual budget;

10           [(3)] (4) Any funds in excess of those necessary to meet the expenses of the annual  
11 budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the  
12 next fiscal year to assure that sufficient funds will be available to meet initial expenses for that  
13 next fiscal year, [may] **shall** be paid to the respective taxing authorities which, at the time of the  
14 distribution, are taxing the real property from which the proceeds are being distributed. The  
15 distributions shall be in proportion to the amounts of the taxes levied on the properties by the  
16 taxing authorities; distribution shall be made on January first and July first of each year, and at  
17 such other times as the land trustees in their discretion may determine.

**141.980. 1. Any municipality located wholly or partially within a county in which**  
2 **a land trust created under section 141.700 was operating on January 1, 2011, may establish**  
3 **a land bank agency for the management, sale, transfer, and other disposition of interest in**



4 real estate owned by such land bank agency. Any such land bank agency created shall be  
5 created to foster the public purpose of returning land, including land that is in a  
6 nonrevenue-generating nontax-producing status, to effective use in order to provide  
7 housing, new industry, and jobs for citizens of the establishing municipality, and to create  
8 new revenues for such municipality. Such land bank agency shall be established by order  
9 or ordinance as applicable. Such land bank agency shall not own any interest in real estate  
10 that is located outside such establishing municipality or outside such county. Within one  
11 year of the effective date of an order or ordinance passed establishing such a land bank  
12 agency, title to any real estate held by the land trustees of the land trust of such county that  
13 is located within the establishing municipality shall be transferred by deed to such land  
14 bank agency.

15       2. Any land bank agency created under this section shall be known as "The Land  
16 Bank of the City of ....., Missouri". Such land bank agency shall have the authority to  
17 accept the grant of any interest in real property made to it, or to accept gifts and grant in  
18 aid assistance. Any interest in real property acquired by such land bank agency by gift  
19 shall be administered in the same manner as other property sold to the land bank agency.  
20 Such land bank agency shall have and exercise all the powers that are conferred by  
21 sections 141.210 to 141.810 and sections 141.980 to 141.982 necessary and incidental to the  
22 effective management, sale, or other disposition of real estate acquired under and by virtue  
23 of the foreclosure of the lien for delinquent real estate taxes, as provided in such sections,  
24 and in the exercise of such powers, the land bank agency shall be deemed to be a public  
25 corporation acting in a governmental capacity.

26       3. The beneficiaries of the land bank agency shall be the taxing authorities that held  
27 or owned tax bills against the respective parcels of real estate acquired by such land bank  
28 agency under a deemed sale under subsection 3 of section 141.560 or by deed from land  
29 trustees under subsection 1 of this section included in the judgment of the court, and their  
30 respective interests in each parcel of real estate shall be to the extent and in the proportion  
31 and according to the priorities determined by the court on the basis that the principal  
32 amount of their respective tax bills bore to the total principal amount of all of the tax bills  
33 described in the judgment.

34       4. The land bank agency shall be composed of three members, two of whom shall  
35 be appointed by the establishing municipality, and the third shall be appointed by the  
36 school district that is wholly or partially located within such municipality and county and  
37 then has the largest population according to the last preceding federal decennial census.  
38 Members shall serve at the pleasure of the member's appointing authority, may be

39 employees of the appointing authority, and shall serve without compensation. Any vacancy  
 40 in the office of land bank commissioner shall be filled by the same appointing authority  
 41 that made the original appointment. If any appointing authority fails to make any  
 42 appointment of a land bank commissioner within the time the first appointments are  
 43 required, or within thirty days after any term expires, then the appointment shall be made  
 44 by the other appointing authority. Any municipality or school district that is an appointing  
 45 authority under this section shall not be an appointing authority under section 141.720.

46       5. The land bank commissioners shall meet immediately after all have been  
 47 appointed and qualified, and shall select a chair, a vice chair, and a secretary. The  
 48 commissioners shall each furnish a surety bond, if such bond is not already covered by  
 49 governmental surety bond, in a penal sum not to exceed twenty-five thousand dollars to be  
 50 approved by the comptroller or director of finance, the premium on such bond to be paid  
 51 by the comptroller or director of finance out of the city funds. Such bond shall be issued  
 52 by a surety company licensed to do business in the state of Missouri, and shall be deposited  
 53 with the county clerk of such county, and shall be conditioned to guarantee the faithful  
 54 performance of their duties under sections 141.980 to 141.982, and shall be written to cover  
 55 all the commissioners.

56       6. Before entering upon the duties of office, each commissioner shall take and  
 57 subscribe to the following oath:

58       State of Missouri,                     )  
 59   )ss  
 60       City of .....,                         )

61       I, ....., do solemnly swear that I will support the Constitution of the United States and  
 62 the Constitution of the State of Missouri; that I will faithfully and impartially discharge  
 63 my duties as a member of the Land Bank Agency of ....., Missouri; that I will, according  
 64 to my best knowledge and judgment, administer such tax delinquent lands held by me in  
 65 trust, according to the laws of this state and for the benefit of the public bodies and the tax  
 66 bill owners which I represent, so help me God.

67       .....

68       Subscribed and sworn to this ..... day of ....., 20...

69       My commission expires: .....

70       .....

71       Notary Public

141.981. 1. Such land bank agency shall be a continuing body and shall have and  
 2 adopt an official seal which shall bear on its face the words "Land Bank Agency of .....,

3 Missouri", "Seal", and shall have the power to sue and issue deeds in its name, which deed  
4 shall be signed by the chair or vice chair, and attested by the secretary and the official seal  
5 of the land bank agency affixed thereon, and shall have the general power to administer  
6 its business as any other corporate body.

7       2. A land bank agency may convey title to any real estate sold or conveyed by it by  
8 general or special warranty deed, and may convey as absolute title in fee simple, without  
9 in any case procuring any consent, conveyance, or other instrument from the beneficiaries  
10 for which it acts, provided that each such deed shall recite whether the selling price  
11 represents a consideration equal to or in excess of two-thirds of the appraised value of such  
12 real estate so sold or conveyed. If such selling price represents a consideration less than  
13 two-thirds of the appraised value of the real estate, then the land bank commissioners shall  
14 first procure the consent thereto of not less than two of the three appointing authorities,  
15 which consent shall be evidenced by a copy of the action of each such appointing authority  
16 duly certified to by its clerk or secretary attached to and made a part of land bank  
17 commission official minutes.

18       3. As a condition of the sale or other authorized conveyance of ownership of any  
19 unimproved parcel of land classified as residential property owned by the land bank  
20 agency to a private owner, unless the owner owns an adjacent improved parcel, such owner  
21 may be required to enter into a contract with the land bank agency stipulating that such  
22 owner or owner's successor agree that the parcel of land shall, within one year of such sale,  
23 either be improved by a nontemporary structure or returned to the land bank agency by  
24 special warranty deed. The contract shall further state that if the private owner fails to  
25 comply with the stipulation, the owner shall be liable to the land bank agency for damages  
26 at the rate of one hundred dollars per month accruing on the first day of each month after  
27 the termination of the one-year period so long as the private owner fails to convey the  
28 parcel to the land bank agency. The performance of such agreement shall be secured by  
29 a deed of trust or other lien encumbering the parcel. If the land bank agency finds by  
30 resolution that the terms of the agreement have not been satisfied, the land bank agency  
31 shall be authorized to bring suit to recover damages for the breach and to redeem the  
32 ownership of such property without consideration or compensation by seeking a judicial  
33 foreclosure of such agreement under sections 443.190 to 443.260, except that upon final  
34 judgment of the court, title shall revert to the land bank agency without necessity of sale.  
35 Notwithstanding subsection 2 of this section, the original deed conveying title to the private  
36 owner shall contain a possibility of reverter upon the condition that the private owner fails  
37 to comply with the terms of the contract, with a right of reentry retained by the land bank

38 agency. As an alternative to, or in addition to, seeking a judicial foreclosure, the land bank  
39 agency may exercise the right of reentry under chapter 524, 527, or 534. The land bank  
40 agency shall assume title to the land by filing a copy of the judgment with the recorder of  
41 deeds in the county where the property is located. Any property redeemed by the land  
42 bank agency under the provisions of this section shall be administered in the same manner  
43 as other property sold to the land bank agency.

44 4. It shall be the duty of such land bank agency to administer the tax delinquent  
45 lands and other lands in its possession as provided in this section.

46 (1) The land bank agency shall immediately assume possession and control of all  
47 real estate acquired by it under the provisions of sections 141.210 to 141.810 and sections  
48 141.980 to 141.982 or otherwise and proceed to inventory and appraise such land, and  
49 thereafter keep and maintain a perpetual inventory of such real estate, except that  
50 individual parcels may be consolidated and grouped or regrouped for economy, utility, or  
51 convenience.

52 (2) The land bank agency shall use reasonable efforts, consistent with the funding  
53 available, to market the property in its inventory, and will endeavor to obtain a purchase  
54 price consistent with the market conditions for that particular type of property in a similar  
55 location, however, the land bank agency may take into consideration factors that include:  
56 the costs expended either by it or the municipality in which the property is located to  
57 continue to maintain the property while it is held in inventory, the detrimental impact of  
58 vacant property on other properties within its vicinity, the proposed use of the property,  
59 and the advantage of returning the property to the tax rolls for the benefit of all taxing  
60 authorities intended to benefit from proceeds generated by the land bank agency. The land  
61 bank agency shall maintain an inventory of the property held by it, and make it available  
62 to the public, through means that make the best use of its limited resources, including  
63 limiting accessibility through electronic means. The land bank agency shall systematically  
64 update its inventory information, no less than quarterly per year. The records from each  
65 transaction with respect to the transfer or exchange of property in the land bank agency's  
66 inventory shall be maintained, and provided upon request to any taxing authority intended  
67 to benefit from the proceeds of the land bank. A summary of all such transactions shall  
68 be prepared at least annually, and made publicly available upon request, and submitted  
69 with the budget request of such land bank as provided in subsection 6 of section 141.981.

70 (3) The land bank commissioners shall have power, and it shall be their duty, to  
71 manage, maintain, protect, rent, lease, repair, insure, alter, hold and return, assemble, sell,  
72 trade, acquire, exchange, or otherwise dispose of any such real estate, on such terms and

conditions as may be determined in the sole discretion of the commissioners. The land bank commissioners may assemble tracts or parcels of real estate for public parks or any other purposes and to such end may exchange or acquire parcels, and otherwise effectuate such purposes by agreement with any taxing authority. Without limiting the foregoing power vested in the land bank commissioners to directly dispose of its inventory property, such commissioners may, but are not obligated to, enter into listing or commission agreements with real estate brokers licensed to do business within the city, and such commissioners.

(4) The land bank agency shall adopt rules and regulations in harmony with sections 141.210 to 141.810 and sections 141.980 to 141.982, and shall keep records of all its transactions, which records shall be open to inspection of any taxing authority in the city at any time. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of such land bank agency by certified public accountants as of April thirtieth of each year, which accountants shall be employed by the commissioners on or before March first of each year, and certified copies thereof shall be furnished to the appointing authorities described in section 141.980, and shall be available for public inspection at the office of the land bank agency and on the land bank agency's internet website, if it maintains a website. In addition to the annual audit provided for in this subdivision, the land bank agency may be performance audited at any time by the state auditor or by the auditor of the city that appoints members. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public within thirty days of the completion of the audit.

5. The land bank commissioners may appoint a director and such other employees who are deemed necessary to carry out the responsibilities and duties imposed under sections 141.980 to 141.982, and may incur such other reasonable and proper costs and expenses as are related thereto. The director shall furnish a surety bond at the expense of the land bank agency in a penal sum of not less than ten thousand dollars, to be approved by the land bank commissioners, conditioned to guarantee the faithful performance of the director's duties. The bond shall be filed with the county clerk of the county. The director, who shall be a person experienced in the management and sale of real estate, shall be executive officer and administrator of the land bank agency, and shall manage all of its business, under the supervision, direction, and control of the land bank commissioners.

6. Each annual budget of the land bank agency shall be itemized as to objects and purposes of expenditure, prepared not later than December tenth of each year with copies delivered to the ad valorem taxing authorities that appointed members, and shall include

therein only such appropriations as shall be deemed necessary to meet the reasonable expenses of the land bank agency during the forthcoming fiscal year. That budget shall not become the required annual budget of the land bank agency unless and until it has been approved by the governing bodies of the ad valorem taxing authorities that appointed members. If either of the governing bodies of the ad valorem taxing authorities that appointed members fails to notify the land bank agency in writing of any objections to the proposed annual budget on or before December twentieth, then such failure or failures to object shall be deemed approved. In the event objections have been made and a budget for the fiscal year beginning May first has not been approved by the governing bodies of the ad valorem taxing authorities that appointed members on or before May first, then the budget for the previous fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to meet the budget requirements of the forthcoming year. Copies of the budget shall be made available to the public on or before December tenth, and a public hearing shall be had thereon before December twentieth, in each year. The approved and adopted budget may be amended by the land bank commissioners only with the approval of the governing bodies of the ad valorem taxing authorities that appointed members.

7. The fiscal year of the land bank agency shall commence on May first of each year. Such land bank agency shall audit all claims for the expenditure of money and shall, acting by the chair or vice chair thereof, draw warrants therefor from time to time.

8. No warrant for the payment of any claim shall be drawn by such land bank agency until such claim shall have been approved by the director and shall bear the director's certificate that there is a sufficient unencumbered balance in the proper appropriation and sufficient unexpended cash available for the payment thereof.

141.982. 1. Such land bank agency shall set up and maintain a perpetual inventory on each tract of its real estate, except that individual tracts may be consolidated and grouped or regrouped for economy or convenience.

2. When any parcel of real estate acquired by such land bank agency under a deemed sale under subsection 3 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section 141.980 is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

10           (2) The balance to be retained by the land bank agency to pay the salaries and  
11 other expenses of such land bank agency and of its employees, including any expenditures  
12 authorized by subsection 4 of section 141.981, as provided for in its annual budget;

13           (3) Any funds in excess of those necessary to meet the expenses of the annual budget  
14 of the land bank agency in any fiscal year and a reasonable sum to carry over into the next  
15 fiscal year to assure that sufficient funds will be available to meet initial expenses for that  
16 next fiscal year, exclusive of net profit from the sale of parcels acquired by the land bank  
17 agency under a private foreclosure sale, shall be paid to the respective taxing authorities  
18 that, at the time of the distribution, are taxing the real property from which the proceeds  
19 are being distributed.

20  
21 The distributions shall be in proportion to the amounts of the taxes levied on the properties  
22 by the taxing authorities. Distribution shall be made on January first and July first of each  
23 year, and at such other times as the land bank commissioners in their discretion may  
24 determine.

25           3. When any parcel of real estate acquired by such land bank agency under a  
26 private foreclosure sale is sold or otherwise disposed of by such land bank agency, the  
27 proceeds therefrom shall be applied and distributed in the following order:

28           (1) To the payment of all land taxes and related charges then due on such parcel,  
29 subject to subsection 5 of section 141.982;

30           (2) To the payment of the expenses of sale;

31           (3) The balance to be retained by the land bank agency to pay the salaries and  
32 other expenses of such land bank agency and of its employees, including any expenditures  
33 authorized by subsection 4 of section 141.981, as provided for in its annual budget;

34           (4) Any funds in excess of those necessary to meet the expenses of the annual budget  
35 of the land bank agency in any fiscal year and a reasonable sum to carry over into the next  
36 fiscal year to assure that sufficient funds will be available to meet initial expenses for that  
37 next fiscal year, shall be paid in accordance with subdivision (3) of subsection 2 of this  
38 section.

39           4. Upon acquiring title to any real estate under a deemed sale under subsection 3  
40 of section 141.560, by redemption under subsection 3 of section 141.981, by gift under  
41 subsection 2 of section 141.980, or by deed from land trustees under subsection 1 of section  
42 141.980, such land bank agency shall immediately notify the county assessor of such  
43 ownership, and the interests of each taxing authority therein shall be exempt from all  
44 taxation, in the same manner and to the same extent as any other publicly owned real

45 estate, and upon the sale or other disposition of any real estate held by it, such land bank  
46 agency shall immediately notify the county assessor of such change of ownership.

47       **5. Upon confirmation under section 141.580 of a sheriff's private foreclosure sale**  
48 **of a parcel of real estate to a land bank agency, the sheriff shall deliver a court**  
49 **administrator's deed for such parcel to the purchasing land bank agency and such land**  
50 **bank agency shall pay the full amount of all tax bills included in the judgment, interest,**  
51 **penalties, attorney's fees and costs then due thereon. Such parcel shall not be exempt from**  
52 **taxation; provided however, if all land taxes on such parcel are paid in full at the time of**  
53 **sale or other disposition of such parcel by the land bank agency or two years from the date**  
54 **of its acquisition by the land bank agency, whichever occurs first, then all interest and**  
55 **penalties that may have accrued thereon shall be abated.**

56       **6. Neither the land bank commissioners nor any salaried employee of the land bank**  
57 **agency provided for in sections 141.980 to 141.982 shall receive any compensation,**  
58 **emolument, or other profit directly or indirectly from the rental, management, purchase,**  
59 **sale, or other disposition of any lands held by such land bank agency other than the**  
60 **salaries, expenses, and emoluments provided for in sections 141.980 to 141.982; provided**  
61 **further that neither the land bank commissioners nor any salaried employee of the land**  
62 **bank agency provided for in sections 141.980 to 141.982 shall have any relationship with,**  
63 **or be employed by, or otherwise receive any form of compensation from, any contractor**  
64 **or developer who purchases property from the land bank agency. Any person convicted**  
65 **of violating this subsection shall be deemed guilty of a felony and upon conviction thereof**  
66 **shall be sentenced to serve not less than two nor more than five years in the state**  
67 **penitentiary.**

**177.301. As used in this section, the following terms shall mean:**

2       **(1) "Design-build", a project for which the design and construction services are**  
3 **furnished under one contract;**

4       **(2) "Design-build contract", a contract between a school district and a design-build**  
5 **contractor to furnish the architecture, engineering, and related design services, and the**  
6 **labor, materials, and other construction services required for a specific construction**  
7 **project;**

8       **(3) "Design-build contractor", any individual, partnership, joint venture,**  
9 **corporation, or other legal entity that furnishes architecture or engineering services and**  
10 **construction services either directly or through subcontracts;**



11           (4) "Design-build project", the design, construction, alteration, addition,  
12 remodeling, or improvement of any school buildings or facilities under contract with a  
13 school district;

14           (5) "Design criteria package", performance-oriented specifications for the  
15 design-build project sufficient to permit a design-build contractor to prepare a response  
16 to the school district's request for proposals for a design-build project, which may include  
17 preliminary designs for the project or portions thereof.

          177.302. 1. Notwithstanding any provision of this chapter to the contrary, as an  
2 alternative to the requirements and procedures specified by sections 177.086 to 177.171,  
3 any school district of this state is authorized to enter into design-build contracts for  
4 design-build projects.

5           2. In using a design-build contract, the school district shall establish a written  
6 procedure by rule for prequalifying design-build contractors before such design-build  
7 contractors will be allowed to make a proposal on the project.

8           3. The school board shall adopt procedures for the prequalification review team;  
9 specifications for the design criteria package; the method of advertising, receiving and  
10 evaluating proposals from design-build contractors; the criteria for awarding the  
11 design-build contract based on the design criteria package and a separate proposal stating  
12 the cost of construction; and other methods, procedures and criteria necessary to  
13 administer this section.

14           4. The school district is authorized to issue a request for proposals to a maximum  
15 of five design-build contractors who are prequalified in accordance with subsection 2 of  
16 this section.

17           5. The school district may require approval of any person performing subcontract  
18 work on the design-build project including, but not limited to, those furnishing design  
19 services, labor, materials or equipment.

          177.303. 1. Prior to the prequalification process specified in section 177.302, the  
2 school district shall publicly advertise, once a week for two consecutive weeks, in a  
3 newspaper of general circulation, qualified under chapter 493 located within the city in  
4 which the school district is located, or if there be no such newspaper, in a qualified  
5 newspaper of general circulation in the county, or if there be no such newspaper, in a  
6 qualified newspaper of general circulation in an adjoining county, and may advertise in  
7 business, trade, or minority newspapers, for qualification submissions on said design-build  
8 project.

9           2. If the school district fails to receive at least two responsive submissions from  
10 prequalified design-build contractors, submissions shall not be opened and it shall  
11 readvertise the project.

12           3. The school district shall have the right to reject any and all submissions and  
13 proposals.

14           4. The proposals from prequalified design-build contractors shall be submitted  
15 sealed and in writing, to be opened publicly at the time and place of the school district's  
16 choosing. Technical proposals and qualifications submissions shall be submitted  
17 separately from any cost proposals. No cost proposal shall be opened until the technical  
18 proposals and qualifications submissions are first opened, evaluated, and ranked in  
19 accordance with the criteria identified by the school district in the request for proposals.

20           5. The design-build contract shall be awarded to the design-build contractor whose  
21 proposal represents the best overall value to the school district in terms of quality,  
22 technical skill, schedule and cost.

23           6. No proposal shall be entertained by the school district which is not made in  
24 accordance with the request for proposals furnished by the school district.

25           7. The school district shall pay a reasonable stipend to prequalified responsive  
26 design-build contractors who submit a proposal, but are not awarded the design-build  
27 contract.

177.304. 1. The payment bond requirements of section 107.170 shall apply to the  
2 design-build project. All persons furnishing design services shall be deemed to be covered  
3 by the payment bond the same as any person furnishing labor or materials; however, the  
4 performance bond for the design-build contractor does not need to cover the design  
5 services as long as the design-build contractor or its subcontractors providing design  
6 services carry professional liability insurance in an amount established by the school  
7 district in the request for proposals.

8           2. Any person or firm providing architectural, engineering, or land surveying  
9 services for the design-build contractor on the design-build project shall be duly licensed  
10 or authorized in Missouri to provide such services as required by chapter 327.

177.305. 1. A school district planning a design-build project shall retain an  
2 architect or engineer, as appropriate to the project type, under sections 8.285 to 8.291, to  
3 assist with programming, site selection, master plan, the design criteria package,  
4 preparation of the request for proposals, prequalifying design-build contractors,  
5 evaluation of proposals, and preparation of forms necessary to award the design-build  
6 contract. The school district shall also retain that same architect or engineer or another

7 to perform contract administration functions on behalf of the school district during the  
8 construction phase and after project completion. If the school district has an architect or  
9 engineer capable of fulfilling the functions described in this section, the school district is  
10 exempt from being required to retain another such professional.

11 **2. Any architect or engineer who is retained by a school district under this section**  
12 **shall be ineligible to act as the design-build contractor, or to participate as part of the**  
13 **design-build contractor's team as a subcontractor, joint venturer, partner or otherwise for**  
14 **the same design-build project for which the architect or engineer was hired by the school**  
15 **district.**

**177.306. Under section 327.465, any design-build contractor that enters into a**  
2 **design-build contract for a school district is exempt from the requirement that such person**  
3 **or entity hold a certificate of registration or such corporation hold a certificate of authority**  
4 **if the architectural, engineering, or land surveying services to be performed under the**  
5 **contract are performed through subcontracts with properly licensed and authorized**  
6 **persons or entities, and not performed by the design-build contractor or its own employees.**

**192.300. 1. Except as otherwise provided in subsection 2 of this section,** the county  
2 commissions and the county health center boards of the several counties may make and  
3 promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the  
4 public health and prevent the entrance of infectious, contagious, communicable or dangerous  
5 diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict  
6 with any rules or regulations authorized and made by the department of health and senior  
7 services in accordance with this chapter or by the department of social services under chapter  
8 198. The county commissions and the county health center boards of the several counties may  
9 establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances,  
10 rules or regulations, however, the establishment of such fees shall not deny personal health  
11 services to those individuals who are unable to pay such fees or impede the prevention or control  
12 of communicable disease. Fees generated shall be deposited in the county treasury. All fees  
13 generated under the provisions of this section shall be used to support the public health activities  
14 for which they were generated. After the promulgation [and] , adoption, **and approval if**  
15 **required under subsection 2, of this section** of such orders, ordinances, rules or regulations by  
16 such county commission or county health board, such commission or county health board shall  
17 make and enter an order or record declaring such orders, ordinances, rules or regulations to be  
18 printed and available for distribution to the public in the office of the county clerk, and shall  
19 require a copy of such order to be published in some newspaper in the county in three successive  
20 weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any

21 person, firm, corporation or association which violates any of the orders or ordinances adopted,  
22 promulgated and published by such county commission is guilty of a misdemeanor and shall be  
23 prosecuted, tried and fined as otherwise provided by law. The county commission or county  
24 health board of any such county has full power and authority to initiate the prosecution of any  
25 action under this section.

26 **2. In any county of the third classification with a township form of government and**  
27 **with more than twenty-one thousand nine hundred fifty but fewer than twenty-two**  
28 **thousand nine hundred fifty inhabitants, any order, ordinance, rule or regulation made**  
29 **and promulgated by a county health center board must be approved by the county**  
30 **commission.**

**226.224. Notwithstanding any provision of the law to the contrary, the state**  
2 **highways and transportation commission may enter into binding highway infrastructure**  
3 **agreements to reimburse or repay, in an amount and in such terms agreed upon by the**  
4 **parties, any funds advanced by or for the benefit of a county, political subdivision, or**  
5 **private entity to expedite state road construction or improvement. Such highway**  
6 **infrastructure improvement agreements may provide for the assignment of the state**  
7 **highways and transportation commission's reimbursement or repayment obligations in**  
8 **order to facilitate the funding of such improvements. The funds advanced by or for the**  
9 **benefit of the county, political subdivision, or private entity for the construction or**  
10 **improvement of state highway infrastructure shall be repaid by the state highways and**  
11 **transportation commission from funds from the state road fund in a manner, time period,**  
12 **and interest rate agreed to upon by the respective parties. The state highways and**  
13 **transportation commission may condition the reimbursement or repayment of such**  
14 **advanced funds upon projected highway revenues only if terms of the contract explicitly**  
15 **state such a condition and the contract shall further provide for a date or dates certain for**  
16 **repayment of funds and may delay repayment of the advanced funds if highway revenues**  
17 **fall below the projections used to determine the repayment schedule or if repayment would**  
18 **jeopardize the receipt of federal highway moneys only if terms of the contract explicitly**  
19 **state such a condition and the contract shall further provide for a date or dates certain for**  
20 **repayment of funds.**

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an  
2 alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state  
3 highways and transportation commission is authorized to enter into highway design-build project  
4 contracts. The total number of highway design-build project contracts awarded by the  
5 commission in any state fiscal year shall not exceed two percent of the total number of all state

6 highway system projects **awarded to contracts for construction from projects** listed in the  
7 commission's approved statewide transportation improvement project for that state fiscal year.  
8 Authority to enter into design-build projects granted by this section shall expire on July 1, [2012]  
9 **2018**, unless extended by statute.

10         2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state  
11 highways and transportation commission is authorized to enter into additional design-build  
12 contracts for the design, construction, reconstruction, or improvement of Missouri Route 364 as  
13 contained in any county with a charter form of government and with more than two hundred fifty  
14 thousand but fewer than three hundred fifty thousand inhabitants and in any county with a charter  
15 form of government and with more than one million inhabitants, and the State Highway 169 and  
16 96th Street intersection located within a home rule city with more than four hundred thousand  
17 inhabitants and located in more than one county. The state highways and transportation  
18 commission is authorized to enter into an additional design-build contract for the design,  
19 construction, reconstruction, or improvement of State Highway 92, contained in a county of the  
20 first classification with more than one hundred eighty-four thousand but fewer than one hundred  
21 eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its  
22 intersection with State Highway E. **The state highways and transportation commission is**  
23 **authorized to enter into an additional design-build contract for the design, construction,**  
24 **reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge as contained in**  
25 **any county with a charter form of government and with more than one million inhabitants**  
26 **and any county with a charter form of government and with more than two hundred fifty**  
27 **thousand but fewer than three hundred fifty thousand inhabitants.** The authority to enter  
28 into a design-build highway project under this subsection shall not be subject to the time  
29 limitation expressed in subsection 1 of this section.

30         3. For the purpose of this section a "design-builder" is defined as an individual,  
31 corporation, partnership, joint venture or other entity, including combinations of such entities  
32 making a proposal to perform or performing a design-build highway project contract.

33         4. For the purpose of this section, "design-build highway project contract" is defined as  
34 the procurement of all materials and services necessary for the design, construction,  
35 reconstruction or improvement of a state highway project in a single contract with a  
36 design-builder capable of providing the necessary materials and services.

37         5. For the purpose of this section, "highway project" is defined as the design,  
38 construction, reconstruction or improvement of highways or bridges under contract with the state  
39 highways and transportation commission, which is funded by state, federal or local funds or any  
40 combination of such funds.

41           6. In using a design-build highway project contract, the commission shall establish a  
42 written procedure by rule for prequalifying design-builders before such design-builders will be  
43 allowed to make a proposal on the project.

44           7. In any design-build highway project contract, whether involving state or federal funds,  
45 the commission shall require that each person submitting a request for qualifications provide a  
46 detailed disadvantaged business enterprise participation plan. The plan shall provide information  
47 describing the experience of the person in meeting disadvantaged business enterprise  
48 participation goals, how the person will meet the department of transportation's disadvantaged  
49 business enterprise participation goal and such other qualifications that the commission considers  
50 to be in the best interest of the state.

51           8. The commission is authorized to issue a request for proposals to a maximum of five  
52 design-builders prequalified in accordance with subsection 6 of this section.

53           9. The commission may require approval of any person performing subcontract work on  
54 the design-build highway project.

55           10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary,  
56 the commission shall require the design-builder to provide to the commission directly such bid,  
57 performance and payment bonds, or such letters of credit, in such terms, durations, amounts, and  
58 on such forms as the commission may determine to be adequate for its protection and provided  
59 by a surety or sureties authorized to conduct surety business in the state of Missouri or a federally  
60 insured financial institution or institutions, satisfactory to the commission, including but not  
61 limited to:

62           (1) A bid or proposal bond, cash or a certified or cashier's check;

63           (2) A performance bond or bonds for the construction period specified in the  
64 design-build highway project contract equal to a reasonable estimate of the total cost of  
65 construction work under the terms of the design-build highway project contract. If the  
66 commission determines in writing supported by specific findings that the reasonable estimate of  
67 the total cost of construction work under the terms of the design-build highway project contract  
68 is expected to exceed two-hundred fifty million dollars and a performance bond or bonds in such  
69 amount is impractical, the commission shall set the performance bond or bonds at the largest  
70 amount reasonably available, but not less than two-hundred fifty million dollars, and may require  
71 additional security, including but not limited to letters of credit, for the balance of the estimate  
72 not covered by the performance bond or bonds;

73           (3) A payment bond or bonds that shall be enforceable under section 522.300 for the  
74 protection of persons supplying labor and material in carrying out the construction work provided  
75 for in the design-build highway project contract. The aggregate amount of the payment bond or

76 bonds shall equal a reasonable estimate of the total amount payable for the cost of construction  
77 work under the terms of the design-build highway project contract unless the commission  
78 determines in writing supported by specific findings that a payment bond or bonds in such  
79 amount is impractical, in which case the commission shall establish the amount of the payment  
80 bond or bonds; except that the amount of the payment bond or bonds shall not be less than the  
81 aggregate amount of the performance bond or bonds and any additional security to such  
82 performance bond or bonds; and

83 (4) Upon award of the design-build highway project contract, the sum of the performance  
84 bond and any required additional security established under subdivisions (2) and (3) of this  
85 subsection shall be stated, and shall be a matter of public record.

86 11. The commission is authorized to prescribe the form of the contracts for the work.

87 12. The commission is empowered to make all final decisions concerning the  
88 performance of the work under the design-build highway project contract, including claims for  
89 additional time and compensation.

90 13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of  
91 architectural, engineering or land surveying services for the design-build highway project, except  
92 that any person providing architectural, engineering or land surveying services for the  
93 design-builder on the design-build highway project must be licensed in Missouri to provide such  
94 services.

95 14. The commission shall pay a reasonable stipend to prequalified responsive  
96 design-builders who submit a proposal, but are not awarded the design-build highway project.

97 15. The commission shall comply with the provisions of any act of congress or any  
98 regulations of any federal administrative agency which provides and authorizes the use of federal  
99 funds for highway projects using the design-build process.

100 16. The commission shall promulgate administrative rules to implement this section or  
101 to secure federal funds. Such rules shall be published for comment in the Missouri Register and  
102 shall include prequalification criteria, the make-up of the prequalification review team,  
103 specifications for the design criteria package, the method of advertising, receiving and evaluating  
104 proposals from design-builders, the criteria for awarding the design-build highway project based  
105 on the design criteria package and a separate proposal stating the cost of construction, and other  
106 methods, procedures and criteria necessary to administer this section.

107 17. The commission shall make a status report to the members of the general assembly  
108 and the governor following the award of the design-build project, as an individual component  
109 of the annual report submitted by the commission to the joint transportation oversight committee  
110 in accordance with the provisions of section 21.795. The annual report prior to advertisement

of the design-build highway project contracts shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design-builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

18. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

19. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

20. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

21. For any highway design-build project constructed under this section, the commission shall negotiate and reach agreements with affected railroads. Such agreements shall include clearance, safety, insurance, and indemnification provisions, but are not required to include provisions on right-of-way acquisitions.

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) "Board", the board of directors of a district;

(2) "Commission", the Missouri highways and transportation commission;

(3) "District", a transportation development district organized under sections 238.200 to 238.275;

(4) "Local transportation authority", a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or



8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake  
9 or river port, airport, railroad, light rail or other transit improvement or service;

10 (5) "Project" includes any bridge, street, road, highway, access road, interchange,  
11 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,  
12 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit  
13 and any similar or related improvement or infrastructure.

14 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of  
15 Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall  
16 have the meanings given:

17 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

18 (2) "Qualified electors", "qualified voters" or "voters":

19 (a) Within a proposed or established district, [except for a district proposed under  
20 subsection 1 of section 238.207,] any persons residing therein who have registered to vote  
21 pursuant to chapter 115; or

22 (b) Within a [district proposed or established under subsection 1 of section 238.207]  
23 **proposed or established district** which has no persons residing therein who have registered to  
24 vote pursuant to chapter 115, the owners of record of all real property located in the district, who  
25 shall receive one vote per acre, provided that if a registered voter subsequent to the creation of  
26 the district becomes a resident within the district and obtains ownership of property within the  
27 district, such registered voter must elect whether to vote as an owner of real property or as a  
28 registered voter, which election once made cannot thereafter be changed;

29 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

**320.400. 1. As used in sections 320.400 to 320.416, the following terms mean:**

2 (1) "Advisory council", the fire sprinkler system advisory council established in  
3 section 320.404;

4 (2) "Certificate of registration", the document issued to a contractor under sections  
5 320.400 to 320.416 authorizing such organization to conduct business in this state;

6 (3) "Contractor", an organization that offers to undertake, represents itself as  
7 being able to undertake, or does undertake the design, planning, installation, or servicing  
8 of a fire sprinkler system or any part of such a system for pay;

9 (4) "Fire sprinkler system", a suppression system which requires individual  
10 calculation and layout in accordance with nationally recognized standards, such as those  
11 of the National Fire Protection Association, to protect the interior or exterior of a specific  
12 building, structure, or special hazard from fire by conveying water, with or without other  
13 agents, to dispersal openings or devices. Such systems also include any overhead and

14 underground fire mains beginning at the point of service, fire hydrants and hydrant mains,  
15 standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines,  
16 thermal systems used in connection with fire sprinkler systems, and tanks and pumps  
17 connected to fire sprinkler systems;

18 (5) "Inspection", a visual examination of a fire sprinkler system or portion thereof  
19 to verify that it appears to be in operating condition and is free of physical damage;

20 (6) "Installation", the initial placement of fire sprinkler equipment or the  
21 extension, modification, or alteration of equipment after the initial placement, and includes  
22 the inspection and testing of equipment attendant to the placement or alteration of fire  
23 sprinkler equipment;

24 (7) "NICET"; National Institute of Certification in Engineering Technologies;

25 (8) "Organization", a corporation, a partnership or other business association, a  
26 sole proprietorship, a governmental entity, or any other legal or commercial entity;

27 (9) "Person", a natural person, including an owner, manager, officer, employee,  
28 or occupant;

29 (10) "Point of service", the point at which the underground piping for a sprinkler  
30 system using water as the extinguishing agent becomes used exclusively for the sprinkler  
31 system;

32 (11) "Registered firm", an organization holding a valid certificate of registration  
33 issued under sections 320.400 to 320.416;

34 (12) "Service", to inspect, test, or repair fire sprinkler equipment in order to  
35 furnish or return the fire sprinkler system to operational condition, and including  
36 maintenance contracts;

37 (13) "Special agent fire suppression system", an approved system, and components  
38 thereof, which requires individual calculations and layout in accordance with the  
39 manufacturer's instructions to determine the flow rates, nozzle pressures, quantities of  
40 extinguishing agent, and number and types of nozzles for protecting one or more hazards  
41 by suppressing or extinguishing fire. These systems include kitchen hood fire suppression  
42 systems, dry chemical systems, carbon dioxide systems, halogenated and gaseous agent  
43 systems, foam systems, and wet chemical systems not connected to fire sprinkler systems.  
44 Special agent fire suppression systems shall not include a fire sprinkler system.

320.402. 1. Any contractor who engages in the installation of fire sprinkler systems  
2 or services fire sprinkler systems shall register with the state fire marshal.

3           **2. Any city, town, village, county, or city not within a county may enact an order,**  
4 **ordinance, rule, or regulation requiring a person or organization to obtain a certificate of**  
5 **registration or license from the city, town, village, county, or city not within a county.**

6           **3. Notwithstanding any other provisions of sections 320.400 to 320.416, a**  
7 **municipality, county, or any other local governmental body or jurisdiction may require a**  
8 **contractor to obtain a permit and pay a fee for the installation of a fire sprinkler system**  
9 **and require the installation of such system in conformance with the building code or other**  
10 **construction requirements of the municipality, county, or any other local governmental**  
11 **body or jurisdiction.**

12           **4. Sections 320.400 to 320.416 do not apply to:**

13           **(1) A person or organization that only sells or supplies products or materials used**  
14 **in fire sprinkler systems;**

15           **(2) Inspection activities performed by a government official as part of code**  
16 **enforcement activities; or**

17           **(3) A person or organization who designs, plans, sells, places, or maintains special**  
18 **agent fire suppression systems.**

19           **5. Nothing in sections 320.400 to 320.416 shall be deemed to limit or restrict the**  
20 **practice of engineering by licensed professional engineers.**

**320.404. 1. There is hereby established the "Fire Sprinkler System Advisory**  
2 **Council", which shall guide, advise, and make recommendations to the state fire marshal**  
3 **and assist the state fire marshal in carrying out the provisions of sections 320.400 to**  
4 **320.416.**

5           **2. The advisory council shall consist of seven members. Four members shall be**  
6 **qualified to hold a certificate of registration and have at least five years of experience with**  
7 **fire sprinkler systems preceding their appointment. For such members, the largest fire**  
8 **sprinkler contractor association in the state shall nominate four persons, of which two shall**  
9 **be chosen by the state fire marshal as members, and the second largest fire sprinkler**  
10 **contractor association in the state shall nominate three persons, of which two shall be**  
11 **chosen by the state fire marshal as members. Of the members chosen by the state fire**  
12 **marshal, one member shall be an insurance claims adjuster with at least five years**  
13 **experience in investigating residential and commercial property losses caused by fire, one**  
14 **member shall be a licensed professional engineer, and one member shall be a**  
15 **representative of the state fire marshal's office, who shall serve as secretary for the council,**  
16 **in addition to being a voting member.**

17           **3. Beginning with the appointments made after August 28, 2011, two members shall**  
18 **be appointed for four-year terms, two members shall be appointed for three-year terms,**  
19 **and three members shall be appointed for two-year terms. As the initial term of a member**  
20 **expires, the state fire marshal shall appoint a member to fill the vacancy for a term of four**  
21 **years. A vacancy in the membership of the advisory council for any reason shall be filled**  
22 **by appointment by the state fire marshal for the balance of the unexpired term.**

23           **4. The state fire marshal may remove a council member for misconduct,**  
24 **incompetence, or neglect of official duties after giving the council member written notice**  
25 **of the reasons and allowing the council member an opportunity to be heard. Members may**  
26 **also be terminated for the following reasons: change of legal residence by moving out of**  
27 **the state; missing three consecutive meetings; or having their certificate of registration**  
28 **revoked or suspended.**

29           **5. As soon as practicable after the effective date of sections 320.400 to 320.416, the**  
30 **advisory council shall meet to elect officers from its membership. A majority of the**  
31 **advisory council shall constitute a quorum. No member of the advisory council shall be**  
32 **paid a salary as such member, but each shall receive necessary expenses while attending**  
33 **advisory council meetings and reimbursement, including travel in performance of his or**  
34 **her duties, as provided in state law.**

**320.406. 1. The advisory council is authorized to promulgate rules and regulations**  
2 **regarding:**

3           **(1) The content of applications and the procedures for filing an application for an**  
4 **initial or renewal certificate of registration in this state;**

5           **(2) Educational or experience requirements for a certificate of registration;**

6           **(3) The standards and methods to be used in assessing competency as a contractor;**

7           **(4) All applicable fees, set at a level to produce revenue which shall not exceed the**  
8 **cost and expense of administering the provisions of sections 320.400 to 320.416;**

9           **(5) Establishment of procedures for granting reciprocity with other states.**

10          **2. Any rule or portion of a rule, as that term is defined in section 536.010 that is**  
11 **created under the authority delegated in this section shall become effective only if it**  
12 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
13 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
14 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
15 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
16 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**  
17 **shall be invalid and void.**

**320.408. 1. One of the following requirements shall be fulfilled in order to obtain a certificate of registration from the state fire marshal:**

**(1) The applicant shall demonstrate a thorough knowledge of the design and installation of fire sprinkler systems in general, and specifically backflow devices, assemblies, and methods relating to fire suppression systems. Such knowledge shall require a minimum of five years of experience as a bona fide fire sprinkler system contractor or other experience or training as the advisory council determines to be equivalent;**

**(2) The applicant shall employ as a full-time employee a person with a bachelors of science degree in fire protection engineering from an accredited university, from which the employee shall have received training in design, planning, and installation of fire sprinkler systems, and such employee shall be a professional engineer licensed in the state of Missouri;**

**(3) The applicant shall employ as a full-time employee a person with a NICET Level IV certification in the automatic sprinkler system layout subfield demonstrating the certified person has received training in design, planning, and installation of fire sprinkler systems, or equivalent certification as approved by the advisory council, and such employee shall have at least three years of such experience in a supervisory capacity;**

**(4) The applicant shall employ as a full-time employee a person with a NICET Level III certification in the automatic sprinkler system layout subfield demonstrating the certified person has received training in design, planning, and installation of fire sprinkler systems, or equivalent certification as approved by the advisory council, and such employee shall have at least five years of such experience in a supervisory capacity; or**

**(5) The applicant's credentials have been reviewed and approved by the advisory council as to qualifications and experience. Under such circumstances, the applicant is required to provide proof of knowledge, training, and experience through transcripts from employers and other documents as requested by the advisory council.**

**2. Any organization that holds a certificate of registration in this state under sections 320.400 to 320.416 may use the title "certified fire sprinkler contractor". No other person or organization shall use the title "certified fire sprinkler contractor". No other person or organization shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person or organization using the same is a certified fire sprinkler contractor.**

**3. A certificate of registration shall be valid for a period of two years from the date of issue and is renewable biennially on payment of a fee; provided however, that the initial**

36 certificates of registration issued on or after August 28, 2011, may be issued for periods of  
37 less than two years and the fee shall be prorated proportionally.

38       4. A fee shall be charged by the state fire marshal for any request for a duplicate  
39 certificate of registration or any request requiring change to a certificate of registration.  
40 The fee shall be set by the fire marshal, after consultation with the advisory council.

41       5. Each certificate of registration issued under sections 320.400 to 320.416 shall be  
42 posted in a conspicuous place in the contractor's place of business.

43       6. All plans, bids, proposals, offers, and installation drawings for fire sprinkler  
44 systems shall prominently display the contractor's certificate of registration number.

45       7. A certificate of registration issued under sections 320.400 to 320.416 shall not be  
46 transferable.

47       8. The state fire marshal shall collect the fees established by advisory council rule.  
48 There is hereby created in the state treasury the "Fire Sprinkler Contractor Registration  
49 Fund", which shall consist of money collected under sections 320.400 to 320.416. In  
50 accordance with sections 30.170 and 30.180, the state treasurer may approve  
51 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the  
52 fund shall be used solely for the administration of sections 320.400 to 320.416. Any money  
53 remaining in the fund at the end of the biennium shall revert to the credit of the general  
54 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as  
55 other funds are invested. Any interest and moneys earned on such investments shall be  
56 credited to the fund.

      320.410. 1. As provided in subsection 3 of section 320.408, each renewal of a  
2 certificate of registration issued under sections 320.400 to 320.416 is valid for a period of  
3 two years. The certificate of registration fee is payable on renewal.

4       2. An unexpired certificate of registration shall only be renewed by paying the  
5 required renewal fee to the state fire marshal before the expiration date of the certificate  
6 of registration. If a certificate of registration has been expired for not longer than ninety  
7 days, the certificate of registration may be renewed by paying the required renewal fee and  
8 a fee that is one-half of the original fee for the certificate of registration. If a certificate of  
9 registration has been expired for longer than ninety days but less than one hundred and  
10 eighty days, the certificate of registration may be renewed by paying to the state fire  
11 marshal all unpaid renewal fees and a fee that is equal to the original fee for the certificate  
12 of registration. If a certificate of registration has been expired for one hundred and eighty  
13 days or longer, the certificate of registration shall not be renewed. A new certificate of  
14 registration may be obtained by complying with the requirements and procedures for

15 obtaining an initial certificate of registration. This section shall not be construed to  
16 prevent the state fire marshal from denying or refusing to renew a certificate of  
17 registration under applicable law or rules of the state fire marshal.

18 3. At least thirty days before the expiration of a certificate of registration, the state  
19 fire marshal shall send written notice of the impending certificate of registration expiration  
20 to the registrant at the last known address.

21 4. The state fire marshal may, by rule, adopt a system under which certificates of  
22 registration expire on various dates during the year. When the certificate of registration  
23 expiration date is less than two years from its issuance or anniversary date, the fee shall  
24 be prorated on a monthly basis so that each registrant shall pay only that portion of the fee  
25 that is allocable to the number of months during which the registration is valid. On each  
26 subsequent renewal, the total renewal fee is payable.

27 320.412. The state fire marshal shall not issue a certificate of registration under  
28 sections 320.400 to 320.416 unless the applicant files evidence of a general liability  
29 insurance policy that includes products and completed operations coverage. The limits of  
30 insurance coverage required by this section shall be in an amount not less than one million  
31 dollars aggregate for all occurrences per policy year. The general liability policy shall be  
32 conditioned to pay on behalf of the insured those amounts that the insured is legally  
33 obligated to pay as damages because of bodily injury and property damage caused by an  
34 occurrence involving the insured or the insured's servant, officer, agent, or employee in the  
35 conduct of any business registered under sections 320.400 to 320.416.

320.414. 1. The state fire marshal may refuse to issue any certificate of registration  
2 or renew any certificate of registration required by one or any provisions of sections  
3 320.400 to 320.416 for one or any combination of reasons stated in subsection 2 of this  
4 section. The state fire marshal shall notify the applicant in writing of the reasons for the  
5 refusal and shall advise the applicant of the right to file a complaint with the  
6 administrative hearing commission as provided in chapter 621.

7 2. The state fire marshal may cause a complaint to be filed with the administrative  
8 hearing commission as provided in chapter 621 against the holder of any certificate of  
9 registration required by sections 320.400 to 320.416 or any person or organization who has  
10 failed to renew or has surrendered such person's or organization's certificate for any one  
11 or any combination of the following causes:

12 (1) Use of fraud, deception, misrepresentation, or bribery in securing a certificate  
13 issued under the provisions of sections 320.400 to 320.416;

- 14           **(2) Impersonation of any organization holding a certificate or allowing any person**  
15 **or organization to use such person's or organization's certificate;**
- 16           **(3) Disciplinary action against the holder of a certificate by another state, territory,**  
17 **federal agency, or country upon grounds for which revocation or suspension is authorized**  
18 **in this state;**
- 19           **(4) Issuance of a certificate based upon a material mistake of fact;**
- 20           **(5) The person or organization has been finally adjudicated and found guilty, or**  
21 **entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any**  
22 **state or of the United States, for any offense reasonably related to the qualifications,**  
23 **functions, or duties of any profession regulated under sections 320.400 to 320.416, for any**  
24 **offense an essential element of which is fraud, dishonesty or an act of violence, or for any**  
25 **offense involving moral turpitude, whether or not sentence is imposed;**
- 26           **(6) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or**  
27 **dishonesty in the performance of the functions or duties of the profession that is regulated**  
28 **by sections 320.400 to 320.416;**
- 29           **(7) Violation of, or assisting or enabling any person or organization to violate, any**  
30 **provision of sections 320.400 to 320.416, or any lawful rule or regulation adopted under**  
31 **such sections;**
- 32           **(8) A person is finally adjudged insane or incompetent by a court of competent**  
33 **jurisdiction;**
- 34           **(9) Operating without at least one million dollars in liability insurance coverage.**
- 35           **3. After the filing of a complaint under subsection 2 of this section, the proceedings**  
36 **shall be conducted in accordance with the provisions of chapter 621. Upon a finding by**  
37 **the administrative hearing commission that the grounds, provided in subsection 2 of this**  
38 **section, for disciplinary action are met, the advisory council may, singly or in combination,**  
39 **censure or place the person or organization named in the complaint on probation on such**  
40 **terms and conditions as the advisory council deems appropriate for a period not to exceed**  
41 **five years, or may suspend, for a period not to exceed three years, or revoke the certificate**  
42 **of registration of the person or organization. An individual whose certificate of**  
43 **registration has been revoked shall wait three years from the date of revocation to apply**  
44 **for another certificate. Certification shall be at the discretion of the advisory council after**  
45 **compliance with all requirements of sections 320.400 to 320.416 relative to the certification**  
46 **of an applicant for the first time.**
- 47           **4. The state fire marshal shall maintain an information file containing each**  
48 **complaint filed with the advisory council relating to a holder of a certificate of registration.**



49           **320.416. 1. Upon proper application by the state fire marshal, a court of competent**  
50 **jurisdiction may grant an injunction, restraining order, or other order as may be**  
51 **appropriate to enjoin a person or organization from:**

52           **(1) Offering to engage or engaging in the performance of any acts or practices for**  
53 **which a certificate of registration is required by sections 320.400 to 320.416 upon a**  
54 **showing that such acts or practices were performed or offered to be performed without a**  
55 **certificate of registration; or**

56           **(2) Engaging in any practice or business authorized by a certificate of registration**  
57 **issued under sections 320.400 to 320.416 upon a showing that the holder presents a**  
58 **probability of serious danger to the health, safety, or welfare of any resident of the state.**

59           **2. Any such actions shall be commenced either in the county in which such conduct**  
60 **occurred or in the county in which the defendant resides.**

61           **3. Any action brought under this section shall be in addition and not in lieu of any**  
62 **penalty provided by law and may be brought concurrently with other actions to enforce**  
63 **sections 320.400 to 320.416.**

**324.900. As used in sections 324.900 to 324.945, unless the context clearly indicates**  
2 **otherwise, the following terms shall mean:**

3           **(1) "Board", the Missouri electrical industry licensing board;**

4           **(2) "Certifying entity", the nongovernmental agency or association which certifies**  
5 **or registers individuals who have completed academic and training requirements;**

6           **(3) "Director", the director of the division of professional registration;**

7           **(4) "Division", the division of professional registration within the department of**  
8 **insurance, financial institutions and professional registration;**

9           **(5) "Electrical contracting", engaging in the business of installing, erecting, or**  
10 **maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components,**  
11 **regardless of voltage, that are used for generation, transmission, and utilization of**  
12 **electricity;**

13           **(6) "Electrical contractor", a person engaged in electrical contracting. No person,**  
14 **firm, corporation, institution, organization, or representative thereof shall engage in**  
15 **electrical contracting without having an individual responsible for such work who is**  
16 **licensed under sections 324.900 to 324.945. A licensed electrical contractor shall only**  
17 **represent one firm, person, corporation, institution, or organization at one time;**

18           **(7) "Local license", a valid license issued by a local political subdivision. Holders**  
19 **of such a license are limited to practice within the political subdivision issuing the license**  
20 **or in a political subdivision that does not require a license;**

21 (8) "Person", an individual, corporation, partnership, association, or other legal  
22 entity;

23 (9) "Statewide license", a valid license issued or recognized by the electrical  
24 industry licensing board that allows the licensee to practice in any jurisdiction regardless  
25 of local licensing requirements.

324.905. 1. There is hereby created within the division of professional registration  
2 the "Missouri Electrical Industry Licensing Board". The board shall consist of eight  
3 voting members, all of whom shall be citizens of the United States and domiciled within this  
4 state. The governor shall appoint the members of the board with the advice and consent  
5 of the senate for terms of four years, except as provided in subsection 3 of this section.  
6 Four members shall be in good standing with the National Electrical Contractors  
7 Association, or any successor organization, two members shall be in good standing with the  
8 Associated Builders and Contractors, or any successor organization, and two members  
9 shall be in good standing with the Independent Electrical Contractors, or any successor  
10 organization. All members shall be chosen from lists submitted by the director of the  
11 division of professional registration who shall inquire of the Independent Electrical  
12 Contractors Association, Associated Builders and Contractors, and National Electrical  
13 Contractors Association, or any successor organizations, to obtain the names of individuals  
14 to be considered.

15 2. No person shall be eligible for reappointment to the board who has served as a  
16 member for a total of eight years. A vacancy in the office of any board member shall only  
17 be filled for the unexpired term.

18 3. The initial appointments to the board shall be three members for terms of two  
19 years, three members for terms of three years, and two members for terms of four years.

20 4. Any member of the board may be removed from the board by the governor for  
21 neglect of duty required by law, for incompetency, or for unethical or dishonest conduct.  
22 Upon the death, resignation, disqualification, or removal of any member of the board, the  
23 governor shall appoint a successor.

324.910. 1. The board shall elect annually a chairperson and a vice chairperson  
2 from the board's membership.

3 2. The division, in collaboration with the board, shall adopt, implement, rescind,  
4 amend, and administer such rules as may be necessary to carry out the provisions of  
5 sections 324.900 to 324.945. The division, in collaboration with the board, may promulgate  
6 necessary rules compatible with sections 324.900 to 324.945, including, but not limited to,  
7 rules relating to professional conduct, continuing competency requirements for the renewal

8 of licenses, approval of continuing competency programs, and the establishment of ethical  
9 standards of practice for persons holding a license pursuant to sections 324.900 to 324.945.  
10 Any rule or portion of a rule, as that term is defined in section 536.010 that is created  
11 under the authority delegated in this section shall become effective only if it complies with  
12 and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028.  
13 This section and chapter 536 are nonseverable and if any of the powers vested with the  
14 general assembly pursuant to chapter 536, to review, to delay the effective date, or to  
15 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
16 rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be  
17 invalid and void.

18 3. The board shall convene at the request of the director or as the board shall  
19 determine. The board shall hold regular meetings at least four times per year.

20 4. Each member of the board shall receive as compensation an amount set by the  
21 division not to exceed seventy dollars per day for each day devoted to the affairs of the  
22 board and may be reimbursed for actual and necessary expenses incurred in the  
23 performance of the member's official duties.

324.915. 1. For the purpose of sections 324.900 to 324.945, the division shall:

2 (1) Employ, within the limits of the appropriations for such purpose, employees as  
3 are necessary to carry out the provisions of sections 324.900 to 324.945;

4 (2) Exercise all administrative functions;

5 (3) Establish all applicable fees, set at an amount which shall not substantially  
6 exceed the cost of administering sections 324.900 to 324.945;

7 (4) Deposit all fees collected under sections 324.900 to 324.945, by transmitting such  
8 funds to the department of revenue for deposit to the state treasury to the credit of the  
9 Missouri electrical industry licensing board fund; and

10 (5) Approve or disapprove certifying entities for professions within the electrical  
11 industry included in the scope of sections 324.900 to 324.945.

12 2. The division may terminate recognition of any certifying entity included in the  
13 scope of sections 324.900 to 324.945 following a subsequent review of the certification or  
14 registration procedures of a certifying entity.

324.920. Sections 324.900 to 324.945 shall not apply to work done by:

2 (1) Any employee of an electrical corporation as defined in section 386.020, a  
3 municipal utility, a rural electric cooperative, a gas corporation as defined in section  
4 386.020, or a water corporation as defined in section 386.020;

5 (2) A railroad corporation;

6           (3) A contractor who services the construction and maintenance of the electric  
7 generation, transmission, and distribution facilities of an electrical corporation, a  
8 municipal utility, a rural electric cooperative, or the facilities of a telecommunications  
9 company as defined in section 386.020, when engaged in work of the utility;

10           (4) A federally licensed radio or television broadcast station, a commercial mobile  
11 radio service provider licensed by the Federal Communications Commission under the  
12 commercial mobile radio services rules and regulations;

13           (5) A private broadcast engineering contractor possessing a valid Society of  
14 Broadcast Engineers certification; or

15           (6) Contractors whose primary occupation is the design or integration, installation,  
16 maintenance, or service of cabling infrastructure and products that transport voice, video,  
17 audio, and data signals in a commercial or residential premises.

          324.925. 1. Each electrical contracting firm shall have in its employ, at a  
2 supervisory level, at least one licensed electrical contractor.

3           2. The applicant for a statewide electrical contractor's license shall satisfy the  
4 following requirements:

5           (1) Be at least twenty-one years of age and a United States citizen;

6           (2) Provide proof of insurance in the amount of five hundred thousand dollars, and  
7 post a bond with each political subdivision in which the contractor will perform work, as  
8 required by that political subdivision;

9           (3) Pass a standardized and nationally accredited electrical assessment examination  
10 created and administered by a third party which meets current national industry  
11 standards, as determined by the board;

12           (4) Pay for the costs of such examination; and

13           (5) Have completed one of the following:

14           (a) Twelve thousand verifiable practical hours installing equipment and associated  
15 wiring;

16           (b) Ten thousand verifiable practical hours installing equipment and associated  
17 wiring and received an electrical journeyman certificate from a United States Department  
18 of Labor-approved electrical apprenticeship program;

19           (c) An associate's degree from a state-accredited program and eight thousand  
20 verifiable practical hours installing equipment and associated wiring; or

21           (d) A four-year electrical engineering degree and four thousand verifiable practical  
22 hours supervising the installation of equipment and associated wiring.

23           **3. Electrical contractors who currently hold an electrical license that is in good**  
24 **standing which was issued by any authority in this state that required, prior to January**  
25 **1, 2005, a written examination, and the applicants have passed such examination to obtain**  
26 **such license and have completed twelve thousand hours of verifiable practical experience**  
27 **shall be issued a statewide license.**

28           **4. Any person operating as an electrical contractor in a political subdivision that**  
29 **does not require the contractor to hold a local license shall not be required to possess a**  
30 **statewide license under sections 324.900 to 324.945 in order to continue to operate as an**  
31 **electrical contractor in such political subdivision.**

32           **5. The division, in collaboration with the board, may negotiate reciprocal**  
33 **agreements with other states, the District of Columbia, or territories of the United States**  
34 **which require standards for licensure, registration, or certification considered to be**  
35 **equivalent or more stringent than the requirements for licensure under sections 324.900**  
36 **to 324.945.**

37           **6. Political subdivisions shall not be prohibited from establishing their own local**  
38 **electrical contractor's license but shall recognize a statewide license in lieu of a local license**  
39 **for the purposes of performing contracting work or obtaining permits to perform work**  
40 **within such a political subdivision.**

**324.930. There is hereby created in the state treasury the "Missouri Electrical**  
2 **Industry Licensing Board Fund", which shall consist of money collected under sections**  
3 **324.900 to 324.945. The state treasurer shall be custodian of the fund and may approve**  
4 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**  
5 **appropriation, money in the fund shall be used solely for the administration of sections**  
6 **324.900 to 324.945. Notwithstanding the provisions of section 33.080 to the contrary, any**  
7 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**  
8 **the general revenue fund. The state treasurer shall invest moneys in the fund in the same**  
9 **manner as other funds are invested. Any interest and moneys earned on such investments**  
10 **shall be credited to the fund.**

**324.935. 1. The division shall mail a renewal notice to the last known address of**  
2 **each person licensed under sections 324.900 to 324.945 prior to the renewal date. Failure**  
3 **to provide the division with the information required for renewal or to pay the required**  
4 **fee after such notice shall result in the license being declared inactive and the licensee shall**  
5 **not practice until he or she applies for reinstatement and pays the required fees. The**  
6 **license shall be restored if the application for reinstatement is received within two years**  
7 **of the renewal date.**

8           **2. Upon request, the division, in collaboration with the board, may grant inactive**  
9 **status to a licensee if the person:**

10           **(1) Does not hold himself or herself out as possessing a license required under**  
11 **sections 324.900 to 324.945 in this state;**

12           **(2) Does not maintain any continuing competency requirements established by the**  
13 **division, in collaboration with the board.**

14           **3. If an electrical contractor transfers employment from one company to another,**  
15 **all permits on the contractor's license shall first be cleared. It is the responsibility of the**  
16 **contractor to notify the division of the contractor's intent to transfer employment and any**  
17 **current active permits on the contractor's license when transferring employment. Upon**  
18 **such notification, the division shall notify all affected political subdivisions via electronic**  
19 **communication of the contractor's status. It shall be assumed all permits are cleared if no**  
20 **response is given otherwise by affected political subdivisions within seventy-two hours of**  
21 **the notification.**

**324.940. 1. The board may refuse to issue or renew or may suspend any license**  
2 **required under sections 324.900 to 324.945 for one or any combination of causes stated in**  
3 **subsection 4 of this section. The board shall notify the applicant in writing of the reasons**  
4 **for the refusal and shall advise the applicant of his or her right to file a complaint with the**  
5 **administrative hearing commission as provided by chapter 621.**

6           **2. The board shall publish via electronic media and update on a weekly basis a list**  
7 **of valid statewide license holders, a list of current enforcement actions against license**  
8 **holders, and the procedures for filing grievances against licensees.**

9           **3. The permitting authority of each political subdivision may suspend a**  
10 **contractor's work in that political subdivision for a period of up to thirty days while a**  
11 **complaint is being forwarded by the permitting authority to the board for adjudication.**

12           **4. The board may cause a complaint to be filed with the administrative hearing**  
13 **commission as provided by chapter 621 against any holder of any license required by**  
14 **sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his**  
15 **or her license for any one or any combination of the following causes:**

16           **(1) Use or unlawful possession of any controlled substance, as defined in chapter**  
17 **195, or alcoholic beverage to an extent that such use impairs a person's ability to perform**  
18 **the work of an electrical contractor;**

19           **(2) The person has been finally adjudicated and found guilty, or entered a plea of**  
20 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**  
21 **United States, for any offense reasonably related to the qualifications, functions, or duties**

22 of any profession licensed or regulated by sections 324.900 to 324.945, for any offense an  
23 essential element of which is fraud, dishonesty, or an act of violence, or for any offense  
24 involving moral turpitude, whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation, or bribery in securing any license  
26 issued under sections 324.900 to 324.945 or in obtaining permission to take any  
27 examination given or required under sections 324.900 to 324.945;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other  
29 compensation by fraud, deception, or misrepresentation;

30 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or  
31 dishonesty in the performance of the functions and duties of any profession licensed or  
32 regulated by sections 324.900 to 324.945;

33 (6) Violation of, or assisting or enabling any person to violate, any provision of  
34 sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

35 (7) Impersonation of any person holding a license or allowing any person to use his  
36 or her license;

37 (8) Disciplinary action against the holder of a license or other right to practice any  
38 profession regulated by sections 324.900 to 324.945 granted by another state, territory,  
39 federal agency, or country upon grounds for which revocation or suspension is authorized  
40 in this state;

41 (9) A person is finally adjudged insane or incompetent by a court of competent  
42 jurisdiction;

43 (10) Assisting or enabling any person to practice or offer to practice any profession  
44 licensed or regulated by sections 324.900 to 324.945 who is not registered and currently  
45 eligible to practice under sections 324.900 to 324.945;

46 (11) Issuance of a certificate of registration or authority, permit, or license based  
47 upon a material mistake of fact;

48 (12) Violation of any professional trust or confidence;

49 (13) Use of any advertisement or solicitation which is false, misleading, or deceptive  
50 to the general public or persons to whom the advertisement or solicitation is primarily  
51 directed;

52 (14) Unethical conduct as defined in the ethical standards adopted by the division  
53 and filed with the secretary of state;

54 (15) Violation of the drug laws or rules of this state, any other state, or the federal  
55 government.

56           **5. After the filing of such complaint, the proceedings shall be conducted in**  
57 **accordance with the provisions of chapter 621. Upon a finding by the administrative**  
58 **hearing commission that the grounds provided in subsection 4 of this section for**  
59 **disciplinary action are met, the board may, singly or in combination, censure or place the**  
60 **person named in the complaint on probation with such terms and conditions as the board**  
61 **deems appropriate for a period not to exceed five years, or may suspend, for a period not**  
62 **to exceed three years, or may revoke the license, certificate, or permit.**

63           **6. An individual whose license has been revoked shall wait at least one year from**  
64 **the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the**  
65 **board after compliance with all requirements of sections 324.900 to 324.945 relative to the**  
66 **licensing of the applicant for the first time.**

**324.945. 1. Any person or corporation who knowingly violates any provision of**  
2 **sections 324.900 to 324.945 is guilty of a class B misdemeanor.**

3           **2. Any officer or agent of a corporation or member or agent of a partnership or**  
4 **association who knowingly and personally participates in or is an accessory to any**  
5 **violation of sections 324.900 to 324.945 is guilty of a class B misdemeanor.**

6           **3. The division, in collaboration with the board, may cause a complaint to be filed**  
7 **for any violation of sections 324.900 to 324.945 in any court of competent jurisdiction and**  
8 **perform such other acts as may be necessary to enforce the provisions of sections 324.900**  
9 **to 324.945.**

**447.708. 1. For eligible projects, the director of the department of economic**  
2 **development, with notice to the directors of the departments of natural resources and revenue,**  
3 **and subject to the other provisions of sections 447.700 to 447.718, may not create a new**  
4 **enterprise zone but may decide that a prospective operator of a facility being remedied and**  
5 **renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions**  
6 **pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits**  
7 **allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143,**  
8 **excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed**  
9 **by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:**

10           **(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible**  
11 **project must create at least ten new jobs or retain businesses which supply at least twenty-five**  
12 **existing jobs. The city, or county if the eligible project is not located in a city, must provide ad**  
13 **valorem tax abatement of at least fifty percent for a period not less than ten years and not more**  
14 **than twenty-five years;**



15           (2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit  
16 for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225,  
17 the eligible project must create at least ten new jobs or retain businesses which supply at least  
18 twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718,  
19 the tax credits described in section 135.225 are modified as follows: the tax credit shall be four  
20 hundred dollars per employee per year, an additional four hundred dollars per year for each  
21 employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new  
22 and existing businesses, respectively, an additional four hundred dollars per year for each person  
23 who is a person difficult to employ as defined by section 135.240, and investment tax credits at  
24 the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

25           (3) For eligibility to receive the income tax refund pursuant to section 135.245, the  
26 eligible project must create at least ten new jobs or retain businesses which supply at least  
27 twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of  
28 section 135.245 for application and use of the refund and the eligibility requirements of this  
29 section;

30           (4) The eligible project operates in compliance with applicable environmental laws and  
31 regulations, including permitting and registration requirements, of this state as well as the federal  
32 and local requirements;

33           (5) The eligible project operator shall file such reports as may be required by the director  
34 of economic development or the director's designee;

35           (6) The taxpayer may claim the state tax credits authorized by this subsection and the  
36 state income exemption for a period not in excess of ten consecutive tax years. For the purpose  
37 of this section, "taxpayer" means an individual proprietorship, partnership or corporation  
38 described in section 143.441 or 143.471 who operates an eligible project. The director shall  
39 determine the number of years the taxpayer may claim the state tax credits and the state income  
40 exemption based on the projected net state economic benefits attributed to the eligible project;

41           (7) For the purpose of meeting the new job requirement prescribed in subdivisions (1),  
42 (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and  
43 maintained during the taxpayer's tax period for which the credits are earned, in the case of an  
44 eligible project that does not replace a similar facility in Missouri. "New job" means a person  
45 who was not previously employed by the taxpayer or related taxpayer within the twelve-month  
46 period immediately preceding the time the person was employed by that taxpayer to work at, or  
47 in connection with, the eligible project on a full-time basis. "Full- time basis" means the  
48 employee works an average of at least thirty-five hours per week during the taxpayer's tax period

49 for which the tax credits are earned. For the purposes of this section, related taxpayer has the  
50 same meaning as defined in subdivision (9) of section 135.100;

51 (8) For the purpose of meeting the existing job retention requirement, if the eligible  
52 project replaces a similar facility that closed elsewhere in Missouri prior to the end of the  
53 taxpayer's tax period in which the tax credits are earned, it shall be required that at least  
54 twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time  
55 basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a  
56 person who was previously employed by the taxpayer or related taxpayer, at a facility similar to  
57 the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period  
58 in which the tax credits are earned, within the tax period immediately preceding the time the  
59 person was employed by the taxpayer to work at, or in connection with, the eligible project on  
60 a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five  
61 hours per week during the taxpayer's tax period for which the tax credits are earned;

62 (9) In the case where an eligible project replaces a similar facility that closed elsewhere  
63 in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the  
64 owner and operator of the eligible project shall provide the director with a written statement  
65 explaining the reason for discontinuing operations at the closed facility. The statement shall  
66 include a comparison of the activities performed at the closed facility prior to the date the facility  
67 ceased operating, to the activities performed at the eligible project, and a detailed account  
68 describing the need and rationale for relocating to the eligible project. If the director finds the  
69 relocation to the eligible project significantly impaired the economic stability of the area in  
70 which the closed facility was located, and that such move was detrimental to the overall  
71 economic development efforts of the state, the director may deny the taxpayer's request to claim  
72 tax benefits;

73 (10) Notwithstanding any provision of law to the contrary, for the purpose of this  
74 section, the number of new jobs created and maintained, the number of existing jobs retained,  
75 and the value of new qualified investment used at the eligible project during any tax year shall  
76 be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals  
77 employed at the eligible project, or in the case of new qualified investment, the value of new  
78 qualified investment used at the eligible project, on the last business day of each full calendar  
79 month of the tax year. If the eligible project is in operation for less than the entire tax year, the  
80 number of new jobs created and maintained, the number of existing jobs retained, and the value  
81 of new qualified investment created at the eligible project during any tax year shall be  
82 determined by dividing the sum of the number of individuals employed at the eligible project,  
83 or in the case of new qualified investment, the value of new qualified investment used at the

84 eligible project, on the last business day of each full calendar month during the portion of the tax  
85 year during which the eligible project was in operation, by the number of full calendar months  
86 during such period;

87 (11) For the purpose of this section, "new qualified investment" means new business  
88 facility investment as defined and as determined in subdivision (7) of section 135.100 which is  
89 used at and in connection with the eligible project. "New qualified investment" shall not include  
90 small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand  
91 held.

92 2. The determination of the director of economic development pursuant to subsection  
93 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval  
94 of the granting of real property tax abatement by the municipal or county government where the  
95 eligible project is located.

96 3. (1) The director of the department of economic development, with the approval of  
97 the director of the department of natural resources, may, in addition to the tax credits allowed  
98 in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one  
99 hundred percent of the costs of materials, supplies, equipment, labor, professional engineering,  
100 consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement,  
101 **environmental insurance premiums, backfill of areas where contaminated soil excavation**  
102 **occurs**, and direct utility charges for performing the voluntary remediation activities for the  
103 preexisting hazardous substance contamination and releases, including, but not limited to, the  
104 costs of performing operation and maintenance of the remediation equipment at the property  
105 beyond the year in which the systems and equipment are built and installed at the eligible project  
106 and the costs of performing the voluntary remediation activities over a period not in excess of  
107 four tax years following the taxpayer's tax year in which the system and equipment were first put  
108 into use at the eligible project, provided the remediation activities are the subject of a plan  
109 submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to  
110 260.575. The tax credit may also include up to one hundred percent of the costs of demolition  
111 that are not directly part of the remediation activities, provided that the demolition is on the  
112 property where the voluntary remediation activities are occurring, the demolition is necessary  
113 to accomplish the planned use of the facility where the remediation activities are occurring, and  
114 the demolition is part of a redevelopment plan approved by the municipal or county government  
115 and the department of economic development. The demolition may occur on an adjacent  
116 property if the project is located in a municipality which has a population less than twenty  
117 thousand and the above conditions are otherwise met. The adjacent property shall independently  
118 qualify as abandoned or underutilized. The amount of the credit available for demolition not

119 associated with remediation cannot exceed the total amount of credits approved for remediation  
120 including demolition required for remediation.

121 (2) The amount of remediation tax credits issued shall be limited to the least amount  
122 necessary to cause the project to occur, as determined by the director of the department of  
123 economic development.

124 (3) The director may, with the approval of the director of natural resources, extend the  
125 tax credits allowed for performing voluntary remediation maintenance activities, in increments  
126 of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed  
127 in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding  
128 tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the  
129 tax otherwise imposed by chapter 148.

130 The remediation tax credit may be taken in the same tax year in which the tax credits are  
131 received or may be taken over a period not to exceed twenty years.

132 (4) The project facility shall be projected to create at least ten new jobs or at least  
133 twenty-five retained jobs, or a combination thereof, as determined by the department of  
134 economic development, to be eligible for tax credits pursuant to this section.

135 (5) No more than seventy-five percent of earned remediation tax credits may be issued  
136 when the remediation costs were paid, and the remaining percentage may be issued when the  
137 department of natural resources issues a letter of completion letter or covenant not to sue  
138 following completion of the voluntary remediation activities. It shall not include any costs  
139 associated with ongoing operational environmental compliance of the facility or remediation  
140 costs arising out of spills, leaks, or other releases arising out of the ongoing business operations  
141 of the facility. In the event the department of natural resources issues a letter of completion for  
142 a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion  
143 of a site improvement, a prorated amount of the remaining percentage may be released based on  
144 the percentage of the total site receiving a letter of completion.

145 4. In the exercise of the sound discretion of the director of the department of economic  
146 development or the director's designee, the tax credits and exemptions described in this section  
147 may be terminated, suspended or revoked, if the eligible project fails to continue to meet the  
148 conditions set forth in this section. In making such a determination, the director shall consider  
149 the severity of the condition violation, actions taken to correct the violation, the frequency of any  
150 condition violations and whether the actions exhibit a pattern of conduct by the eligible facility  
151 owner and operator. The director shall also consider changes in general economic conditions and  
152 the recommendation of the director of the department of natural resources, or his or her designee,  
153 concerning the severity, scope, nature, frequency and extent of any violations of the

154 environmental compliance conditions. The taxpayer or person claiming the tax credits or  
155 exemptions may appeal the decision regarding termination, suspension or revocation of any tax  
156 credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] **and 5** of  
157 section 135.250. The director of the department of economic development shall notify the  
158 directors of the departments of natural resources and revenue of the termination, suspension or  
159 revocation of any tax credits as determined in this section or pursuant to the provisions of section  
160 447.716.

161         5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax  
162 credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection  
163 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits,  
164 exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245,  
165 respectively, for the same facility for the same tax period.

166         6. The total amount of the tax credits allowed in subsection 1 of this section may not  
167 exceed the greater of:

168             (1) That portion of the taxpayer's income attributed to the eligible project; or

169             (2) One hundred percent of the total business' income tax if the eligible facility does not  
170 replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax  
171 period in which the tax credits are earned, and further provided the taxpayer does not operate any  
172 other facilities besides the eligible project in Missouri; fifty percent of the total business' income  
173 tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the  
174 end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer  
175 does not operate any other facilities besides the eligible project in Missouri; or twenty-five  
176 percent of the total business income if the taxpayer operates, in addition to the eligible facility,  
177 any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible  
178 project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business  
179 income in any tax period. That portion of the taxpayer's income attributed to the eligible project  
180 as referenced in subdivision (1) of this subsection, for which the credits allowed in sections  
181 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same  
182 manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's  
183 franchise tax attributed to the eligible project for which the remediation tax credit may offset,  
184 shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of  
185 section 135.100.

186         7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of  
187 subsection 1 of this section shall be required to file all applicable tax credit applications, forms  
188 and schedules prescribed by the director during the taxpayer's tax period immediately after the

189 tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to  
190 claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax  
191 credits shall not be carried forward but shall be initially claimed for the tax period during which  
192 the eligible project was first capable of being used, and during any applicable subsequent tax  
193 periods.

194 8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section  
195 shall be required to file all applicable tax credit applications, forms and schedules prescribed by  
196 the director during the taxpayer's tax period immediately after the tax period in which the eligible  
197 project was first put into use, or during the taxpayer's tax period immediately after the tax period  
198 in which the voluntary remediation activities were performed.

199 9. The recipient of remediation tax credits, for the purpose of this subsection referred to  
200 as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed  
201 in subsection 3 of this section to any other person, for the purpose of this subsection referred to  
202 as assignee. To perfect the transfer, the assignor shall provide written notice to the director of  
203 the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective,  
204 the assignee's name, address and the assignee's tax period and the amount of tax credits to be  
205 transferred. The number of tax periods during which the assignee may subsequently claim the  
206 tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor  
207 previously claimed the credits before the transfer occurred.

208 10. In the case where an operator and assignor of an eligible project has been certified  
209 to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and  
210 sells or otherwise transfers title of the eligible project to another taxpayer or assignee who  
211 continues the same or substantially similar operations at the eligible project, the director shall  
212 allow the assignee to claim the credits for a period of time to be determined by the director;  
213 except that, the total number of tax periods the tax credits may be earned by the assignor and the  
214 assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice  
215 to the director of the assignor's intent to transfer the tax credits to the assignee, the date the  
216 transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount  
217 of tax credits to be transferred.

218 11. For the purpose of the state tax benefits described in this section, in the case of a  
219 corporation described in section 143.471 or partnership, in computing Missouri's tax liability,  
220 such state benefits shall be allowed to the following:

221 (1) The shareholders of the corporation described in section 143.471;

222 (2) The partners of the partnership. The credit provided in this subsection shall be  
223 apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion  
224 to their share of ownership on the last day of the taxpayer's tax period.

537.620. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379,  
2 any three or more political subdivisions of this state may form a business entity for the purpose  
3 of providing liability and all other insurance, including insurance for elderly or low-income  
4 housing in which the political subdivision has an insurable interest, for any of the subdivisions  
5 upon the assessment plan as provided in sections 537.600 to 537.650. Any public governmental  
6 body or quasi-public governmental body, as defined in section 610.010, and any political  
7 subdivision of this state or any other state may join this entity and use public funds to pay any  
8 necessary assessments. Except for being subject to the regulation of the director of the  
9 department of insurance, financial institutions and professional registration under sections  
10 375.930 to 375.948, sections 375.1000 to 375.1018, and sections 537.600 to 537.650, any such  
11 business entity shall not be deemed to be an insurance company or insurer under the laws of this  
12 state, and the coverage provided by such entity and the administration of such entity shall not be  
13 deemed to constitute the transaction of an insurance business. **Risk coverages procured under**  
14 **this section shall not be deemed to constitute a contract, purchase, or expenditure of public**  
15 **funds for which a public governmental body, quasi-public governmental body, or political**  
16 **subdivision is required to solicit competitive bids.**

**620.2300. 1. As used in this section, the following terms shall mean;**

- 2 (1) "Department", the Missouri department of economic development;
- 3 (2) "Biomass facility", a biomass renewable energy facility or biomass fuel  
4 production facility that will not be a major source for air quality permitting purposes;
- 5 (3) "Commission", the Missouri public service commission;
- 6 (4) "County average wage", the average wages in each county as determined by the  
7 department for the most recently completed full calendar year. However, if the computed  
8 county average wage is above the statewide average wage, the statewide average wage shall  
9 be deemed the county average wage for such county for the purpose of determining  
10 eligibility. The department shall publish the county average wage for each county at least  
11 annually. Notwithstanding the provisions of this subdivision to the contrary, for any  
12 project that is relocating employees from a Missouri county with a higher county average  
13 wage, the company shall obtain the endorsement of the governing body of the community  
14 from which jobs are being relocated or the county average wage for their project shall be  
15 the county average wage for the county from which the employees are being relocated;

- 16           (5) "Full-time employee", an employee of the project facility that is scheduled to  
17 work an average of at least thirty-five hours per week for a twelve-month period, and one  
18 for which the employer offers health insurance and pays at least fifty percent of such  
19 insurance premiums;
- 20           (6) "Major source", the same meaning as is provided under 40 CFR 70.2;
- 21           (7) "New job", the number of full-time employees located at the project facility that  
22 exceeds the project facility base employment less any decrease in the number of full-time  
23 employees at related facilities below the related facility base employment. An employee  
24 that spends less than fifty percent of the employee's work time at the project facility is still  
25 considered to be located at a facility if the employee receives his or her directions and  
26 control from that facility, is on the facility's payroll, one hundred percent of the employee's  
27 income from such employment is Missouri income, and the employee is paid at or above  
28 the state average wage;
- 29           (8) "Park", an area consisting of a parcel or tract of land, or any combination of  
30 parcels or contiguous land that meet all of the following requirements:
- 31           (a) The area consists of at least fifty contiguous acres;
- 32           (b) The property within the area is subject to remediation under a clean up  
33 program supervised by the Missouri department of natural resources or United States  
34 environmental protection agency;
- 35           (c) The area contains a manufacturing facility that is closed, undergoing closure,  
36 idle, underutilized, or curtailed and that at one time employed at least two hundred  
37 employees;
- 38           (d) The property or a portion thereof is enrolled in the Missouri Brownfields  
39 Voluntary Cleanup Program;
- 40           (e) The development plan for the area includes a biomass facility; and
- 41           (f) Property located within the area will be used for the development of renewable  
42 energy and the demonstration of industrial on-site energy generation;
- 43           (9) "Project", a clean fields renewable energy demonstration project located within  
44 a park that will result in the creation of at least fifty new jobs and the retention of at least  
45 fifty existing jobs;
- 46           (10) "Project application", an application submitted to the department, by an  
47 owner of all or a portion of a park, on a form provided by the department, requesting  
48 benefits provided under this section;



49           (11) "Project facility", a biomass facility at which the new jobs will be located. A  
50 project facility may include separate buildings that are located within fifteen miles of each  
51 other or within the same county such that their purpose and operations are interrelated;

52           (12) "Project facility base employment", the greater of the number of full-time  
53 employees located at the project facility on the date of the project application or for the  
54 twelve-month period prior to the date of the project application, the average number of  
55 full-time employees located at the project facility. In the event the project facility has not  
56 been in operation for a full twelve-month period, the average number of full-time  
57 employees for the number of months the project facility has been in operation prior to the  
58 date of the project application.

59           2. The owner of a park seeking to establish a project shall submit a project  
60 application to the department for certification of such project. The department shall  
61 review all project applications received under this section and, in consultation with the  
62 department of natural resources, verify satisfaction of the requirements of this section. If  
63 the department approves a project application, the department shall forward such  
64 application and approval to the commission.

65           3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of  
66 an application and approval from the department, the commission shall assign double  
67 credit to any electric power, renewable energy, renewable energy credits, or any successor  
68 credit generated from:

69           (1) Renewable energy resources purchased from the biomass facility located in the  
70 park by an electric power supplier;

71           (2) Electric power generated off-site by utilizing biomass fuel sold by the biomass  
72 facility located at the park; or

73           (3) Electric power generated off-site by renewable energy resources utilizing  
74 storage equipment manufactured at the park that increases the quantity of electricity  
75 delivered to the electric power supplier.

Section 1. 1. The governor is hereby authorized and empowered to give, sell,  
2 transfer, grant, bargain, convey, remise, release, and forever quitclaim all interest of the  
3 state of Missouri in real property located in the City of Farmington, St. Francois County,  
4 Missouri, to the City of Farmington, Missouri. The property to be conveyed is more  
5 particularly described as follows:

6           A tract of land lying and being situated in part of Lots 76, 77, and 80 of F.W.  
7 Rohland Subdivision of United States Survey 2969, a Subdivision filed for  
8 record in Deed Book F at Page 441, Township 35 North, Range 5 East of the

9 **Fifth Principal Meridian, City of Farmington, County of St. Francois, State**  
10 **of Missouri being more particularly described as follows:**

11  
12 **Commence at a found No. 5 rebar marking the Northwest corner of Lot 62**  
13 **of said F.W. Rohland Subdivision; thence S 36 deg. 46 min. 52 sec. W a**  
14 **distance of 1905.27 feet to a Point, 55.00 feet right of Route 221 centerline**  
15 **station 796+00.00, said point being located on the existing Southerly MHTC**  
16 **(Missouri Highways and Transportation Commission) Boundary line of**  
17 **Route 221 and being the Point of Beginning; From the Point of Beginning**  
18 **S 24 deg. 38 min. 52 sec. E, a distance of 498.03 feet; thence S 16 deg. 01 min.**  
19 **44 sec. E, 238.03 feet; thence S 25 deg. 42 min. 49 sec. W, 2024.68 feet; thence**  
20 **N 81 deg. 56 min. 11 sec. W, 30.15 feet; thence N 03 deg. 45 min. 57 sec. E,**  
21 **36.31 feet; thence N 14 deg. 32 min. 57 sec. E, 133.50 feet; thence N 03 deg.**  
22 **21 min. 42 sec. W, 201.56 feet; thence N 03 deg. 45 min. 48 sec. E, 950.30**  
23 **feet; thence N 12 deg. 19 min. 44 sec. E, 735.45 feet; thence N 56 deg. 11 min.**  
24 **56 sec. E, 86.14 feet; thence N 33 deg. 16 min. 10 sec. E, 224.72 feet; thence**  
25 **N 40 deg. 14 min. 38 sec. E, 304.18 feet to the point of beginning and**  
26 **containing 23.01 acres more or less.**

27 **2. The commissioner of administration shall set the terms and conditions for the**  
28 **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
29 **include, but not be limited to, the number of appraisals required, and the time, place, and**  
30 **terms of the conveyance.**

31 **3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 2. 1. The governor is hereby authorized and empowered to give, sell,**  
2 **transfer, grant, bargain, convey, remise, release, and forever quitclaim all interest of the**  
3 **state of Missouri in real property located in the City of Farmington, St. Francois County,**  
4 **Missouri, to the Missouri highways and transportation commission. The property to be**  
5 **conveyed is more particularly described as follows:**

6 **A tract of land lying and being situated in part of Lots 76, 77, and 80 of F.W.**  
7 **Rohland Subdivision of United States Survey 2969, a Subdivision filed for**  
8 **record in Deed Book F at Page 441, Township 35 North, Range 5 East of the**  
9 **Fifth Principal Meridian, City of Farmington, County of St. Francois, State**  
10 **of Missouri being more particularly described as follows:**

11  
12 **Commence at a found No.5 rebar marking the Northwest Corner of Lot 62**  
13 **of said F.W. Rohland Subdivision; thence S36 deg. 46 min. 52 sec. W a**  
14 **distance of 1905.27 feet to a Point, 55.00 feet right of Route 221 centerline**  
15 **station 796+00.00, said point being located on the existing Southerly MHTC**  
16 **(Missouri Highways and Transportation Commission) Boundary line of**  
17 **Route 221 and being the Point of Beginning; thence departing from said**

MHTC Boundary line; thence S 40 deg. 14 min. 38 sec. W a distance of 304.18 feet to a set Point, 185.00 feet right of Route 221 centerline station 793+25.00; thence S 33 deg. 16 min. 10 sec. W a distance of 224.72 feet to a set Point, 305.00 feet right of Route 221 centerline station 791+35.00; thence S 56 deg. 11 min. 56 sec. W a distance of 86.14 feet to a set Point, 318.99 feet right of Route 221 centerline station 790+50.00; thence N 12 deg. 19 min. 44 sec. E a distance of 225.83 feet to a found Steel MHTC Boundary Marker, 138.13 feet right of Route 221 centerline station 791+85.22; thence N 40 deg. 49 min. 53 sec. E a distance of 127.55 feet to a found Steel MHTC Boundary Marker, 84.80 feet right of Route 221 centerline station 793+01.09; thence N 59 deg. 51 min. 09 sec. E a distance of 300.39 feet to the Point of Beginning, containing 0.95 acres, more or less.

Also, all abutters' rights of direct access between the highway now known as State Rte. 67 and grantor's abutting land in part of Lots 76, 77, and 80 of F.W. Rohland Subdivision of United States Survey 2969, a Subdivision filed for record in Deed Book F at Page 441, Township 35 North, Range 5 East of the Fifth Principal Meridian, City of Farmington, County of St. Francois, State of Missouri.

Also, all abutters' rights of direct access between the exit ramp now known as Ramp 3 and grantor's abutting land in part of Lots 76, 77, and 80 of F.W. Rohland Subdivision of United States Survey 2969, a Subdivision filed for record in Deed Book F at Page 441, Township 35 North, Range 5 East of the Fifth Principal Meridian, City of Farmington, County of St. Francois, State of Missouri. Said Ramp 3 being an exit ramp connecting the northbound lane of the highway now known as State Rte 67 to the highway now designated State Rte. 221, formerly known as State Rte. W.

Also, all abutters' rights of direct access between the highway now designated State Rte. 221, formerly known as State Rte. W and grantor's abutting land in part of Lots 76, 77, and 80 of F.W. Rohland Subdivision of United States Survey 2969, a Subdivision filed for record in Deed Book F at Page 441, Township 35 North, Range 5 East of the Fifth Principal Meridian, City of Farmington, County of St. Francois, State of Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the conveyance. Consideration for the conveyance shall be as negotiated by the parties.

3. The attorney general shall approve the form of the instrument of conveyance.

**Section 3. 1. The board of regents of Southeast Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by Southeast Missouri State University in the City of Cape Girardeau to the Cape Area Habitat for Humanity. The property to be conveyed is located at 319 S. Ellis in the City of Cape Girardeau and is more particularly described as follows:**

**All of the North 50 feet of lot 70 in range H in the City of Cape Girardeau.**  
**2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Farmington, St. Francois County, Missouri, to St. Francois County. The property to be conveyed is more particularly described as follows:**

**Tract 1**

**A tract of land situated in the city of Farmington, county of St. Francois and the state of Missouri, lying in part of Lot 94 of United States Survey 2969, Township 35 North, Range 5 East of the Fifth Principal Meridian, described as follows, to-wit: Commencing at a found iron rod marking the Northwest corner of Lot 6A of Farmington Industrial Park - Plat 4, a subdivision filed for record in Plat Book 16 at Page 624; thence South 82°43'21" East 274.11' on the North line of said Lot 6A to a set No.4 rebar at the intersection of said North line with the extension of the West right-of-way line of Pullan Road, the POINT OF BEGINNING of the tract herein described; thence leaving said North line, North 07°16'39" East 1551.20' on said extension of said West right-of-way line to a found iron rod at the intersection of said West right-of-way line with the South right-of-way line of Doubet Road, marking the Northeast corner of Doubet Subdivision, a subdivision recorded as Document 2008R-07328; thence leaving said West right-of-way line, South 82°13'40" East 50.00' on said South right-of-way line to a set No.5 rebar; thence leaving said South right-of-way line, South 07°16'39" West 1550.78' on a line parallel with and fifty feet (50') East of said West right-of-way line of Pullan Road and it's extension to a set No.5 rebar on said North line of Lot 6A of Farmington Industrial Park - Plat 4; thence North 82°43'21" West 50.00' on said North line to the point of beginning. Containing 1.78 acres, more or less.**

**Tract 2**

**A tract of land situated in the city of Farmington, county of St. Francois and the state of Missouri, lying in part of Lot 94 of United States Survey 2969,**

30 Township 35 North, Range 5 East of the Fifth Principal Meridian, described  
31 as follows, to wit: Commencing at a found iron rod marking the Northwest  
32 corner of Lot 6A of Farmington Industrial Park - Plat 4, a subdivision filed  
33 for record in Plat Book 16 at Page 624; thence South 82°43'21" East 324.11'  
34 on the North line of Farmington Industrial Park - Plat 4 to a set No.5 rebar  
35 at the Southwest corner of a cemetery; thence leaving said North line, North  
36 07°16'39" East 515.48' to a set No.4 rebar, the POINT OF BEGINNING of  
37 the tract herein described; thence continue North 07°16'39" East 807.46' to  
38 a set No.4 rebar; thence South 82°43'21" East 466.88' to a set No.4 rebar on  
39 the West line of a tract of land described in a lease recorded in Book 1265  
40 at Page 285-302; thence South 08°30'07" West 806.79' on the West line of  
41 said Book 1265 at Page 285-302 and on the West line of a tract of land  
42 described in Book 1619 at Page 197 to a set No.4 rebar on said West line of  
43 Book 1619 at Page 197; thence leaving said West line, North 82°49'53" West  
44 449.64' to the point of beginning. Containing 8.49 acres, more or less.

45 2. The commissioner of administration shall set the terms and conditions for the  
46 conveyance as the commissioner deems reasonable. Such terms and conditions may  
47 include, but not be limited to, the number of appraisals required, the time, place, and terms  
48 of the conveyance.

49 3. The attorney general shall approve as to form the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer,  
2 grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in  
3 real property located in Farmington, St. Francois County, Missouri, to Habitat for  
4 Humanity of St. Francois County, Inc. The property to be conveyed is more particularly  
5 described as follows:

6 Tract 1

7 A tract of land situated in the city of Farmington, county of St. Francois and  
8 the state of Missouri, lying in part of Lot 94 of United States Survey 2969,  
9 Township 35 North, Range 5 East of the Fifth Principal Meridian, described  
10 as follows, to-wit: Commencing at a found iron rod marking the Northwest  
11 corner of Lot 6A of Farmington Industrial Park - Plat 4, a subdivision filed  
12 for record in Plat Book 16 at Page 624; thence North 82°43'21" West 23.12'  
13 on the North line of said Farmington Industrial Park - Plat 4 to a set No.4  
14 rebar marking the Southeast corner of a tract of land described in Book  
15 1164 at Page 627, the POINT OF BEGINNING of the tract herein described;  
16 thence leaving said North line, North 07°10'39" East 512.52' on the East line  
17 of said Book 1164 at page 627 to a set No.4 rebar; thence leaving said East  
18 line South 82°49'53" East 298.12' to a set No.4 rebar; thence South  
19 07°16'39" West 515.38' to a set No.4 rebar on said North line of Farmington

20 **Industrial Park - Plat 4; thence North 82°16'52" West 297.23' on said North**  
21 **line to the point of beginning. Containing 3.51 acres, more or less.**

22 **Tract 2**

23 **A tract of land situated in the city of Farmington, county of St. Francois and**  
24 **the state of Missouri, lying in part of Lot 94 of United States Survey 2969,**  
25 **Township 35 North, Range 5 East of the Fifth Principal Meridian, described**  
26 **as follows, to-wit: Commencing at a found iron rod marking the Northwest**  
27 **corner of Lot 6A of Farmington Industrial Park - Plat 4, a subdivision filed**  
28 **for record in Plat Book 16 at Page 624; thence South 82°43'21" East 324.11'**  
29 **on the North line of Farmington Industrial Park - Plat 4 to a set No.5 rebar**  
30 **at the Southwest corner of a cemetery; the thence leaving said North line,**  
31 **North 07°16' 39" East 173.34' to a set No.4 rebar marking the Northwest**  
32 **corner of said cemetery, the POINT OF BEGINNING of the tract herein**  
33 **described; thence continue North 07°16'39" East 342.14' to a set No.4 rebar;**  
34 **thence South 82°49'53" East 449.64' to a set No.4 rebar on the West line of**  
35 **a tract of land described in Book 1309 at Page 109; thence South 08°30'07"**  
36 **West 342.95' on said West line to a set No.4 rebar marking the Northeast**  
37 **corner of said cemetery; thence leaving said West line, North 82°44'16"**  
38 **West 442.30' on the North line of said cemetery to the point of beginning.**  
39 **Containing 3.51 acres, more or less.**

40 **2. The commissioner of administration shall set the terms and conditions for the**  
41 **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
42 **include, but not be limited to, the number of appraisals required, the time, place, and terms**  
43 **of the conveyance.**

44 **3. The attorney general shall approve as to form the instrument of conveyance.**

**Section 6. 1. The governor is hereby authorized and empowered to sell, transfer,**  
2 **grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in**  
3 **property located at the St. Francois County Correctional Facility in Farmington, St.**  
4 **Francois County, Missouri, to St. Francois County described as follows:**

5 **Part of Lot 85 of U.S. Survey 2969, Township 35 North, Range 5 East, St.**  
6 **Francois County, Missouri, more particularly described as follows:**

7  
8 **From the southeast corner of said Lot 85; thence N82°17'32"W, along the**  
9 **southerly line of said Lot 85, 681.19 feet; thence N8°01'10"E, 1086.14 feet to**  
10 **an iron rod and the POINT OF BEGINNING for this description; thence**  
11 **N81°58'50"W, 453.00 feet to an iron rod; thence N8°01'10"E, 462.07 feet to**  
12 **the northerly line of said Lot 85; thence S81°11'48"E, along the northerly**  
13 **line of said Lot 85, 453.00 feet; thence S8°01'10"W, 463.78 feet to the point**  
14 **of beginning. Containing 4.81 acres.**

15

16       **EXCEPT all that part of right-of-way of DOUBET ROAD**

17

18       **Ingress & Egress Easement Description for above described property at**  
19       **Northwest Driveway**

20

21       **Part of Lot 85 and Lot 94 of U.S. Survey 2969, Township 35 North, Range**  
22       **5 East, St. Francois County, Missouri, more particularly described as**  
23       **follows:**

24

25       **From the southeast corner of said Lot 85; thence N82°17'32"W, along the**  
26       **southerly line of said Lot 85, 681.19 feet; thence N8°01'10"E, 1086.14 feet to**  
27       **an iron rod; thence N81°58'50"W, 453.00 feet to an iron rod; thence**  
28       **N8°01'10"E, 382.07 feet to the POINT OF BEGINNING for this description;**  
29       **thence N4°24'17"W, 58.00 feet; thence N41°50'28"E, 36.00 feet to the**  
30       **northerly line of said Lot 94; thence S81°11'48"E, along the northerly line**  
31       **of said Lot 94 and said Lot 85, 40.00 feet; thence S8°01'10"W, 80.00 feet to**  
32       **the point of beginning.**

33

34       **EXCEPT all that part of right-of-way of DOUBET ROAD**

35

36       **The property hereby authorized to be conveyed by the governor shall be verified by a**  
37       **survey. Such survey shall be authorized by the division of facilities, management, design**  
38       **and construction of the office of administration pursuant to this section.**

39       **2. The commissioner of administration shall set the terms and conditions for the**  
40       **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
41       **include, but not be limited to, the number of appraisals required, the time, place, and terms**  
42       **of the conveyance.**

43       **3. The attorney general shall approve as to form the instrument of conveyance.**

**Section 7. 1. The division of alcohol and tobacco control shall issue a smoking**  
2       **permit to any person, firm, partnership, or corporation that has met the following**  
3       **requirements:**

4       **(1) Filed an application with the division for a smoking permit;**

5       **(2) Paid all required fees;**

6       **(3) Installed an air filtration system that meets the standards set by rules**  
7       **promulgated by the division that are in effect on the date the application is filed;**

8       **(4) Filed all local, state, and federal tax returns due and paid all taxes owed;**

9       **(5) Obtained a signed waiver provided by the division from any person employed**  
10       **at the permitted premises stating that he or she understands the potential health risks**

11 posed by exposure to tobacco and second-hand smoke and will not sell or serve tobacco to  
12 any person who is under the age of eighteen, or alcohol to any person who is under the age  
13 of twenty-one;

14 (6) Demonstrated a financial hardship that is the result of any ordinance, rule,  
15 regulation, or other law of a political subdivision governing the use of tobacco products;  
16 and

17 (7) Completely enclosed a smoking section that is separate from a nonsmoking  
18 section if the premises to be permitted have annual food sales that exceed alcohol or  
19 tobacco sales.

20 2. An applicant shall pay a fee of one thousand dollars at a time and manner to be  
21 determined by the division for a smoking permit. Permit holders shall pay an annual  
22 renewal fee of five hundred dollars in the same manner. All fees shall be used for the cost  
23 of administering and enforcing this section. Any remaining fees may be used for the  
24 enforcement of sections 311.300 to 311.329 and sections 407.925 to 407.934.

25 3. No ordinance, rule, regulation, or other law of a political subdivision governing  
26 the use of tobacco products that is more restrictive than state law shall be enforced at  
27 premises covered by a permit under this section.

28 4. A permit issued under this section shall be displayed in a conspicuous place on  
29 the permitted premises.

30 5. No person under the age of eighteen shall be employed at the permitted premises.

31 6. If the division receives three complaints in one calendar month that a permit  
32 holder no longer meets the requirements of subsection 1 of this section or has otherwise  
33 violated this section, the division shall complete an investigation within six months. Upon  
34 a finding that the permit holder is not in compliance with all requirements in this section,  
35 the division may issue a warning, impose a fine of up to one thousand five hundred dollars,  
36 or revoke the permit.

37 7. A person, firm, partnership, or corporation that has had its permit revoked shall  
38 not be issued another smoking permit until it has demonstrated compliance with all  
39 requirements provided under this section.

40 8. An employer that terminates an employee for refusing to sign the waiver  
41 required for a smoking permit and has made a good faith effort to make reasonable  
42 accommodations for the employee shall be immune from criminal or civil liability for  
43 terminating the employee on the basis of the refusal.

44 9. The division may promulgate any rules necessary to implement the provisions  
45 of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that



46 is created under the authority delegated in this section shall become effective only if it  
47 complies with and is subject to all of the provisions of chapter 536, and, if applicable,  
48 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
49 vested with the general assembly pursuant to chapter 536, to review, to delay the effective  
50 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
51 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,  
52 shall be invalid and void.

Section 8. 1. There is hereby created a twelve-member interim committee to study  
2 and review the issue of consolidating all of the fire protection districts and fire departments  
3 in any county with a charter form of government and with more than one million  
4 inhabitants into at least one but not more than seven consolidated fire protection districts.  
5 In studying this issue the committee may solicit input and information necessary to fulfill  
6 its obligations, including but not limited to soliciting input and information from the state  
7 department of public safety, and the fire protection districts, fire departments, ambulance  
8 districts, and any other special districts or political subdivisions within the county or  
9 bordering the county, as well as professional groups or association representing fire  
10 fighters, and the general public. The committee shall prepare a final report, together with  
11 its recommendations for any legislative action deemed necessary for submission to the  
12 general assembly by December 31, 2011.

13 2. The committee shall consist of twelve members as follows:

14 (1) Two members of the house of representatives appointed by the speaker, who  
15 shall be from different political parties;

16 (2) Two member of the senate appointed by the president pro tem, who shall be  
17 from different political parties;

18 (3) A member of the governing body of any county with a charter form of  
19 government and with more than one million inhabitants, appointed by the county  
20 executive;

21 (4) The president of the board of directors of the county municipal league in any  
22 county with a charter form of government and with more than one million inhabitants, or  
23 the president's designee;

24 (5) A representative from the international association of fire fighters;

25 (6) A chief of a fire protection district within any county with a charter form of  
26 government and with more than one million inhabitants, or the chief's designee, appointed  
27 by majority vote of the governing body of the county;

28           **(7) A chief of a municipal fire department within any county with a charter form**  
29 **of government and with more than one million inhabitants, or the chief's designee,**  
30 **appointed by a majority vote of the governing body of the county;**

31           **(8) A representative of the insurance industry, appointed by the governor, with the**  
32 **advice and consent of the senate;**

33           **(9) A member of the general public residing within any county with a charter form**  
34 **of government and with more than one million inhabitants, appointed by the governor,**  
35 **with the advice and consent of the senate; and**

36           **(10) An outside consultant with experience regarding consolidation issues,**  
37 **appointed by the governor, with the advice and consent of the senate.**

2           [140.660. The state tax commission shall prescribe the forms of all  
3 certificates, blanks and books required under the provisions of this law and shall,  
4 with the advice of the attorney general, decide all questions that arise in reference  
5 to the true construction or interpretation of this law, or any part thereof, with  
6 reference to the powers and duties of county or township tax officers, and the  
7 decision shall have force and effect until modified or annulled by the judgment  
or decree of a court of competent jurisdiction.]

Section B. Because of the need to ensure the creation of jobs through the utilization of  
2 alternative energy sources, the enactment of section 620.2300 of section A of this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution, and the enactment  
5 of section 620.2300 of section A of this act shall be in full force and effect upon its passage and  
6 approval.

✓